

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permits, Variances and Site Plan Review
BZZ-4768

Date: May 24, 2010

Applicant: Curt Gunsbury

Addresses of Property: 2428 Delaware Street Southeast

Project Name: Solhem East Bank

Contact Person and Phone: Curt Gunsbury, (612) 598-9416

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: April 28, 2010

End of 60-Day Decision Period: June 27, 2010

End of 120-Day Decision Period: Not applicable for this application

Ward: 2 Neighborhood Organization: Prospect Park East River Road Improvement Association

Existing Zoning: C3A, Commercial Activity Center, PO Pedestrian Oriented Overlay District and the UA University Area Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 22

Legal Description: Not applicable for this application

Proposed Use: 75-unit residential development

Concurrent Review:

Conditional use permit: for a 75-unit residential development.

Conditional use permit: to increase the height of the building from 4 stories/56 feet to 6 stories/74 feet.

Variance: to reduce the minimum lot area requirement per dwelling unit from 314 square feet per dwelling to 284 square feet per dwelling (68 dwelling units to 75 dwelling units).

Variance: to increase the maximum FAR (floor area ratio) of the building from 3.51 to 3.59 (74,984 square feet to 76,681 square feet).

Variance: to reduce the required number of off-street parking spaces from 61 to 45.

Variance: to reduce the front yard setback along Delaware Street Southeast from the required 15 feet to zero feet for the first 40 feet west of the east property line.

Variance: to increase the corner side yard setback along Huron Boulevard Southeast from the maximum setback of 8 feet in the PO Pedestrian Oriented Overlay District to 10 feet.

Variance: to reduce the east interior side yard setback from the required 15 feet to zero feet for the first floor of the building and to 10 feet for the upper levels of the building.

Variance: to reduce the west interior side yard setback from the required 15 feet to 10 feet.

Variance: to reduce the west interior side yard setback from the required 15 feet to 3.5 feet for an electrical transformer and a generator.

Variance: to reduce the required setback between the building and the surface parking lot on the adjacent property to the east from the required 6 feet to approximately 3 feet.

Site plan review.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(2) “to vary the lot area or lot width requirements up to 30 percent...”, specifically Section 525.520(3) “to vary the gross floor area, floor area ratio and seating requirements of a structure or use”, specifically Section 525.520(6) To vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces” and specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations”, and Chapter 530 Site Plan Review.

Background: The applicant is proposing to construct a new residential development on the southeast corner of Huron Boulevard Southeast and Delaware Street Southeast. The building will be six stories in height with parking and common space located on the first floor. There will be a total of 75 dwelling units in the building with a total of 115 bedrooms. The dwellings range between studios, one-bedroom and two-bedroom units.

The applicant has indicated that the building will be a green building. Green features will include an hour car, a green roof, passive solar, on-site rainwater collection, dual trash system, dual flush toilets and lighting and energy efficiency standards that exceed building codes.

The development site is a Minnesota Superfund site. Grants totaling \$980,000.00 have been awarded to clean up the site. The grant money expires in June of 2011 if the site is not redeveloped.

CONDITIONAL USE PERMIT: for a 75-unit residential development

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

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

The Planning Division does not believe that a 75-unit residential development will be detrimental to or endanger the public health, safety, comfort or general welfare. The surrounding area includes a mixture of residential developments of varying densities including housing for the University of Minnesota. The

proposed 75-unit residential development will complement the surrounding area. In addition, redeveloping the site will allow the applicant to clean up a Minnesota Superfund site.

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

The Planning Division does not believe that a 75-unit residential development would be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property. The existing site is underutilized. There is an existing one-story commercial building on the site and an accessory surface parking lot. The site is enclosed with a chain link fence that has barbed wire on top of it. The proposed development will enhance the surrounding neighborhood. Not only will the development provide additional opportunities for housing in the area but it will increase the amount of green space in the neighborhood.

