



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

Date: July 17, 2008

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 Hall/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 June 16, 2008 (BZZ-4013):

A. Rezoning: Application by Jim LaValle, on behalf of Doran Companies, for a petition to rezone to C3A Community Activity Center District for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE.

Action: Notwithstanding staff recommendation, the City Planning Commission recommended that the City Council **deny** the petition to rezone the properties of 1500-1506 4th St SE and 310-316 15th Ave SE from the C1, C2, and OR3 districts to the C3A district based on the following findings:

1. The rezoning would allow a building too tall and dense for the site.
2. The purpose of rezoning runs in conflict with the preservation of Dinkytown community as a unique part of Minneapolis, therefore the character of neighborhood would not be preserved.
3. The rezoning is not compatible with zoning classification for the rest of the Dinkytown area.
4. There are other reasonable uses for the property under the existing zoning classifications.

B. Rezoning: Application by Jim LaValle, on behalf of Doran Companies, for a petition to add the PO Pedestrian Oriented Overlay District to part of 1506 4th St SE for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE.

Action: Notwithstanding staff recommendation, the City Planning Commission recommended that the City Council **deny** the petition to add the PO overlay district to a portion of the property of 1506 4th St SE based on the following findings:

1. The rezoning would allow a building too tall and dense for the site.
2. The purpose of rezoning runs in conflict with the preservation of Dinkytown community as a unique part of Minneapolis, therefore the character of neighborhood would not be preserved.
3. The rezoning is not compatible with zoning classification for the rest of the Dinkytown area.
4. There are other reasonable uses for the property under the existing zoning classifications.

C. Conditional Use Permit: Application by Jim LaValle, on behalf of Doran Companies, for a conditional use permit to allow 198 dwelling units for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE.

Action: Notwithstanding staff recommendation, the City Planning Commission **denied** the application for a conditional use permit to allow 198 dwelling units for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE, based on the following finding:

1. The rezonings were denied and without those, the proposed density is not allowed in the existing zoning districts.

D. Conditional Use Permit: Application by Jim LaValle, on behalf of Doran Companies, for a conditional use permit to increase the height from 4 stories to 13 stories and from 56 feet to 135 feet for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE.

Action: Notwithstanding staff recommendation, the City Planning Commission **denied** the application for a conditional use permit to increase the maximum allowed height of a building from 4 stories to 13 stories and from 56 feet to 135 feet for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE, based on the following finding:

1. The rezonings were denied and without those, the existing zoning does not allow the project to be built as proposed.

E. Variance: Application by Jim LaValle, on behalf of Doran Companies, for a variance to reduce the minimum lot area requirement by 24.2 percent for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE.

Action: Notwithstanding staff recommendation, the City Planning Commission **denied** the application for a variance to reduce the minimum lot area requirement by 24.2 percent for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE based on the following finding:

1. The rezonings were denied and without those, the proposed density is not allowed by the existing zoning districts.

F. Variance: Application by Jim LaValle, on behalf of Doran Companies, for a variance to increase the maximum floor area ratio of the building for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE.

Action: Notwithstanding staff recommendation, the City Planning Commission **denied** the application for a variance to increase the maximum floor area ratio from 3.78 to 6.29 for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE based on the following finding:

1. The rezonings were denied and without those, the existing zoning does not allow the project to be built as proposed.

G. Variance: Application by Jim LaValle, on behalf of Doran Companies, for a variance of the PO standards to allow the first floor of the building to be set back more than 8 feet for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE.

Action: Notwithstanding staff recommendation, the City Planning Commission **denied** the application for a variance to reduce the front yard requirement adjacent to the northeasterly property line (4th St) from 15 feet to 0 feet to allow the building addition for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE based on the following finding:

1. The rezonings were denied and without those, the existing zoning does not allow the project to be built as proposed.

H. Variance: Application by Jim LaValle, on behalf of Doran Companies, for a variance to reduce the front yard requirement adjacent to the northeasterly property line (4th Street) from 15 feet to 0 feet for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE.

Action: Notwithstanding staff recommendation, the City Planning Commission **denied** the application for a variance to reduce the interior side yard adjacent to the southeasterly property line from 27 feet to 0 feet to allow the building, a transformer and parking for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE based on the following finding:

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I. Variance: Application by Jim LaValle, on behalf of Doran Companies, for a variance to reduce the interior side yard requirement adjacent to the southeasterly property line from 27 feet to 0 feet to allow the building, a transformer and parking for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE.

Action: Notwithstanding staff recommendation, the City Planning Commission **denied** the application for a variance of the PO overlay district standards to allow the building to be set back more than 8 feet from the street for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE based on the following finding:

1. The rezonings were denied and without those, the existing zoning does not allow the project to be built as proposed.

J. Variance: Application by Jim LaValle, on behalf of Doran Companies, for a site plan review for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE.

Action: Notwithstanding staff recommendation, the City Planning Commission **denied** the application for site plan review for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE, based on the following finding:

1. The rezonings were denied and without those, the existing zoning does not allow the project to be built as proposed.

Ward: 9

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 May 30, 2008, staff sent a letter to the applicant extending the 60 day decision period to no later than September 13, 2008.

Supporting Information

Jim LaValle, on behalf of the original applicant, Doran Companies, has filed an appeal of the decision of the City Planning Commission denying the conditional use permits, variances, and site plan review. The recommendation of the Planning Commission to deny the rezonings is being processed concurrently with the appeal. At its meeting of June 16, 2008, the City Planning Commission voted 3-2 to deny the applications. The appeal (attached) was filed on June 20, 2008.

Revised drawings have been submitted by the applicant and are attached. The changes are as follows:

- 1) Adjacent to the property of 1515 University Ave SE, the building mass of the 2nd through 12th floors shifted approximately 10 feet to the west.
- 2) The set back of the building adjacent to 4th St SE increased from 0 feet to 2 feet. Further, the set back of the first floor commercial tenant increased to approximately 11 feet from the 4th St property line.
- 3) Four-foot wide planters with trees in the 4th St SE right-of-way were added.

Any set back of the first floor greater than 8 feet from a lot line adjacent to a street requires a variance of the PO Pedestrian Oriented Overlay District standards. The findings in the staff report for the variance of the PO standard are specific to increasing the set back along 15th Ave only, therefore setting the first floor back 11 feet from 4th St will require a new variance application. The applicant has indicated that they will return to the Planning Commission to obtain approval of the variance if the appeal is granted. Also, the site plan review standards require that the first floor building wall be located within 8 feet of the lot line adjacent to the street as well. Through the site plan review, alternative compliance can

be granted for this standard. The applicant is requesting that the City Council grant alternative compliance as a part of the appeal.

**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
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(612) 673-2157 TDD

MEMORANDUM

DATE: June 24, 2008

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 June 16, 2008

The following actions were taken by the Planning Commission on June 16, 2008. 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, Huynh, LaShomb, Nordyke, Norkus-Crampton, Schiff and Tucker – 7

Not present: Williams (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

8. Sydney Hall and Dinky Dome Redevelopment (BZZ-4013, Ward: 2), 1500-1506 4th St SE and 310-316 15th Ave SE ([Janelle Widmeier](#)).

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Staff Widmeier presented the staff report.

Commissioner LaShomb: I just want to be clear; what I hear you saying is that fundamentally that the big tradeoff here is preservation of the Dinkytown Dome justifies a higher density on property that's right next to it?

Staff Widmeier: It's a factor to it.

Commissioner LaShomb: It's a factor to it, ok. What are the three primary factors that you would list for justifying 13 stories?

Staff Widmeier: The Comprehensive Plan supports higher density here because it's in a growth center, activity center...that'd be one reason. We also look at the scale and character of the surrounding area and fitting that building in with the surrounding area.

Staff Wittenberg: If I can just add to that, the bottom line is that we felt that the findings could be met in this case, particularly when you look at the four additional findings that have to be analyzed under the zoning ordinance for an application to increase height; this would not cast shadows on surrounding residential uses, there are selected other buildings of similar scale within the vicinity, it would not block views of landmark buildings or water bodies and wouldn't significantly affect access to light and air to surrounding properties so that's really the bottom line for us is that we felt like the findings could be met for this height at this particular location.

Commissioner LaShomb: How many bedrooms are in this building? There are 198 units.

Staff Widmeier: It would have 473 or 493.

Commissioner LaShomb: The parking plan is 192 so I guess the question is, is that an adequate parking number for 493 units?

Staff Widmeier: The zoning code requirement is 178 spaces; they are providing .97 spaces per dwelling unit which is actually more than they're required to provide by the zoning code and they're actually providing .4 spaces per bedroom. The applicant submitted a Travel Demand Management Plan, a draft, where they did a study of residential developments in the Dinkytown area and the Stadium Village area and they found that there is an average of 1.25 parking spaces per unit in those areas and an average of .38 spaces per bedroom for those developments.

Commissioner LaShomb: This parking issue is always tricky for me. I guess the question is, is there precedent for requiring more parking in situations where you have units that have a substantial number of bedrooms in an environment where you probably can assume that you're not going to have 5-10 year old kids living in this building, you're going to have students. Is the parking standard appropriately about 173-192...is there another standard that should possibly be looked at given the fact that you're going to have probably a more mobile kind of resident living in this building? Given the parking situation that I always hear about in Dinkytown, I hear it's a nice place to visit but don't drive there.

Staff Widmeier: The Marcy Holmes Plan, the Marcy Holmes neighborhood is just across the street from this development site, does call for providing .5 spaces per bedroom for any developments within that plan area. That was looked at with this development, but we also looked at the available access to transit, there are five bus routes that go by here, the amount of bicycle parking that's being provided by the developer which is 225 bike parking spaces for residents, they are also saying that they're going to provide like an hour car that would be available for the residents. We looked at all those alternative transportation options and thought that in this case and with their proximity to the U of M, that those offset that requirement for .5 spaces.

President Motzenbecker: Do you have in there the page in your report that had that per bedroom kind of thing? I remember reading that and it seemed like this particular piece had more than the majority of the developments in the area when it related to your bedroom...

Staff Widmeier: It is under the conditional use permit for the number of dwelling units and that is page eight under finding number four.

Commissioner LaShomb: Do you remember, Janelle, what the number of parking spaces was when the proposal was in front of the Committee of the Whole?

Staff Widmeier: It was less than 92, they added another level of parking and they eliminated...

Commissioner LaShomb: So they did hear us at Committee of the Whole about parking, that's good news because we have some experience where people don't hear us when they come to Committee of the Whole. Do you know whether any effort is being made or has been made to talk to other people who provide parking within the confines of this project about obtaining additional parking spaces for occupants of this building?

Staff Widmeier: I do know that the U of M has a parking ramp nearby and they have a lottery system where people can apply for a permit but that's done on a semester basis.

Commissioner Schiff: Can you explain the regulations that are in place that would allow those massive blank walls on I think it's the east side of the building?

Staff Widmeier: There were a number of requests for alternative compliance that pertained to this wall. They are proposing blank walls that exceed 25 feet in width so that's discussed in the alternative compliance section of the staff report. There is also the requirement that they break up the building into smaller identifiable sections for such a large building. There are some revised elevations that were submitted by the applicant that address that. They have added windows and added some changes in the material. I don't have full size copies yet so I haven't been able to verify but it appears that they have now met the requirements. They are working with the University of MN to establish a no-build easement for those windows.

Commissioner Norkus-Crampton: I'm looking under some of the character parts relating to this on page 11 of the staff report, talking about the Marcy-Holmes plan, about the policy direction, and this goes directly right out to in front of the street where this is talking about the plan also promotes preserving the small town feel of the neighborhood, rehab is strongly encouraged, new buildings that are out of scale and proportion with existing buildings are discouraged and I guess you go on to page 15 when talking about the granting of the variance will be in keeping with the spirit and intent of the ordinance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property. In the first line of the paragraph, it says that building bulk regulations are established in order to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area. We've already established that the scale of the surrounding area is one to four stories. I looked on the HPC map to try to get a lay of the land of what is actually historically preserved; that whole fraternity row is preserved so the scale and character of that is not going to change. That is established and is what, one to three stories? We have Dinkytown directly across the street. A few blocks away there is a chateau that was built in 1981, but that isn't seen by the Marcy-Holmes neighborhood as the example, it's seen as more of a historic landmark at this point. I was curious on how the rationale that the bulk of this building would meet this as far as that the scale and form of new development or expansion would occur within a manner most compatible with the surrounding area since we know that at least the immediate part of that surrounding area isn't going to change. The burden is on the infill to be compatible with what's there as opposed to driving next door. I'm just trying to understand the rationale on this.

Staff Widmeier: Looking at the character of the area, we didn't necessarily look at it that the maximum of four stories had to be maintained to fit in with the character. You can design a project stepping the building or upper floors back too.

Commissioner Norkus-Crampton: Maybe at six but 13 is a little different. I was curious with this kind of massing how that meets the burden for that particular part of the ordinance. Thinking that the stepbacks are accomplishing that?

Staff Widmeier: Yes, that's what we found with our staff recommendation.

Commissioner Schiff: On those setbacks, can you go through the updated drawings and show us where there are setbacks and how far they are set back? I think the new drawings go a long way towards improving the building, but I think we may need to go a bit further.

Staff Widmeier: The staff recommendation was that they step back 50% of the 4th St façade above the first floor. You can see from the east elevation that they've done that here.

Commissioner Schiff: By how many feet?

Staff Widmeier: By ten feet. It's a little harder to see on the north elevation but they did provide a perspective drawing so you can see here that above the third floor they've stepped the building back ten feet on the easterly side.

Commissioner Schiff: On the corner there's no setback?

Staff Widmeier: That's correct; it would still continue to rise straight up from the street level.

Commissioner Schiff: Then on the other street, any setback there?

Staff Widmeier: Along 15th Ave the original submittal proposed a setback there of, I believe, 13 feet...

Commissioner Schiff: So along 15th Ave there is a 13 foot setback above the third floor?

Staff Widmeier: Above the first floor it's stepped back about 13 feet I think. The corner might actually be set back three and a half feet.

Staff Widmeier concluded the staff report.

Commissioner Nordyke: The conditional use permit for the height, going from four stories to 13, is one of the rezoning actions here what opens the door to that to being able to apply for that conditional use permit?

Staff Widmeier: Any district would allow you to apply for a height increase by a conditional use permit.

Commissioner Nordyke: In approving these rezonings we're not opening the door to something that doesn't already exist in that height.

Staff Widmeier: Correct.

President Motzenbecker opened the public hearing.

Jim LaValle (7803 Glenroy Rd, Bloomington) [not on sign-in sheet]: We've been working hard on this project for about the last eight months with city staff, U of M, Stadium Village, Dinkytown Business Association, Marcy-Holmes and we're proud of our progress today. The intent is to develop the premier student housing residence for the University of MN for generations to come. We believe it's important that your board recognizes the fact that universities around the country are developing premier classic properties for universities to compete. Also to note, we have significant design changes that we've implemented since our CoW meeting and working with staff. At this point what I'd like to do is invite David Graham up from ESG Architects to talk about some more specific land use items, building design and clarifications that were discussed previously with staff.

David Graham (ESG Architects) [not on sign-in sheet]: I think it's important to back off a little bit and talk about the bigger vision for this project. We've met with Marcy-Holmes and we've been working very closely with staff to look at public benefits and broader issues that we see shaping this area. We've had a lot of good discussions with the Marcy neighborhood and I want to share some of those explorations with you. In terms of public benefits, the historic preservation and to save and restore the Dinky Dome is a key public benefit that we think that this project drives. Relative to an urban design strategy, what's kind of interesting is if you look at the urban design plan, the Dinky Dome, when saved, actually establishes the bookend to the fraternity homes that would then march east along University and so therefore this remnant piece of fabric is actually preserved and the land most probably to the north of the fraternity homes will be redeveloped someday by the University of Minnesota. We are not in Marcy neighborhood, we are on the edge of Marcy so conceptually we want to preserve history, save the Dinky Dome, keep the scale of the frats while allowing density to drive that preservation to occur around it and build a new civic corridor down 4th St. If you go there today what we have is dilapidated surface parking lots. Having gone to the U of MN, I've been looking at this surface parking lot for 45 years. The Dinky Dome is in dire need of fixing up so we need to look to the past and to the future at the same time. Transforming that dilapidated surface parking lot is a big thing too. It's a very negative urban condition. Streetscape public realm we'd like to address very quickly without boring you. We really thinking fixing up the public realm and the streetscape around this building and making very wonderful facades at the street level is important. The issue with the east elevation I totally agree with; the drawings you've seen are dire and they have been fixed. The other thing to keep in mind is that in the building of cities, what we assume rightly or wrongly is that the university will be building a zero lot line development directly to our east at some height while we save the Dinky Dome and perhaps the fraternities. In the building of cities, if you look at how they're built, that façade will need to be improved and we have met the conditions of staff, but keep in mind that there will be a building built there that won't be a parking lot forever. We're committed to green and sustainability practices. The key thing is walkability, bikeability and the use of transit. The trends that I've seen is the people who live in these buildings will not drive and that's the whole point. With LRT going in, that's the whole future is to get people to move and be close to the activities and they're all here. You can get places, you don't need the car. I think the trend is a way from needing cars, looking at different methods of mobility. We do want to provide a variety of residential options. If you look at the unit mix, there is a fairly high proportion of smaller units; this isn't a lot of four bedroom units. What I want to point out in terms of the public realm, there is actually a line that the fabric of the Dinky Dome and the fraternities as they march to the east we do want to preserve while allowing for new development to the north. A cross section through 15th is to...the existing right of way is about 13 feet plus. In that right of way, we want to add street trees and planting areas in the public right of way and we're proposing to step the actual façade of the building back about 10'5" to create an arcade that establishes the street wall but also provides ADA access to the street front commercial. There is a series of layers, public amenity improvement with the street trees, the planting areas, the pedestrian walking areas and then a zone for seating, bike storage, perennial plants, and then this arcade itself. A key aspect to this is improving the public realm all the way around the project even though the Dinky Dome pinches the pedestrian walkway quite a bit.

Commissioner Schiff: How are you improving the public realm along 4th St?

David Graham: We're going to be replacing the pavement and what we're going to do is bring active street front retail. To comply with staff requirements we've actually created the three story fabric piece and then we're stepping the taller façade back ten feet.

Commissioner Schiff: On 15th Ave how wide do you have on the sidewalk from curb to the beginning of the sidewalk? How big is the space for the boulevard trees?

David Graham: I believe it's five feet but we should check on that. Big enough to get engineered soil with irrigation and get trees that actually grow.

Commissioner Schiff: How far for the sidewalk itself?

David Graham: The sidewalk itself is approximately eight to ten feet, eight feet for the actually walking. There is a two and a half to three foot zone setback from there to where this arcade element occurs which we hope increases the perceived width of the public realm.

Commissioner Schiff: It looks lovely, why did you end it so abruptly and not continue it along 4th?

David Graham: Probably, technically, the biggest reason is to get the parking to work underneath and to get the circulation because we're bearing the parking down several levels in order to get the ramping to work.

Commissioner Schiff: We need another solution; that's unacceptable. The sidewalk you're proposing is unacceptable for the tradeoffs in the height and the lack of a boulevard on 4th St.

David Graham: And you would recommend?

Commissioner Schiff: A sidewalk of equal width as what you've got along 15th and a boulevard of five feet in width.

President Motzenbecker: Would you go up to the curb cut?

Commissioner Schiff: Right.

David Graham: Well, that's a comment understood.

Commissioner Schiff: You know how busy those sidewalks are and how inadequate the current sidewalk width is in Dinkytown and I just can't see approving something like that so small while we add density.

Commissioner Nordyke: Looking at the Dinky Dome itself and the renovations you have proposed, what's the density transfer concept?

Jim LaValle: The density transfer concept, which suggests in the prescribed zoning, we were able to add an additional 68 dwelling units that but for saving the Dinky Dome, the simple arithmetic is you take those and put them on top.

Commissioner Nordyke: You've got a list of the renovations that you're going to be putting into the Dinky Dome, what's the cost of those renovations?

David Graham: The renovations that are scheduled right now are estimated in excess of \$4 million.

Commissioner Nordyke: This is maybe a question for staff, when we work on these density transfer concepts, to save things like the Dinky Dome, other than possibly the National Historic Registration Designation or something, what kind of controls is the public getting back for that trade-off? What's to keep them from just tearing down the Dinky Dome five years from now? If we're bending over backwards to save the Dinky Dome, what's to keep them from just tearing it down?

Staff Sporlein: If they do apply for a wrecking permit then that permit will go through the City's review process which eight different departments or sub-departments review. For our piece of it, if it's already designated or in a district or identified as a potential historic resource, in this case I believe that's the documentation, then it would go to a public hearing before the Heritage Preservation Commission before that permit could be approve. There are a number of paths it could take from there.

Commissioner Nordyke: Where in that process is this building? Is it in a district or is it designated yet? It does suggest here, it says "rehabilitated enabled future national historic registration designation".

Staff Sporlein: I believe Janelle's staff report has language in it about its potential historic resource although it's not currently designated, but it's been identified as a potential historic resource in which case it would kick it up to a public hearing if a wrecking permit were applied for.

Commissioner Nordyke: That is a fact right now that that would happen?

Staff Sporlein: That's how we review it, yes. If it hits that criteria it would go to a public hearing.

Commissioner Nordyke: But if we were doing this for something that didn't meet some historic qualifications then it wouldn't do that right? It would go through a totally different process.

Staff Sporlein: Correct. If it's not a designated landmark, if it's not in one of the 12 historic districts or we have no documentation that it's a potential historic resource then we could sign off on the wrecking permit. Assuming they have their seven other City approvals, then that could move forward.

David Graham: Marcy Holmes has commissioned an urban design study to come up with a new vision along 15th which is suggesting, and it has not been adopted yet, that there are taller buildings to accept the reality that there's going to be more density. We've had several good rounds with them and sent this to the land use committee to begin to suggest that we are following many of the ideas that they've embodied in that plan which is to create higher density along the 15th St corridor and create more of a promenade of higher density mixed use buildings that connect from Como along and into the University of Minnesota's primary gateway campus.

Urbanistically, the Marcy neighborhood group calls for three to four stories. The unadopted new vision appears to be suggesting that you do maintain the lower height of Dinkytown, but along 15th you make a transition, specifically at key nodes, to step up to mid-rise and taller buildings. That has yet to be approved, but in working with Marcy we've been really trying to dig at what are the key issues. One of the things they said at meetings is that they have no problems with the density for all the reasons that we've gone through. Now it's a question of how to shape that density. We feel we've worked successfully to try to adapt some of the very principals and yet they're still in the process of developing it.

President Motzenbecker: I know there is a general design concept as it relates to some of these arcades and setbacks, can you talk about how in your design, what you guys worked on to address the fact that first floor heights when a pedestrian is moving by this in the section that you have shown, with the setbacks of the arcade and then the upper floors, I'm not sure where they start, but can you speak a little about how that's perceived – your design by a pedestrian up against an 18 first floor with these buffer spaces – that perception of the higher height. In some cases it helps dispel that, I would like to hear how you guys addressed that issue.

David Graham: I think that the answer is some of the buildings we've done, I believe a well crafted building can meet the street that's over four stories and if the public realm and the architecture and the quality of the materials is superior it's not a problem. That said, in working with Marcy Holmes and looking at this setback, we felt that a permeable arcade, if you will, gives it another layer of street definition and allows the taller portion of the building to stepback about eight feet. We want to keep the arcade open to above because there are a lot of examples like Laurel Village and others where these arcades become dark, not very vibrant spaces. We wanted to create that layer, meet the guidelines, but also keep it open. We think that the quality architecture, the material and that extra layer will make you think about the streetscape and being on the street that people aren't going to be overwhelmed by the height because they're focused on the beauty of the public realm and the streetscape. I don't know if that answers your question.

Jim LaValle: More generally speaking, it would be having improvements to the outdoor seating areas for the retailers, having the bike racks, having security full time at the property, having nice 18 foot clear glass so retailers and pedestrians can interact together, all of those physical improvements that will help keep energy on the street.

President Motzenbecker: I know there is grade change along there. I think it would help me...the section is fairly simple and I know you've talked at Committee of the Whole about a little more detail and richness of that realm and I think that would go a long way to helping us to understand what we would be getting in exchange for approving this project. Are there seat walls? There is space for tables and bike racks...how a pedestrian would move that space and how they would use it and what kinds of things amenity-wise are in there.

David Graham: Working from the curb in, I will try to do this again. There are some street trees there, they're not in very good shape. The commitment is to put new street trees with engineered soil and irrigation to hold that green edge, with shrubs along the curb line. The actual walkway for pedestrians, which would have enhanced pavement, but basically a walkway for people because there is a lot of traffic.

President Motzenbecker: Are there tables all the way along that or are they just in a couple spots?

Jim LaValle: There are nodes of seating that will occur and nodes of bike parking that will occur.

David Graham: The actual grade here at the corner of 4th and 15th, this arcade is flush or level with the sidewalk. As you move to the south, the sidewalk starts to slope down to a point where it's two feet below the arcade. The idea is that ADA accessibility would occur along that arcade, but there are also stairways in intervals that would allow pedestrians to move up on to and move along that arcade. In the space between that arcade and the walkway we envision a linear design of seating, perennial plantings and the bike racks that are part of the public walkway but slightly set back from it. Is this helping?

President Motzenbecker: Yes, that's great.

Jim LaValle: If I could note one other element that's an important element, that is the area between the Dinky Dome and Sydney Hall, there is a proposed community room that will have all glass and we're talking about some physical improvements to that room to characterize its premier address, but also having the ability of security personnel, residents of the building meet the street and the sidewalk, have events, a monthly food social, have those types of activities throughout the year to keep the interaction between the street and the building vibrant.

Commissioner Norkus-Crampton: What I'm hearing is that what's really driving the 13 stories on this is the money that it costs to renovate the Dinky Dome, is that correct?

David Graham: I would let the developer speak to that. There are a couple of other key principles that I tried to articulate which is to create creative density, drive transit, have a more sustainable dense core, try to allow some of the surrounding neighborhoods to go back to being reestablished as single family neighborhoods, get the density on campus where it's walkable. There's a lot of bigger picture things here and public benefits. The Dinky Dome is certainly a key driver. Another principle that I believe in is to build a concrete and masonry building. I personally get bothered by all these stick frame buildings. There is nothing wrong with them, but to invest in buildings that are long-term durable buildings, they're very costly to build. I'm not using cost as any... but there are a lot of benefits. One of the chief ones is the Dinky Dome; keeping that and keeping that fabric along University as an edge condition.

President Motzenbecker: Did that answer your question?

Commissioner Norkus-Crampton: Not exactly.

Jim LaValle: We do need a financial engine to drive the rehabilitation and renovation of the existing building of which Sydney Hall is providing for us.

Commissioner Norkus-Crampton: Without 13 stories are you saying that the Dinky Dome could not be renovated?

Jim LaValle: We're talking about 12 and 13 story buildings. I think we're classified under zoning as 13 stories when we're actually doing a 12 story building.

Commissioner Norkus-Crampton: I guess we're talking about the inexpression of height. We're concerned about how it's expressed on the exterior. I'm asking specifically the relationship between the Dinky Dome renovation and the height as proposed.

Kelly Doran [not on sign-in sheet]: The first level of this building is along the street front and is 18 foot clear with lots of glass. When you walk along the front of this building it's going to light up and glow. It's really going to be a great bridge. What's lacking in the neighborhood right now is a connection between Dinkytown and the university. That's why one of the things that the university was so excited about this project, that's why they're cooperating with us so strongly. In fact, they're selling us a piece of the ground which they never do. They see this as a bridge between their campus and Dinkytown. They view Dinkytown needs to be improved because they need to be able to track the first rate, the brightest and best students from around the country and they need an environment to do that. This is the trend in college campuses around the country and we're going to be the catalyst to try to start this.

Commissioner Norkus-Crampton: I'm asking one specific question. Is the height of this building required to renovate the Dinkydome?

Kelly Doran: Yes. The height, number of units and number of beds; without it, the Dinky Dome, it doesn't happen. Can I add one additional comment to Commissioner Schiff's earlier comment about 4th St? One of the things I'd like you to look at when you look at that 4th St side, we acknowledge that it's tight there. Perhaps there could be some things that could be done to the building at the first level to create an arcade long that area, but I want you to also look at it in a context of what is 4th St today, which was not of our making. It's a five street highway, basically, at that intersection. It's three through lanes and a dedicated turn lane both going north and south. We would be strongly supportive if the City would desire to see some traffic calming in that area. You take your life in hand running across 4th St on a traffic light. If there were some opportunities for some reduction of traffic lanes in that area, perhaps now we don't need as much of those dedicated turn lanes and all those things that are happening there because of some of the changes we're making and how traffic flows in the area. We're eliminating curb cuts, for example, that there could be some traffic calming things that could facilitate...

President Motzenbecker: We're not talking about traffic calming. Frankly, I think that makes the argument Commissioner Schiff made even more viable.

Kelly Doran: We're committed to work with staff.

Rachel Fisk [not on sign-in sheet]: I'm here on behalf of Greg Silker. He's the director of the property on 315 16th Ave SE. He's out of town. We just received the notice a week and a half ago and we'd like to ask for a continuance so he has time to meet with the developers and understand more of how it would affect our property and the surrounding area. Thank you.

Ryan Ahlberg ((333 Washington Ave N): I'm council for and represent Northwestern Chi Psi Educational Foundation, Inc, which owns and operates a fraternity dwelling commonly know as the Chi Psi Lodge at 1515 University Ave SE directly abut on our westerly border of our property the westerly portion of our property, the southeasterly border of the proposed redevelopment. Chi Psi fraternity and Northwestern Chi Psi has been a registered nonprofit entity in the state of Minnesota since 1898. We've operated a residence on our property since acquisition of land. The current dwelling is the second structure on the property and was completed in the 1930's. On behalf of my organization, I must give, with all due respect given and owed to the city of Minneapolis planning staff and to Doran Companies, our general opposition to this project. We would oppose and we believe that any redevelopment that does not conform to the current zoning ordinance, zoning restrictions in the adjacent historic district and residential zoning restrictions

applicable to other resident's properties located on University Ave SE within 350' of the proposed redevelopment. We also oppose the general theories brought forth by Doran. Doran has basically stated that this is about saving the Dinky Dome, that this is about student housing. This isn't student housing, this is an apartment complex. What makes it student housing is its proximity to the university, but this isn't a dormitory, this isn't official university housing, there is nothing that guarantees that into the future it will be student housing. There is a private 12 or 13 story private apartment complex. The zoning, the conditional use permits, and especially the variances are not reasonable applications to assist the renovation of an important building, rather they represent applications to this committee that are unreasonable, self created and based solely on economic reasons. I did submit a written memo to the commission. I hope you received it and have a chance to review it before you make a decision.

Eric Thorvig (3349 Humboldt Ave S) [not on sign-in sheet]: I'm the vice president of the Northwestern Chi Psi Educational Foundation who owns the property at 1515 University. I'd just like to touch on a few of the specific details (tape ended)...residential properties located southeast of the proposed buildings should not be significantly impacted and we as a group disagree to this. We talk about massing and the scale of the project. The report states that in a majority of the area it's one four story building with the exception of the chateau and that was mentioned. It's been attempted this evening to justify that height by stepping back the building. What hasn't been talked about is the easterly portion of the building that will directly abut our property. If you take a look on this drawing here you will notice this yellow line is the proposed zero setback line with our building located here. Its general location is about 15 feet from our building right there. There is going to be an impact to our building if you have a 135 foot, 13 story building that close to our property. We talked this evening about the Marcy Holmes neighborhood and their goal to preserve and keep the small town character of Dinkytown and that their goal is to not allow any buildings over four stories. I do agree that stepping back a building does assist in the massing, however, I think that's more appropriate for a building that's six stories. For example, you have a building at 1301 University Ave which is an apartment built last year. Stepping back that building was successful, but only because it was at a smaller scale. As far as the variances to reduce the minimum lot area to 24.2%, the proposal is for 198 units which requires approximately 57,000 square feet of land area with the lot size itself being 43,560 square feet. One of the findings that the Planning Commission has to make is whether the applicant has reasonable use of the property; we believe that they do and this can be done by reducing the height of the building. The building could be reduced to 144 units at which point they would meet the ordinance standards. The second finding is that the circumstances are unique to the property and economic considerations alone shall not constitute the undue hardship. As previously stated, the applicant can reduce the height of the building so they are creating the variances. As Commissioner Norkus-Crampton mentioned, the applicant indicates that the higher density is needed to offset the cost related to the reuse of the Dinky Dome so that is an economic consideration. The same can be said for the variance to increase the floor area ratio; they could reduce the height of the building by six to seven stories and meet the ordinance standards. Again, they're creating these variances and again it's based on economic considerations. In regards to the floor area ratio and whether there is an undue hardship or if it affects and changes the character of the neighborhood, as previously stated, there is higher density that is in this area. That higher density was done at 1301 University Ave, it was done at the Keeler Apartments which is on 17th Ave and it's my understanding that those were done without variances and therefore they were done at smaller scales. Lastly is the variance to decrease the interior sideyard and that's what affects our property the most. The first finding is that the property can be put to reasonable use and the staff report mentions that the parking lot operated by the University of Minnesota is adjacent to the property

line and the proposed setbacks would have little affect. The staff report fails to mention that our property is also on the eastern property line and when you locate a building that is 135 feet in height right on the property line, it is going to negatively impact our property. Secondly, that there is a unique circumstance to warrant granting the variance. Once again, the staff report states that it's adjacent to a commercial parking lot, what is unique about that? If the variance were approved, you're essentially stating that any development located adjacent to a non-residential parking lot should be granted. Additionally, the setback contributes to the need for the variances of the minimum lot area and floor area ratio. If you take the building back to meet the setback you reduce the square footage of the building therefore you will not need as much of a variance request for the minimum floor area and the floor area ratio. Lastly, the granting of the variance would be keeping in the spirit and intent of the ordinance and I believe the Minneapolis ordinance states that if you have a building over one story you have to increase the sideyard setback because if you have a taller building it creates a bigger separation between the two properties. This proposal does the exact opposite; it brings it closer to the property line and therefore we believe it's not keeping in the spirit and intent of the ordinance. Those are the specific points that I'd like to address.

Ryan Ahlberg: There are a lot of great things being talked about, more street space, trees...all of those things can be accomplished without the conditional use permit and the variances that have been requested. Thank you very much for your time.

Commissioner LaShomb: What percentage of individuals living in the frat house own automobiles?

Ryan Ahlberg: The fraternity varies by semester. All of our fraternity members are currently enrolled University of Minnesota Twin Cities Campus students. I would say anywhere between 50-66%, about two-thirds and that's totally off the top of my head.

Commissioner LaShomb: Do you provide parking on site?

Ryan Ahlberg: We do. The border between the Dinky Dome and our property is our driveway which we call our approach. That driveway runs along the boundary line of our property to the rear part of our property and the rear part of our property is a surface parking lot.

Andrew Neiderhouser (1083 15th Ave SE) [not on sign-in sheet]: I'm a student at the University of Minnesota. I took a historic preservation class with Bob Roscoe and studied the Dinky Dome a little bit and wrote a paper about it. Certainly, as Ms. Norkus-Crampon noted, the Dinky Dome is a factor in this and I think it's really important. My professor talked about the difficulty in saving these different historic landmarks and pieces in it. It runs with that whole frat row there; the historic character of it. I think they have historic preservation status among them; the Dinky Dome does not but it's been identified as having that character possibility. There have been some things noted like looking at the big picture of this as an urban studies major I look at these issues all the time and do readings on this. It's something I think is important. Mr. Schiff, you said you've never seen a parking lot go away; that surface parking lot, and I don't know who owns it right now...I walk by there four times a day among the 7,000 other people. I think this development would get that out of there. I think when we look at the big picture, I think when you look at the central corridor, it's providing this area for students to go. People are biking more, rail is happening, buses are going on...I think if we eliminate that parking lot I think that creates a great feeling. You put that retail that's on the second floor in Dinky Dome...everything

in my urban studies class says to put retail on the first floor and get it out in people's view. The retailers are going to experience increased traffic, you have all those people walking by and it's going to set up a great feel for it I think. I think we should take advantage of this opportunity. The estimated \$4 million or whatever it is to renovate that, a lot of people don't want to take that advantage. One thing I learned from my class is you need to take advantage of certain opportunities. Mr. LaShomb, you talked about a precedent and we can't compare old buildings from the past to what we're going to build now. After speaking to Mr. LaValle, they're going for green building architecture and I think that's something that should be embraced and supported. I think that's a precedent that could be set in the area. Mr. Motzenbecker spoke about eyes on the street and keeping that going. I get email alerts through my University of Minnesota email and there are a lot of things going on with different assaults and different things going on in the area. With more people out there and more eyes on the street, it could create a safer neighborhood. Increased density would go with that new urban fabric of what we're trying to create.

President Motzenbecker closed the public hearing.

Commissioner LaShomb: I like the building. It's a nice looking building and I think they did a good design. The issue for me is what price you're willing to pay for historic preservation...is the Dinky Dome building worth building a 13 story building next to it? That's one issue. The second issue is how do you define what you really want Dinkytown to look like? I'm an advocate of tall buildings; I've always been. What it comes down to is how tall and how big do you want a building to be in a neighborhood where the character of the neighborhood is substantially more downsized and more village-like. I was trying to visualize what this building would look like in my mind and it's kind of reminded me of the Calhoun Beach hotel in a lot of ways. The building looks very much like the Calhoun Beach hotel in terms of the construction and other things. The thing I could never understand about the Calhoun Beach hotel was that for a long time it just sat there as a very tall building in a neighborhood that was hardly tall at all until they built the condo project across the street. My reaction about this building is that it's going to stick out like a sore thumb in Dinkytown because the rest of Dinkytown is going to be substantially different. I think there is a reason they call Dinkytown "Dinkytown" and it's not just the size. My third point that I'm concerned about is that I just have this feeling that this is going to create a serious parking problem and we've addressed parking in Dinkytown once before. About a month ago we had a project where we refused to grant a variance on the issue of parking because we thought it was a critical issue to address parking in Dinkytown. My feeling is that if this goes forward tonight as it's being proposed, my sense is that we're making a major decision about the future of Dinkytown and I just don't think this height and density is the kind of decision I want to make about Dinkytown so I'm going to move that we do not approve the two rezonings and then move on and deny the conditional use permits and the variances because I think an issue like this requires some more work and maybe that work is going to have to be done between here and Zoning and Planning. I just don't think this is in character with what Dinkytown is envisioned to be and I don't think rebuilding the Dinky Dome is worthy of creating this kind of building on the site. That would be my motion, to deny the two rezonings (Norkus-Crampton seconded).

President Motzenbecker: I would like to kind of go against that to some degree. I'm a little concerned because during our Committee of the Whole meeting, there was nowhere near this vehement opposition to this project. We saw all this; there have been some minor changes as far as kind of street level façade, setbacks and things like that, but the height has ultimately remained the same throughout the whole discussion. I'm a little concerned that I didn't hear any of this there. I know there was some small concern but that was about it and now it has blown up into

this being totally inappropriate. I'm going to go back to the same thing I just talked about with Standard Heating and Air Conditioning, as a city, we just passed this new Comprehensive Plan that's in the process of going to the Met Council that is evolving, that is growing and creating new precedence and new ideas and the University is growing, that area is growing. We're always complaining about transit and adding more transit or light rail or having people bike and having people use these alternative forms of transportation other than cars and it's always kind of the chicken and the egg because you say there's not enough density to support that. Here we have an entire university of thousands of people with a lot of people wanting space to live. A large concentration of population bus routes, light rail transit, biking, a lot of bike parking for that matter and we're saying maybe it's too high. I'm not hearing a really solid argument. I'm struggling a little bit because a lot of the justification for this is actually quite well thought out and pretty dead on. The city itself, we're in the process of reducing our parking requirements across the board. The parking research that was done, this place has more parking than most of the other places in the area. They have 225 bicycle parking spaces. They already qualified for a reduction in parking because of their transit incentive; 300 feet. I do master planning for campuses nationwide and these kinds of things are definitely occurring. There are densities being sought by large campuses in environments that are even more dense and more mixed use and more commercially related than this. I guess I would like to hear some more logical arguments other than it's just too high.

Commissioner LaShomb: For the record, in Committee of the Whole I did raise substantial concern about the parking pieces of this and the developer heard that and they added parking. We raised several issues about the design, give them credit. I did raise the issue in Committee of the Whole about the issue of the trade-off between the size of this building and Dinkytown, but I will also point out for the record, we've approved what I call private student housing around the university before and we've never agreed to do anything that's 13 stories tall. Go farther up east on University Ave, I think those guys are four or five at the most. I think it's pretty logical to say that this basically changes the character of Dinkytown substantially and that's a tough decision for me to want to agree to because I see the ball rolling. Once you put 13 stories in there, it's going to be the same fight we've had in Uptown over and over again about what is height and what is density.

Commissioner Schiff: You're right, Commissioner LaShomb, it does change the character of Dinkytown. When you go to this site and you look at the character today of the surface parking lot and the small one story retail outlet that survives marginally, then I would hope you'd agree that it changes the character of Dinkytown to the better by bringing vitality where it doesn't exist today. The conversation about height is always surprising to me. Here we don't have single family homes within a quarter mile of this site so there's no character to protect. What we have here is a very large institution. I think back to the reasons why I came back to the University of Minnesota and I think of the over 50,000 students who choose to come to the University of Minnesota. They are making a choice to come to an urban college setting. They're already made that decision that they don't want that rural campus life that is available throughout the country, most college campuses are in very small settings where they can hear the birds chirping and they don't have to deal with traffic and there's a parking space for every student in front of the building. This is a different campus and it's a unique campus. It's what makes the city of Minneapolis so terrific is that we have a research institution in the heart of an urban area and the students who choose to come to that have already made their decision about what they like. Dinkytown has suffered over the years; it's had some new investment recently. What we've really seen is a depression in the value and quality of existing homes just a mile away as that has been

overzoned by the City of Minneapolis and has been overstocked with students. We've seen a terrific mansion district fall to pieces as it gets carved up into small student housing. I think we need to downzone those properties back to single family status and allow projects like this to move forward. This is student living. When I hear the concerns about parking, I wonder if we would stop Centennial Hall from being built today? Would we stop Pioneer Hall and Frontier Hall? Could those not be built today if they weren't built with a parking lot or parking ramp to meet those needs? I was a freshman living on campus, I didn't have a car. It took me over 15 years to buy my first vehicle while living in the city of Minneapolis and I think that's the experience of many students today. Student housing has changed dramatically. There is now more private sector developers who are trying to meet the needs of college campus living and that is pardon parcel with the rise of rates for tuition. Students have a lot more money as they're coming in the doors because access to higher education has been cut off. I think that's a terrible trend, but it's being reflected in more and more people trying to meet the demand for students who want to buy a condominium or live close to campus to save costs, reduce commute time and be a part of campus life. Over and over again, when addressing campus life and the feeling of alien social lives that so many freshman and sophomore students complain about, the answer came back in study after study to increase the number of students who live near campus and to decrease the University of Minnesota Twin Cities status as a commuter campus. The university began building more dorms and began welcoming more private investment. This is part of the solution for decreasing the graduation...the time it takes to graduation at the University of Minnesota, to allow students to live close to campus so they can participate in campus life and be part of an educational living environment. I support this. I this is a great project, it's a two-for-one. We get a historic preservation of a terrific landmark out of the deal, at the same time we remove a surface parking lot which is only used for commuters who work at the University of Minnesota many of whom have alternative options for how to get to work and chose not to use it because they have something like a surface parking lot available for them to rent. There is no shadowing of single family homes here. There is nothing but the continued building of a campus life. You want to see what a ridiculous four story campus looks like, go look at the University of St. Thomas downtown where this artificial height limit has been imposed by the builders of that campus because they think that's the image of a campus life that people want and that's a waste of land. I wish they would build 12 story buildings and use their campus space more wisely. Here we have somebody doing it right. I'm going to support the rezoning and respect those who aren't ready to take that jump today, but I think this solves many problems that we have on campus today.

Commissioner Norkus-Crampton: One of the directives that we're charged with doing is upholding land use policy. As it states on page 11 of the staff report, the master plan for the Marcy Holmes neighborhood contains several policy directives pertaining to building mass and height in Dinkytown. The plan states "residential building height should not exceed four stories in Dinkytown in order to preserve the historical character of the area. The plan also promotes preserving the small town feel of the neighborhood." This is where we get into discouraging the construction of projects that are too big for this site, new buildings that are out of scale and proportion with the existing buildings that may be taller, have straight facades that ignore the architectural rhythm, etc. Aesthetics aside, we do have land use policy that we're supposed to apply to proposals that come before us. When I look at...on page 15 under the variance for the FAR going from 3.78 to 6.29, under number three it says "the building bulk regulations are established in order to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area." I think there is such a thing as low-rise density. There were statements by some of the people who came before us here this evening that

talked about the property on 1301 University. I don't think that necessarily density has to come in one package. Again and again we have this discussion quite a bit and we've had it in several of the small area plans is that the density is one issue but the package of the density is really one of the things that people react to. There are other ways of altering this. I have to say when I look at the idea of the Dinkydome, I used to go to the Dinkydome a lot when I was a student of the university and I thought it was a great building. I was surprised it wasn't on the historic register. When I look at, and I think I said this at the Committee of the Whole, our choice seems to be preserving a historic building but in the name of saving that historic building we're providing a new precedent that will put an unbearable pressure on a historic neighborhood. Those are very unsatisfactory choices to me because once you have...and I can speak to this, we've talked about Uptown, I live in Uptown. The minute we had a 10 story permit for a building, even though nothing was built, the law of the land changed entirely, the businesses changed, rents went up, there was a complete overhaul and still we have nothing built, but the permits alone drove a lot of things and set up precedent for a lot of things. I think that this doesn't meet the character requirements. I don't think that it's compatible with the surrounding area. The whole surrounding area behind it on University is historically designated buildings so those are not going to change. Dinkytown itself is a historic neighborhood and we have a small area plan that has been adopted as part of our Comp Plan that says preserve the small town character of Dinkytown. I guess looking at land use policies, examples that we've seen in other parts of town and what they've done, what results of those have been to the character and to the desire of more compatible land uses...I just don't see a compelling reason for a building of this scale. If they want to come back with a higher density project... I can't speak to the Dinkydome, I would love to preserve that building, but again, I think we would do more damage to the neighborhood by not preserving that building than we would...and not building a 13 story building.

Commissioner Nordyke: I'm not going to speak against the project because I think it's a good project. I'm going to speak in favor of Commissioner LaShomb's motion. I think that this is a relatively monumental decision and I think it's perfectly appropriate for us as a board to take advantage of our system and move this along. I'm certain that the developer will appeal to Z&P. I think that letting them bite into this with some more experience than some of us have is a perfectly appropriate thing to do so I'm going to speak in favor of denying the rezonings so that this can be taken up at Z&P at some point.

Staff Wittenberg: We have a motion on the floor related to the rezoning request but I haven't heard any significant discussion about the rezoning findings so just a reminder to essentially divorce the project itself from the rezoning findings in your deliberation about them.

Staff Sporlein: To clarify, many of the comments that you're making may be more appropriate for the CUP for height and not necessarily the rezoning so you may want to consider that. Also, to Commissioner Nordyke's point, the rezoning automatically moves forward to the City Council; this body is making an advisory recommendation on the rezoning, that's a legislative matter that will be acted on by the City Council.

President Motzenbecker: I just have a few final comments before we take this vote. In all due respect to the public and to people who have written in and put some opposition forward, beyond that, there seems to be quite a large body of support for this project. It seems that even Marcy Holmes through some of the discussions we've had has been excited to work with the developer on this project, the U was behind it. There's quite a list of support for this to go forward and I would hate to disrespect those folks who seem to think that their position was being listened to as

well. Technically, this isn't in Marcy Holmes, it's across the street. Technically, their plan, while the intent and spirit is there, I understand, you can take that out of the decision if you want to be to the letter of the law. I also would say that a majority of those taller buildings that do exist, the dorms and some of the other pieces, are in Marcy Holmes the other direction, not the direction that we're going. I would urge you guys to vote against this motion. I think that this is an excellent project and I think that we can offer some help and insight to the applicant to help improve it even more. I think it is meeting a lot of the spirit and intent of these pieces. With that, I will call the vote. All those in favor of Commissioner LaShomb's motion to deny the rezoning C12 to C3A and the rezoning to add the POD? Opposed?

The motion carried 3-2 (Motzenbecker voted).

Commissioner LaShomb: For the findings, my major finding on this rezoning is that rezoning the properties as staff recommended would permit the building of a project that is, in my opinion, too high and too tall and too dense for the site. The way to start the process of not allowing that to happen is to not do the rezonings. I don't know if that's proper justification or not, there may be have to be some modifications. I think Commissioner Norkus-Crampton has hit a great deal of findings that fundamentally, the purpose of the rezoning runs in conflict with the preservation of the Dinkytown community as a unique part of our city and I think that's identified in the Comp Plan someplace is that we should be preserving unique parts of our community with a character that is consistent overall and that the rezoning would create a distinction between this project and the remainder of the Dinkytown community. The project is not compatible with the zoning classification for the rest of the Dinkytown area and there are other reasonable uses of the property that could be done. I'm not a great fan of parking lots, but you have to have some compatibility of projects with the area around them and I think the Minneapolis Plan addresses the need to have neighborhoods that are fundamentally distinct and compatible.

President Motzenbecker: Is that enough Jason?

Staff Wittenberg: Rezonings are the only land use application where you need not make every finding so essentially it's an on the balance deliberation.

Commissioner LaShomb: I'm going to move, because clearly if you don't do the rezoning I don't think you can issue the conditional use permit so I'm going to simply move that the remainder of the applications be denied; not because I don't think the variances are important, but simply you ought to get it all in one package to wherever it's going. I don't want to create variances for something when we say we're not going to allow it. (Norkus-Crampton seconded).

President Motzenbecker: Any further discussion? All those in favor? Opposed?

The motion carried 3-2 (Motzenbecker voted).

Department of Community Planning and Economic Development – Planning Division
Rezoning Petition, Conditional Use Permits, Variances, and Site Plan Review
BZZ – 4013

Date: June 16, 2008

Applicant: Doran Companies

Address of Property: 1500-1506 4th Street Southeast and 310-316 15th Avenue Southeast

Project Name: Sydney Hall and 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: May 16, 2008

End of 60-Day Decision Period: July 15, 2008

End of 120-Day Decision Period: On May 30, 2008, staff sent the applicant a letter extending the decision period no later than September 13, 2008.

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

Existing Zoning: OR3 Institutional Office Residence District, and C1 Neighborhood Commercial District and C2 Neighborhood Corridor Commercial District with the PO Pedestrian Oriented Overlay District

Proposed Zoning: C3A Community Activity Center District

Zoning Plate Number: 15

Legal Description: Lots 4, 5, 6, and 7, Block E, TUTTLE’S ADDITION TO SAINT ANTHONY, Hennepin County, Minnesota.

Proposed Use: Mixed use building addition with 198 dwelling units.

Concurrent Review:

Petition to rezone the properties of 1500 4th Street Southeast and 316 15th Avenue Southeast from the C1 district to the C3A district.

Petition to rezone the property of 310 15th Avenue Southeast from the C2 district to the C3A district.

Petition to rezone a portion of the property of 1506 4th Street Southeast from the OR3 district to the C3A district and to add the PO overlay district.

Conditional use permit to allow 198 dwelling units.

Conditional use permit to increase the maximum allowed height from 4 stories to 13 stories and from 56 feet to 135 feet.

Variance to reduce the minimum lot area requirement by 24.2 percent.

Variance to increase the maximum floor area ratio (FAR) from 3.78 to 6.29.

Variance to reduce the front yard requirement adjacent to the northeasterly property line (4th Street) from 15 feet to 0 feet to allow the building addition.

Variance to reduce the interior side yard adjacent to the southeasterly property line from 27 feet to 0 feet to allow the building, a transformer and parking.

Variance of the PO overlay district standards to allow the building to be set back more than 8 feet from the street.

Site plan review.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments; Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, Section 525.520 (1) “To vary the yard requirements...”, (3) “To vary the...floor area ratio...requirements of a structure...”, and (20) “To vary the standards of any overlay district...”; and Chapter 530, Site Plan Review.

Background: The applicant proposes to construct a mixed use, 12-floor addition with 198 dwelling units and ground floor retail adjacent to the Dinky Dome building at the properties of 1500-1506 4th Street Southeast and 310-316 15th Avenue Southeast. The site has frontage on University Avenue, 15th Avenue and 4th Street Southeast. The core of 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. The addition is proposed where a single-story commercial building, an addition to the Dinky Dome and a surface parking lot exist. Below-grade parking with 192 spaces would be provided for the dwelling units. Surface parking with 23 spaces would also be provided for the nonresidential uses and residential parking.

The properties of 1500 4th Street Southeast and 316 15th Avenue Southeast are currently the C1 district. The property of 310 15th Avenue Southeast is currently in the C2 district. The property of 1506 4th Street Southeast is currently located in the OR3 district. The commercially zoned properties are also located in the PO Pedestrian Oriented overlay district. The applicant is proposing a mix of uses including 198 dwelling units, general retail sales and services uses, offices and restaurants. With the exception of the offices, the proposed nonresidential uses are not allowed in the OR3 district. Also, the proposed residential density is not allowed in the existing commercial districts. The applicant is petitioning to rezone the subject site to C3A, where a multifamily dwelling with 5 or more units is a conditional use and general retail sales and services uses, offices and restaurants are permitted uses. The applicant is also petitioning to add the PO overlay district to the portion of 1506 4th Street Southeast that is part of the proposed development site.

A conditional use permit is required in the C3A district to allow 198 dwelling units. The building would be 13 stories and 135 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

CPED Planning Division Report
BZZ – 4013

the conditional use permits, the actions must be recorded with Hennepin County as required by state law.

The minimum lot area requirement in the C3A district is 400 square feet per dwelling unit, or 79,200 square feet for 198 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 approximately 57,500 square feet for 198 units. The proposed lot area is 220 square feet per dwelling unit. A variance is required to reduce the minimum lot size by 24.2 percent.

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 274,134 square feet, which is an FAR of 6.29. A variance is required to increase the maximum FAR.

The front lot lines are adjacent to 4th 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 4th Street, the adjacent property is zoned OR3, but does not contain any structures with frontage on 4th 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 0 feet from the front lot line. A variance is required to reduce the front yard requirement along 4th Street.

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 13-story building is proposed, therefore the minimum requirement is 29 feet. The building addition would be set back 0 feet along the southeasterly property line. A five foot set back is required for all other obstructions in the interior side yard. A transformer and parking would also be located adjacent to the southeasterly property line. A variance is required to reduce the interior side yard requirement.

In the PO overlay district, the first floor of the building must be located within eight feet of a lot line adjacent to a street. First floor building walls facing a street would be within 8 feet of the lot line, except along 15th Avenue where the wall would be set back 10 feet. A variance of the overlay district standard is required.

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.

CPED Planning Division Report
BZZ – 4013

The area that the site is located in is not represented by a neighborhood group. As of writing this staff report, staff has not received any correspondence from the adjacent neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

REZONING: Petition to rezone the properties of 1500-1506 4th Street Southeast and 310-316 15th Avenue Southeast from the C1, C2, and OR3 districts to the C3A district and to add the PO overlay district to a portion of the property of 1506 4th Street Southeast.

Findings as required by the Minneapolis Zoning Code for the rezoning petition:

1. Whether the amendment 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. According to the principles and policies 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.

Staff is recommending that University Avenue remain designated as a community corridor in the update of the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*. Fourth Street and 15th Avenue are recommended to become community corridors. The development would be included in the Dinkytown Activity Center as well.

CPED Planning Division Report
BZZ – 4013

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 15th Avenue); however, the plan provides guidance for the majority of the Dinkytown area. Generally, the plan does not support the expansion of Dinkytown beyond its existing boundaries and the expansion of commercial development into surrounding residential areas. It supports higher density residential housing along 15th Avenue and convenience retail activity in Dinkytown.

Staff comment: The C3A district would allow high residential density and diverse commercial uses, including convenience and services uses, with restrictions on the maximum size. The density allowed in the existing commercial districts is more restrictive. Because the site is located directly across the street from the core of the University of Minnesota, higher density housing allowed in the C3A district is appropriate. The C3A district would not allow large commercial uses as would be allowed in the C2 district. The OR3 district would not allow enough diversity in the types of commercial uses that are appropriate for this site. The C3A district also allows activity all day long and into the evening whereas the hours of operation allowed in the other districts are more restrictive. The existing commercially zoned properties are also within the PO overlay district. Expanding the PO overlay district over the entire development site would support the pedestrian character of the area. The proposed rezoning to C3A and adding the PO overlay district is in conformance with these goals of *The Minneapolis Plan*.

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

Because of the property's location on a community corridor and within an activity center and growth center around the University of Minnesota, and access to public transit, higher residential density and small-scale retail sales and services uses allowed by the C3A district would be an appropriate use of the land. Extending the PO overlay district to cover the entire site would make the zoning consistent. The amendment is in the public interest and not solely in the interest of the property owner.

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

The University of Minnesota holds all of the land in the immediate area around the site with the exception of three fraternities and a student center on the southeast quadrant of the block and commercial properties located on the block bound by 15th Avenue, 4th Street, 14th Avenue and 5th Street. The University owned land is zoned OR3. The fraternities and student center are located in the R6 Multiple-Family District. The commercial properties are located in the C1 and C2 districts with the PO overlay district and include small scales retail sales and services uses, a fast-food restaurant, a liquor store, and a video store. The C3A with the PO overlay district would allow small scale retail sales and services uses, food and beverage uses, and higher

density residential. Drive-through facilities and automobile services uses would not be allowed. The proposed zoning should be compatible with the surrounding properties.

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

The existing zoning consists of three base zoning districts and an overlay district. Because of the properties location on a community corridor and within an activity center and growth center around the University of Minnesota, and access to public transit, higher residential density and small-scale retail sales and services uses allowed by the C3A district would be an appropriate use of the land. Extending the PO overlay district to cover the entire site would make the zoning consistent.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

The existing zoning has been in effect since 1999 when the City adopted a new zoning code. Prior to that time the entire development site was zoned B3S-2 Community Service District, which is comparable to C2 Neighborhood Corridor Commercial District under today's zoning code. In the immediate area, little change in the character and trend of development has occurred.

CONDITIONAL USE PERMIT: to allow 198 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 198 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 4th 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 198 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 178 spaces. For the residences, 192 spaces would be provided. The dwelling unit to parking space ratio would be almost 0.97. A total of 473 bedrooms are proposed, which results in approximately 0.4 parking spaces per bedroom. The applicant submitted a draft 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. The plan also indicates that the applicant will participate and manage involvement in a shared car program for residents use, such as HOURCAR or Zipcar. On-street parking is not allowed or is metered in the immediate area. Although on-street parking is limited, other transportation and 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 4th Street. The plans also indicate that 225 bicycle parking spaces would be available in the enclosed parking garage for use by residents. The development should have little effect on congestion in the streets.

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

In addition to the principles and policies discussed in the rezoning section of this staff report, the following apply:

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.

9.22 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.

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.

The *Master Plan for the Marcy-Holmes Neighborhood* small area plan generally supports new multifamily housing construction along 15th Avenue.

Staff comment: The mixed use development would be high density, which is appropriate in an activity center and this growth center. It would also allow the city to increase its supply and diversity of housing types. 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.

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 mixed use building with 198 dwelling units will conform to the applicable regulations of the districts in which it is located upon the approval of the rezoning, conditional use permits, variances, and site plan review.

CONDITIONAL USE PERMIT: to increase the maximum height of a principal structure from 4-stories to 13-stories and 56 feet to 135 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 13 stories and 135 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 and should not be significantly affected. The building 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 building and would be most affected by shadowing. According to the applicant, they are in discussions with the University to create a no-build easement. A no-build easement would allow for separation of future development, but would not make development on the adjacent site infeasible.

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 4th 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.

In addition to the residential parking requirements and measures discussed in the conditional use permit section of this report, parking is required and would be provided for the nonresidential uses proposed. In the Dinkytown PO overlay district, nonresidential uses are not required to provide accessory off-street parking facilities, provided that existing accessory parking facilities are not reduced below the requirements for a similar new use, or if existing accessory parking facilities are less than the requirements specified in Chapter 541, Off-Street Parking and Loading, they are not reduced further. Twelve parking spaces are available for the existing uses on the site. The applicant is proposing to provide 23 parking spaces for use by the nonresidential uses. The plans also indicate that 40 at-grade bicycle parking spaces and two small loading spaces would be provided. 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 rezoning 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 Steps

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.

9.16 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 Steps

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 contains several policy directives pertaining to building mass and height in Dinkytown. The plan states that “residential building heights should not exceed four stories in Dinkytown in order to preserve the historical character of the area.” The plan also promotes preserving the small town feel of the neighborhood. Generally, “rehabilitation is strongly encouraged over demolition and rebuilding.” The plan discourages “construction that is too big for a site. This means new buildings that are out of scale and proportion with existing buildings. They may be taller, have straight facades that ignore the architectural rhythm created by existing buildings, or occupy most of the site because of underground parking.”

Staff comment: The proposal would preserve a landmark building of Dinkytown, the Dinky Dome. The applicant has indicated that the following renovations would be done: 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.

A larger building can be appropriate for a site located within an activity center and growth center to accommodate more density. Although the site is not within the boundaries of the *Master Plan for the Marcy-Holmes Neighborhood* small area plan, the proposed development would affect the character of Dinkytown located within the boundaries. The new addition would be built up to the property line on 4th Street. The commercial buildings along 4th Street to the west are typically built up to the front lot line. Along 15th Avenue, the building would be set back between 3.5 and 13 feet. The Dinky Dome building is set back 4.5 feet from 15th Avenue and 9 feet from University Avenue. The siting of the proposed addition would be consistent with the surrounding area. Most of the buildings in the immediate area are between one and four stories in height. The proposed addition with 12 floors at 135 feet in height is much larger in mass than surrounding buildings. To reflect more traditional massing, the upper floors should be stepped back. Along 15th Avenue, the applicant is proposing to step most of the building wall of floors 2

CPED Planning Division Report
BZZ – 4013

through 12 back 10 feet from the property line while the first floor would be closer to the property line to reinforce the street wall. This façade accomplishes a more traditional massing and prevents a straight façade with minimal architectural rhythm. However, the 4th Street elevation would have little recession and projection on a façade that is over 130 feet wide and tall. Staff is recommending that the upper floors are stepped back similar to the 15th Avenue elevation.

The addition should not have a significant effect on the light, privacy and views of the subject building and adjacent buildings. The addition would be U-shaped. Windows in the interior of the U would be sufficiently spaced for individual units to maintain access to light. The addition would be located at the north end of the property. The adjacent property is east of the addition contains a parking lot. Other properties that could be affected by the development are located to the north and west. They are separated from the site by streets.

With the staff recommendation, 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 13-story, 135 foot mixed use building will conform to the applicable regulations of the districts in which it is located upon the approval of the rezoning, 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 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 remain entirely in shadow throughout the day.

(3) The scale and character of surrounding uses.

The height of the other buildings on the block is three stories. The height of buildings on the blocks surrounding the site are between one to four stories. A residential building located at the 13th Avenue and 5th Street intersection, The Chateau, has 17 floors. The new addition would be built up to the property line on 4th Street. The commercial buildings along 4th Street to the west

are typically built up to the front lot line. Along 15th Avenue, the building would be set back between 3.5 and 13 feet. The Dinky Dome building is set back 4.5 feet from 15th Avenue and 9 feet from University Avenue. The siting of the proposed addition would be consistent with the surrounding area. Most of the buildings in the immediate area are between one and four stories in height. The proposed addition with 12 floors at 135 feet in height is much larger in mass than surrounding buildings. To reflect more traditional massing, the upper floors should be stepped back. Along 15th Avenue, the applicant is proposing to step most of the building wall of floors 2 through 12 back 10 feet from the property line while the first floor would be closer to the property line to reinforce the street wall. This façade accomplishes a more traditional massing and prevents a straight façade with minimal architectural rhythm. However, the 4th Street elevation would have little recession and projection on a façade that is over 130 feet wide and tall. Staff is recommending that the upper floors are stepped back similar to the 15th Avenue elevation.

(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.

VARIANCE - To reduce the minimum lot area requirement per dwelling unit from 290.4 square feet to 220 square feet, or 24.2%.

Findings Required by the Minneapolis Zoning Code for the Proposed Variance:

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

The applicant is requesting to reduce the minimum lot size requirement per dwelling unit from 290.4 square feet to 220 square feet. The property is located across the street from the University of Minnesota campus. The proposed use would primarily provide housing for students attending the University of Minnesota. Residents would likely frequent businesses in the surrounding area. To help support the University and encourage economic growth around the campus, higher residential densities are desired adjacent to the campus.

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.

Student housing is in high demand near the University campus. The Dinky Dome is proposed to be rehabilitated. The applicant indicates that a higher density is necessary to off-set the costs related to the reuse of the building. These circumstances are unique to the property.

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 granting of the variance should not affect surrounding uses. Establishing a higher density residential development next to the University of Minnesota meets the intent of the ordinance. Also, many other high density residential projects have been approved and built in the area.

- 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 proposed variance should not increase the danger of fire or endanger public safety. The proposed amount of parking complies with the minimum zoning code requirement. Other transportation and parking options are also available. The site is in close proximity to five transit route stops. 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 4th Street. The plans also indicate that 225 bicycle parking spaces would be available in the enclosed parking garage for use by residents. The applicant has also indicated that they will participate and manage involvement in a shared car program for residents use, such as HOURCAR or Zipcar. The additional traffic generated by the development should not have a large impact on the public streets.

VARIANCE: To increase the maximum floor area ratio from 3.78 to 6.29.

Findings as required by the Minneapolis Zoning Code:

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

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 274,134 square feet, which is an FAR of 6.29. The applicant is proposing to rehabilitate the Dinky Dome. The applicant indicates that a higher density is necessary to offset the costs related to the reuse of the building. The higher density is resulting in a larger building. To help support the University and encourage economic growth around the campus, higher residential densities are desired adjacent to the campus. Reuse and rehabilitation of the Dinky Dome is also desired.

- 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 Dinky Dome is proposed to be rehabilitated. The applicant indicates that a higher density is necessary to off-set the costs related to the reuse of the building. These circumstances are unique to the property.

- 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.**

Building bulk regulations are established in order to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area. Most of the buildings in the immediate area are between one and four stories in height. The new addition would be built up to the property line on 4th Street. The commercial buildings along 4th Street to the west are typically built up to the front lot line. Along 15th Avenue, the building would be set back between 3.5 and 13 feet. The Dinky Dome building is set back 4.5 feet from 15th Avenue and 9 feet from University Avenue. The siting of the proposed addition would be consistent with the surrounding area. Most of the buildings in the immediate area are between one and four stories in height. The proposed addition with 12 floors at 135 feet in height is much larger in mass than surrounding buildings. To reflect more traditional massing, the upper floors should be stepped back. Along 15th Avenue, the applicant is proposing to step most of the building wall of floors 2 through 12 back 10 feet from the property line while the first floor would be closer to the property line to reinforce the street wall. This façade accomplishes a more traditional massing and prevents a straight façade with minimal architectural rhythm. However, the 4th Street elevation would have little recession and projection on a façade that is over 130 feet wide and tall. Staff is recommending that the upper floors are stepped back similar to the 15th Avenue elevation. Setting the upper floors back may result in a reduction of FAR. With the staff recommendation, the building would be more consistent with the character of the area.

- 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 proposed variance should not increase the danger of fire or endanger public safety. Twenty-three parking spaces are proposed for the nonresidential uses and 192 spaces are proposed on-site. The minimum number of required parking spaces would be provided on-site. The plans also indicate that 225 bicycle parking spaces would be available in the enclosed parking garage for use by residents and 40 bicycle parking spaces would be provided at ground level for use by employees, visitors and customers. The site is in close proximity to 5 bus routes. The applicant has also indicated that they will participate and manage involvement in a shared car program for residents use, such as HOURCAR or Zipcar. The proposal should not increase the congestion in the streets.

VARIANCES: 1) to reduce the front yard requirement adjacent to the northeasterly property line (4th Street) from 15 feet to 0 feet to allow the building addition; and 2) to reduce the interior side yard adjacent to the southeasterly property line from 27 feet to 0 feet to allow the building, a transformer and parking.

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.**

Front yard variance: 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 4th Street, the adjacent property is zoned OR3, but does not contain any structures with frontage on 4th 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 0 feet from the front lot line. Between 13th Avenue and 17th Avenue, most of the properties along 4th Street are nonresidential and not residential in character. The adjacent parking lot is paved up to 4th Street. Along 4th Street, two blocks west of the site, the commercial buildings are built up to the front lot line. Most buildings in the area are between one and four stories tall. The north elevation, where the variance is requested, would have little recession and projection on a façade that is over 130 feet wide and tall. Staff is concerned that a large, massive wall would have a negative impact of the area. Incorporating more recessions and projections would likely improve compatibility with the character of the surrounding buildings. Because most buildings in the area are between one and four stories, a reduction in this yard requirement to allow the first through fourth floors to extend up to the front lot line should have little effect on surrounding properties. As a condition of approval for the conditional use permit for height, staff is recommending that the upper floors of the building on this elevation including part of the building proposed in the required yard are stepped back to minimize the impact of the proposed mass of the building.

Interior side 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 13-story building is proposed, therefore the minimum requirement is 29 feet. The addition would be U-shaped. The top of the U (each 61 feet wide) would be set back 0 feet along the southeasterly property line. The center of the U (84 feet wide) would be set back 60 feet from the property line. A five foot set back is required for all other obstructions in the interior side yard. A transformer and parking would also be located adjacent to the southeasterly property line. A parking lot operated by the University of Minnesota is adjacent to the property line. The proposed set backs would have little effect on the adjacent property. 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.**

Front yard variance: Between 13th Avenue and 17th Avenue, most of the properties along 4th Street are nonresidential and not residential in character. The adjacent parking lot is paved up to

CPED Planning Division Report
BZZ – 4013

4th Street. Along 4th Street, two blocks west of the site, the commercial buildings are built up to the front lot line. These circumstances have not been created by the applicant.

Interior side yard: The building would be adjacent to a parking lot of a nonresidential property. 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.

Front yard variance: The building would be built up to the front lot line. Between 13th Avenue and 17th Avenue, most of the properties along 4th Street are nonresidential and not residential in character. The adjacent parking lot is paved up to 4th Street. Along 4th Street, two blocks west of the site, the commercial buildings are built up to the front lot line. Most buildings in the area are between one and four stories tall. The north elevation, where the variance is requested, would have little recession and projection on a façade that is over 130 feet wide and tall. Staff is concerned that a large, massive wall would have a negative impact of the area. Incorporating more recessions and projections would likely improve compatibility with the character of the surrounding buildings. Because most buildings in the area are between one and four stories, a reduction in this yard requirement to allow the first through fourth floors to extend up to the front lot line should have little effect on surrounding properties. As a condition of approval for the conditional use permit, staff is recommending that the upper floors of the building on this elevation including part of the building proposed in the required yard are stepped back to minimize the impact of the proposed mass of the building.

Interior side yard: A parking lot operated by the University of Minnesota is adjacent to the property line. To control access to the site, staff recommended through the site plan review that the applicant install a decorative metal fence between the parking area, the transformer, and the adjacent property. A fence is a permitted obstruction. To break up the large massing effect on this elevation, staff also recommended incorporating additional architectural elements, such as recessed balconies, also as part of the site plan review. If windows are added, they should not have an affect on the adjacent property as long as they meet the building code requirements. With the staff recommendations, the granting of the variance 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.**

All yard variances: The CPED Department does not expect that granting the variances would affect congestion or public safety.

VARIANCE: Variances of the PO Pedestrian Oriented Overlay District standards to allow a building wall to be set back more than eight feet from the lot lines adjacent to 15th Avenue.

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 PO overlay district, first floor building walls adjacent to streets are required to be located within 8 feet of the lot line. Along 15th Avenue, the first floor would be set back between 3.5 and 13 feet. The main residential entrance and the accessible entrance for the Dinky Dome would be set back 13 feet. The wall containing the commercial tenant entrances would be set back 10.5 feet. The grade slopes down from 4th Street to University Avenue. A level access ramp for the commercial uses is proposed between the building and the sidewalk. Setting the building back would allow for amenities to be incorporated without obstructing the sidewalk, including bike storage and landscaping. The applicant would also like a wider area to accommodate outdoor seating. 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 grade slopes down from 4th Street to University Avenue. This circumstance has 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.**

The purpose of the PO standards is to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and accessory parking facilities, and by prohibiting certain high impact and automobile-oriented uses. The applicant is proposing a walkway, landscaping, outdoor seating and bicycle parking between the building and the streets where the set back exceeds 8 feet. The alternatives proposed by the applicant should be an asset to the community and are in keeping with the intent of the ordinance.

- 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 granting of the variance should not affect public safety or increase congestion in the public streets.

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

CPED Planning Division Report
BZZ – 4013

- 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 4th Street. Windows would be provided at ground level to provide natural surveillance and visibility of the adjacent streets. A pedestrian walkway would connect the public sidewalk to the main building entrances along 15th Avenue.

Along 4th Street, the building would be built up to the property line. Along 15th Avenue, the first floor would be set back between 3.5 and 13 feet. The main residential entrance and the accessible entrance for the Dinky Dome would be set back 13 feet. The wall containing the commercial tenant entrances would be set back 10.5 feet. In the PO overlay district, first floor building walls adjacent to streets are required to be located within 8 feet of the lot line. The applicant is requesting a variance of this standard. Staff is recommending approval for a number of reasons. The grade slopes down from 4th Street to University Avenue. A level access ramp for the commercial uses is proposed between the building and the sidewalk. Setting the building back would allow for amenities to be incorporated without obstructing the sidewalk, including bike storage and landscaping. The applicant would also like a wider area to accommodate outdoor seating. Staff is recommending that alternative compliance be granted to allow the set back of 10.5 and 13 feet as proposed rather than 8 feet.

The area between the building and 15th Avenue would have a public promenade providing access to the retail spaces. Landscaping and bike parking are also proposed.

The entrances for the retail space and the main residential entrance would face 15th Avenue.

Most of the parking would be enclosed. Surface parking would be located at the interior of the site.

CPED Planning Division Report
BZZ – 4013

On the west elevation, the building design includes architectural elements, recesses and projections, and windows on all levels to divide the building into smaller identifiable sections. The U-shape of the building lessens the impact of the mass of the building to the east; however, the walls adjacent to the property line would contain no windows and little architectural detail. The Building Code does not allow windows to be located on a wall closer than 3 feet to the property line. Windows could be incorporated a number of ways, such as adding recessed balconies or by stepping the top two levels back. Additional architectural details could also be provided, such as patterns in the brick and stucco exterior materials. The north elevation would have little recession and projection on a façade that is over 130 feet wide and tall. Most buildings in the area are between one and four stories tall. Incorporating more recessions and projections above the first floor would likely improve compatibility with the character of the surrounding buildings. As a condition of approval for the conditional use permit for height, staff is recommending that the upper floors of the building on this elevation are stepped back to minimize the impact of the proposed mass of the building. This condition would also require the applicant to divide this side of the building into smaller identifiable sections. Staff does not believe alternative compliance is warranted and recommends that the Planning Commission not grant alternative compliance for this requirement.

On the east building elevations adjacent to the property line, blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements would exceed 25 feet in length on the first, second, eleventh and twelfth floors. The blank walls would be over 60 feet wide. The blank walls on the first floor would be adjacent to stairwells, mechanical rooms and a trash room. Above the first floor, the blank walls are adjacent to dwelling units. Adding additional architectural elements would help divide this side of the building into smaller identifiable sections. Windows could be incorporated a number of ways, such as adding recessed balconies or by stepping the top two levels back. Additional architectural details could also be provided, such as patterns in the brick. Staff does not believe alternative compliance is warranted and recommends that the Planning Commission not grant alternative compliance for this requirement.

The primary exterior materials would include brick, metal panels, stucco, architectural cast stone, concrete masonry units, and glass. The materials would be durable. Brick would be the primary material on the south and east elevation to match the walls facing 4th Street and 15th Avenue. Using brick as the primary exterior material for the addition promotes compatibility with the Dinky Dome, whose primary exterior material is brick. The appearance of the east walls that are adjacent to the side property line would not contain any windows; therefore the similarity in appearance of these walls to the walls facing the street is affected. To comply with other site plan review standards, staff is recommending that the applicant provide additional architectural elements, preferably recessed balconies with windows. 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.

CPED Planning Division Report
BZZ – 4013

The main entrances for the retail space and residences would face 15th Avenue. They would be recessed to emphasize their importance.

The walls facing 15th Avenue, University Avenue, 4th Street and the surface parking area are subject to the minimum window requirements. The amount of windows on all walls of all levels would greatly exceed the minimum residential and nonresidential requirements, except the first floor walls facing the parking lot. Windows equaling 30 percent of the walls must be provided. On the east elevation, 71 square feet, or 6.2 percent, of windows would be provided. The wall is adjacent to a corridor and a commercial tenant space. The windows are more than four feet above grade, but they are only two feet above the floor level. The upper residential levels also look into the parking area providing additional surveillance. On the residential floors, over 18 percent windows are proposed, which exceeds the minimum requirement by eight percent. Staff believes that some reduction in the window requirement is reasonable, but more windows could be provided adjacent to the commercial space and the corridor. Staff is recommending that the planning commission grant alternative compliance for half of the window requirement and to allow the windows to be located more than four feet above grade. An additional 101.8 square feet of windows will need to be added to meet this condition. The other walls would be adjacent to an enclosed stairway, a mechanical room, and a trash room. Visibility to and from these spaces would provide little surveillance value. Staff recommends that the planning commission grant alternative compliance on the other walls.

All windows would be vertical in proportion and distributed in an even manner.

The applicant has indicated that the proposed visible light transmittance ratio of the nonresidential windows would be 0.67.

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 and parking lot with walkways that would be four feet in width or greater. A walkway connecting the surface parking area to the public sidewalks is not provided. The main commercial entrances face 15th Avenue. As proposed, pedestrians would have to walk through the vehicle entrance to gain access to the

sidewalk. Staff is recommending that better, clearly identifiable pedestrian access to the surface parking area from the 4th Street sidewalk is provided.

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

All vehicles would enter from 4th 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. The building would cover most of the site. The applicant is proposing to install landscaping adjacent to and in the 15th Avenue right-of-way. The rest of the proposed impervious surface is needed for parking 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.**
- **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:

CPED Planning Division Report
BZZ – 4013

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 40,061 square feet. The lot area minus the building footprints therefore consists of approximately 3,499 square feet. At least 20 percent of the net site area (699.8 square feet) must be landscaped. Approximately 233 square feet of the site would be landscaped. That is equal to 6.7 percent of the net lot area. Loading spaces, driveways, walkways, stairs, and bike parking that are needed for efficient circulation and access are proposed in the areas that would not be landscaped. The applicant is proposing to provide additional landscaping in the 15th Avenue and University Avenue 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 2 and 7 respectfully. The applicant would provide 0 trees and 13 shrubs on-site. The remainder of the on-site landscaped area would be covered with perennials. In the right-of-way, 74 additional shrubs are proposed. Also, the existing Dinky Dome building and vehicle access needs limits where trees and shrubs can be provided on-site. 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 parking area and 4th Street and the loading area and University Avenue. The building wall would extend down between the parking and 4th Street. An opening in the wall would provide views into the parking area. Under the opening, the wall would be less than 2 feet in height. Staff believes that the alternative proposed by the applicant meets the intent of the ordinance. 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. Requiring the landscaping will also eliminate a required loading space. Staff believes 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 parking area and the properties to the east. No landscaping is proposed in this location. A 3 foot high metal fence would be located between the loading area and the property line. A driveway for a fraternity is located on the adjacent property. No screening would be provided for the parking, except where parking would be located under the building. The parking is adjacent to a parking lot operated by the University. Providing landscaping would require the elimination of loading and parking spaces. Staff is recommending that the planning commission grant alternative compliance for the landscaping requirements, and in lieu of providing a solid screening fence, require a decorative, ornamental metal fence.

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

The surface parking spaces would not be within 50 feet of an on-site deciduous tree. Eleven of the 23 spaces would be covered by the building. The remaining spaces would be shadowed by

the building most of the day. 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 surface parking area would be defined by 6-inch by 6-inch concrete curbing. The surface parking would be sheltered by the upper floors of the building and is 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 above analysis of the conditional use permit to increase the allowed height.

Wind currents should not be major concern particularly if the upper floors of the building along 4th Street are stepped back as recommended by staff.

The site design provides natural surveillance and visibility with an abundant amount of windows on all sides of the building and visibility from the street into the surface parking area. The public and nonpublic spaces are clearly defined with a separate entrance and lobby area for the residences. In lieu of screening the parking area on the east, staff recommended requiring a decorative, metal fence. The fence would also control and guide to movement on the site.

The existing structures on the site are 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

CPED Planning Division Report
BZZ – 4013

ZONING CODE: The properties of 1500 4th Street Southeast and 316 15th Avenue Southeast are currently the C1 district. The property of 310 15th Avenue Southeast is currently in the C2 district. The property of 1506 4th Street Southeast is currently located in the OR3 district. The commercially zoned properties are also located in the PO Pedestrian Oriented overlay district. The applicant is proposing a mix of uses including 198 dwelling units, general retail sales and services uses, offices and restaurants. With the exception of the offices, the proposed nonresidential uses are not allowed in the OR3 district. Also, the proposed residential density is not allowed in the existing commercial districts. The applicant is petitioning to rezone the subject site to C3A, where a multifamily dwelling with 5 or more units is a conditional use and general retail sales and services uses, offices and restaurants are permitted uses. The applicant is also petitioning to add the PO overlay district to the portion of 1506 4th Street Southeast that is part of the proposed development site.

Parking and Loading: The minimum parking requirement for the multifamily dwelling is 198 spaces (one per unit). 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 transit stops with midday service headways of 30 minutes or less in each direction. Therefore the parking requirement is reduced to 178 spaces. For the residences, 192 spaces would be provided.

In the Dinkytown PO overlay district, nonresidential uses are not required to provide accessory off-street parking facilities, provided that existing accessory parking facilities are not reduced below the requirements for a similar new use, or if existing accessory parking facilities are less than the requirements specified in Chapter 541, Off-Street Parking and Loading, they are not reduced further. Twelve parking spaces are available for the existing uses on the site. The applicant is proposing to provide 23 parking spaces for use by the nonresidential uses.

The minimum loading requirements for the nonresidential uses in the development are as follows:

- Approximately 5,700 square feet of floor area would be devoted to food and beverage uses, such as sit down restaurants and coffee shops. The zoning code assigns a low rating to determine the loading requirement. For the amount of floor area proposed, adequate shipping and receiving facilities, accessible by motor vehicle off any adjacent alley, service drive or open space are required on the same zoning lot.
- General retail sales and services uses would occupy approximately 14,300 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 (10 feet wide by 25 feet deep) is required.
- Offices would occupy approximately 10,500 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.

CPED Planning Division Report
BZZ – 4013

The total loading requirement for the development is two small spaces. Two small spaces are proposed.

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 274,134 square feet, which is an FAR of 6.29. The applicant is requesting a variance.

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. Tenant spaces in the new building would not exceed 8,000 square feet. When the Dinky Dome is remodeled, the retail spaces cannot exceed 8,000 square feet.

Minimum Lot Area: The minimum lot area requirement in the C3A district is 400 square feet per dwelling unit, or 79,200 square feet for 198 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 approximately 57,500 square feet for 198 units. The proposed lot area is 220 square feet per dwelling unit. The applicant is requesting a variance to reduce the minimum lot size by 24.2 percent.

Dwelling Units per Acre: The proposed density would be 198 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 13 stories and 135 feet in height. Although the addition would have only 12 floors, by definition of the zoning code it is 13 stories. A story is defined as that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or 14 feet, whichever is less. The first floor would be 18 feet, therefore each is considered two stories. A conditional use permit is required to increase the height.

Yard Requirements: The front lot lines are adjacent to 4th 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 4th Street, the adjacent property is zoned OR3, but does not contain any structures with frontage on 4th 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 0 feet from the front lot line. The applicant is requesting a variance to reduce the front yard requirement along 4th Street.

CPED Planning Division Report
BZZ – 4013

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 13-story building is proposed, therefore the minimum requirement is 29 feet. The building addition would be set back 0 feet along the southeasterly property line. A five foot set back is required for all other obstructions in the interior side yard. A transformer and parking would also be located adjacent to the southeasterly property line. The applicant is requesting a variance to reduce the 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. First floor building walls facing a street would be within 8 feet of the lot line, except along 15th Avenue where the wall would be set back 10 feet. The applicant is requesting a variance.
- The first floor façade of the building that faces a public street or a sidewalk is required to have at least 40 percent clear or lightly tinted glass that allows views into and out of the building at eye level and are distributed in a more or less even manner. Therefore the walls fronting 15th Avenue and 4th Street are subject to this provision. The proposed windows would meet these requirements.
- 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. Most of the parking would be located below grade. The surface parking would be located at the interior of the site. Surface parking lots are limited to 60 feet of street frontage. The maximum amount of accessory parking spaces cannot exceed the minimum parking requirements more than 150 percent. The parking lot width would not exceed 60 feet and the proposed amount of parking does not exceed the minimum requirement by 150 percent. The driveway width for all parking facilities cannot exceed 20 feet of street frontage. The driveway access from 4th Street and University Avenue would not exceed 20 feet.

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. A transformer would be located at ground level next to the proposed electrical room. The transformer 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 no signage is proposed at this time. Any new signage will require Zoning Office review, approval, and permits.

MINNEAPOLIS PLAN: In addition to the principles and policies discussed in the rezoning and 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 applicant is proposing to rehabilitate the Dinky Dome, which is a landmark for Dinkytown. Street level retail and services uses would remain with access to University Avenue and 15th Avenue. The new addition would also contain commercial uses on the first floor that are oriented to 15th Avenue. Each use would have an individual entrance. A common entrance that faces 15th 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 building would be set back along 15th Avenue to allow more room for bike racks, landscaping, periodical stands, and outdoor seating. These improvements will enhance the pedestrian environment. The parking and loading for the commercial tenants would be located at the interior of the site. However, they abut a residential property and a parking lot operated by the University. It is likely that the parking lot will be redeveloped in the future. Landscaping or screening that would provide a transition to the adjacent properties is not proposed. Staff is recommending that a decorative, ornamental metal fence be required along the southeasterly property line. With the approval of the staff recommendation, the proposed development would be consistent with the comprehensive plan.

ALTERNATIVE COMPLIANCE:

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.

CPED Planning Division Report
BZZ – 4013

- **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:

- Building placement within 8 feet of the lot line adjacent to a street

Along 15th Avenue, the first floor would be set back between 3.5 and 13 feet. The main residential entrance and the accessible entrance for the Dinky Dome would be set back 13 feet. The wall containing the commercial tenant entrances would be set back 10.5 feet. In the PO overlay district, first floor building walls adjacent to streets are required to be located within 8 feet of the lot line. The applicant is requesting a variance of this standard. Staff is recommending approval for a number of reasons. The grade slopes down from 4th Street to University Avenue. A level access ramp for the commercial uses is proposed between the building and the sidewalk. Setting the building back would allow for amenities to be incorporated without obstructing the sidewalk, including bike storage and landscaping. The applicant would also like a wider area to accommodate outdoor seating. Staff is recommending that alternative compliance be granted to allow the set back of 10.5 and 13 feet as proposed rather than 8 feet.

- Dividing the building into smaller identifiable sections and similarity in appearance of walls

The U-shape of the building lessens the impact of the mass of the building to the east; however, the walls adjacent to the property line would contain no windows and little architectural detail. The appearance of the east walls that are adjacent to the side property line would not contain any windows; therefore the similarity in appearance of these walls to the walls facing the streets is affected. The Building Code does not allow windows to be located on a wall closer than 3 feet to the property line. Windows could be incorporated a number of ways, such as adding recessed balconies or by stepping the top two levels back. Additional architectural details could also be provided, such as patterns in the brick and stucco exterior materials. The north elevation would have little recession and projection on a façade that is over 130 feet wide and tall. Most buildings in the area are between one and four stories tall. Incorporating more recessions and projections above the first floor would likely improve compatibility with the character of the surrounding buildings. As a condition of approval for the conditional use permit for height, staff is recommending that the upper floors of the building on this elevation are stepped back to minimize the impact of the proposed mass of the building. This condition would also require the applicant to divide this side of the building into smaller identifiable sections. Staff does not believe alternative compliance is warranted and recommends that the Planning Commission not grant alternative compliance for this requirement.

- Blank walls

On the east building elevations adjacent to the property line, blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements would exceed 25 feet in length on the first, second, eleventh and twelfth floors. The blank walls would be over 60 feet wide. The blank walls on the first floor would be adjacent to

CPED Planning Division Report
BZZ – 4013

stairwells, mechanical rooms and a trash room. Above the first floor, the blank walls are adjacent to dwelling units. Adding additional architectural elements would help divide this side of the building into smaller identifiable sections. Windows could be incorporated a number of ways, such as adding recessed balconies or by stepping the top two levels back. Additional architectural details could also be provided, such as patterns in the brick. Staff does not believe alternative compliance is warranted and recommends that the Planning Commission not grant alternative compliance for this requirement.

- Twenty percent window requirement

The walls facing 15th Avenue, University Avenue, 4th Street and the surface parking area are subject to the minimum window requirements. The amount of windows on all walls of all levels would greatly exceed the minimum residential and nonresidential requirements, except the first floor walls facing the parking lot. Windows equaling 30 percent of the walls must be provided. On the east elevation, 71 square feet, or 6.2 percent, of windows would be provided. The wall is adjacent to a corridor and a commercial tenant space. The windows are more than four feet above grade, but they are only two feet above the floor level. The upper residential levels also look into the parking area providing additional surveillance. On the residential floors, over 18 percent windows are proposed, which exceeds the minimum requirement by eight percent. Staff believes that some reduction in the window requirement is reasonable, but more windows could be provided adjacent to the commercial space and the corridor. Staff is recommending that the planning commission grant alternative compliance for half of the window requirement and to allow the windows to be located more than four feet above grade. An additional 101.8 square feet of windows will need to be added to meet this condition. The other walls would be adjacent to an enclosed stairway, a mechanical room, and a trash room. Visibility to and from these spaces would provide little surveillance value. Staff recommends that the planning commission grant alternative compliance on the other walls.

- Pedestrian access

A walkway connecting the surface parking area to the public sidewalks is not provided. The main commercial entrances face 15th Avenue. As proposed, pedestrians would have to walk through the vehicle entrance to gain access to the sidewalk. Staff is recommending that better, clearly identifiable pedestrian access to the surface parking area from the 4th Street sidewalk is provided.

- 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 40,061 square feet. The lot area minus the building footprints therefore consists of approximately 3,499 square feet. At least 20 percent of the net site area (699.8 square feet) must be landscaped. Approximately 233 square feet of the site would be landscaped. That is equal to 6.7 percent of the net lot area. Loading spaces, driveways, walkways, stairs, and bike parking that are needed for efficient circulation and access are proposed in the areas that would not be landscaped. The applicant is proposing to provide additional landscaping in the 15th Avenue and University

CPED Planning Division Report
BZZ – 4013

Avenue 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 2 and 7 respectfully. The applicant would provide 0 trees and 13 shrubs on-site. The remainder of the on-site landscaped area would be covered with perennials. In the right-of-way, 74 additional shrubs are proposed. Also, the existing Dinky Dome building and vehicle access needs limits where trees and shrubs can be provided on-site. Staff is recommending that the planning commission grant alternative compliance.

- Landscaping and screening of the parking and loading area

A landscaped yard with screening that is 3 feet high and at least 60 percent opaque is required between the parking area and 4th Street and the loading area and University Avenue. The building wall would extend down between the parking and 4th Street. An opening in the wall would provide views into the parking area. Under the opening, the wall would be less than 2 feet in height. Staff believes that the alternative proposed by the applicant meets the intent of the ordinance. 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. Requiring the landscaping will also eliminate a required loading space. Staff believes 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 parking area and the properties to the east. No landscaping is proposed in this location. A 3 foot high metal fence would be located between the loading area and the property line. A driveway for a fraternity is located on the adjacent property. No screening would be provided for the parking, except where parking would be located under the building. The parking is adjacent to a parking lot operated by the University. Providing landscaping would require the elimination of loading and parking spaces. Staff is recommending that the planning commission grant alternative compliance for the landscaping requirements, and in lieu of providing a solid screening fence, require a decorative, ornamental metal fence.

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

The surface parking spaces would not be within 50 feet of an on-site deciduous tree. Eleven of the 23 spaces would be covered by the building. The remaining spaces would be shadowed by the building most of the day. Staff is recommending that the planning commission grant alternative compliance.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the petition to rezone the properties of 1500-1506 4th Street Southeast and 310-316 15th Avenue Southeast from the C1, C2, and OR3 districts to the C3A district and to add the PO overlay district to a portion of the property of 1506 4th Street Southeast.

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 198 dwelling units for the properties located at 1500-1506 4th Street Southeast and 310-316 15th 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.
2. The final plans for the Dinky Dome shall be approved before building permits for the new addition are issued. All work on the Dinky Dome must meet the Secretary of the Interiors standards for rehabilitation. In addition, the rehabilitation must be completed by July 25, 2010.
3. At least 50 percent of the 4th Street elevation above the first floor shall be stepped back 10 feet from the property line to reduce the massing effect.

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 13 stories and from 56 feet to 135 feet for the properties located at 1500-1506 4th Street Southeast and 310-316 15th 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.

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 minimum lot area requirement by 24.2 percent for the properties located at 1500-1506 4th Street Southeast and 310-316 15th 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 ratio from 3.78 to 6.29 for the properties located at 1500-1506 4th Street Southeast and 310-316 15th 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 reduce the front yard requirement adjacent to the northeasterly property line (4th Street) from 15 feet to 0 feet to allow the building addition for the properties located at 1500-1506 4th Street Southeast and 310-316 15th 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 reduce the interior side yard adjacent to the southeasterly property line from 27 feet to 0 feet to allow the building, a transformer and parking for the properties located at 1500-1506 4th Street Southeast and 310-316 15th 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 of the PO overlay district standards to allow the building to be set back more than 8 feet from the street for the properties located at 1500-1506 4th Street Southeast and 310-316 15th Avenue Southeast.

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

CPED Planning Division Report
BZZ – 4013

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 4th Street Southeast and 310-316 15th 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 25, 2009, or the permit may be revoked for non-compliance.
3. The north and east elevations shall contain additional architectural elements, including recesses, projections, and windows, as required by section 530.120 of the zoning code.
4. The building shall not contain blank, uninterrupted walls that do not include windows, entries, recesses, projections, or other architectural elements that exceed 25 feet in length as required by section 530.120 of the zoning code.
5. At least 15 percent of the east first floor building wall facing the surface parking area shall be windows as required by section 530.120 of the zoning code.
6. Clearly identifiable pedestrian access to the surface parking area from the 4th Street sidewalk shall be provided as required by section 530.130 of the zoning code.
7. A decorative, ornamental metal fence shall be provided adjacent to the parking and loading adjacent to the southeasterly property line in lieu of the landscaping and screening required by section 530.170(b)(2) of the zoning code.
8. Mechanical equipment shall be screened as required by section 535.70 of the zoning code.

Attachments:

1. PDR comments
2. Rezoning matrix
3. Statement of use
4. Findings
5. Correspondence
6. Zoning map
7. Plans
8. Photos