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

The applicant would be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements. As for vehicle access, the enclosed on-site parking area will be accessed from a single curb cut on Delaware Street Southeast.

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

The zoning code requires a minimum of one parking space per dwelling unit for multiple-family developments. For 75 dwelling units the parking requirement would be 75 spaces. The site is located in a PO Pedestrian Oriented Overlay District. Specifically, the site is located in the University Avenue Southeast and 29th Avenue Southeast Transit Station Area Pedestrian Oriented Overlay. In the Transit Station Area Pedestrian Oriented Overlay the minimum off-street parking requirement for residential uses is 90 percent of what is required in Chapter 541, Off-Street Parking and Loading. Ninety percent of 75 spaces is 68 spaces. In addition, a parking reduction of ten percent may be approved when a shared vehicle is provided on the site. The applicant is proposing to have a shared vehicle on the site so the parking requirement can be reduced an additional seven spaces. After this reduction is applied the minimum parking requirement for the development is 61 spaces. The applicant is proposing to provide a total of 45 parking spaces on the site. The applicant has applied for a variance to reduce the parking requirement.

The site is also located in the UA University Area Overlay District. In this overlay district the off-street parking requirement for residential uses is .5 spaces per bedroom but not less than one space per dwelling unit. With 115 bedrooms the parking requirement would be 58 parking spaces. Since this is less than one space per dwelling unit the other parking calculation applies.

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

This site is located on the southeast corner of Huron Boulevard Southeast and Delaware Street Southeast. The site is located in the Stadium Village Activity Center and the University and 29th Avenue Transit Station Area as designated in *The Minneapolis Plan for Sustainable Growth*. The site is also located one block south of University Avenue Southeast which is a designated Commercial Corridor in *The Minneapolis Plan for Sustainable Growth*. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the site as mixed use. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Preserve the stability and diversity of the city’s neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses (Land Use Policy 1.8).
- Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features (Implementation Step for Land Use Policy 1.8).
- Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character (Land Use Policy 1.12).
- Encourage a variety of commercial and residential uses that generate activity all day long and into the evening (Implementation Step for Land Use Policy 1.12).
- Encourage the development of high- to very-high density housing within the boundaries of the Activity Center (Implementation Step for Land Use Policy 1.12).
- Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places (Land Use Policy 1.13).
- Concentrate highest densities and mixed use development adjacent to the transit station and along corridors served by bus (Implementation Step for Land Use Policy 1.13).

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

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

With the approval of the conditional use permits, variances and site plan review this development will meet the applicable regulations of the C3A, Commercial Activity Center District, PO Pedestrian Oriented Overlay District and the UA University Area Overlay District.

CONDITIONAL USE PERMIT: to increase the height of the building from 4 stories/56 feet to 6 stories/74 feet

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

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

The Planning Division does not believe that approving a conditional use permit to increase the height of the building from the permitted 4 stories/56 feet to 6 stories/74 feet would be detrimental to or endanger the public health, safety, comfort or general welfare.

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

The Planning Division does not believe that approving a conditional use permit to increase the height of the building from the permitted 4 stories/56 feet to 6 stories/74 feet will 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 closest residential property is located immediately to the east of the site. The adjacent residential building is ten stories in height. The first floor of the adjacent residential building is parking and the upper nine floors contain dwelling units. Between the proposed building and the adjacent residential building there is approximately 65 feet of land. This land is used for surface parking on the adjacent property. It should be noted that the upper five floors of the proposed building along the east property line are setback ten feet and that the building wall along the east property line is not contiguous. This amount of distance between the two buildings will allow for access to light and air for both properties. The majority of the other buildings in the area range between one and five stories in height.

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

Increasing the height of the building should not affect the utilities, access roads, drainage and other facilities.

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

Increasing the height of the building should not have any impact on traffic congestion in the public streets.

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

This site is located on the southeast corner of Huron Boulevard Southeast and Delaware Street Southeast. The site is located in the Stadium Village Activity Center and the University and 29th Avenue Transit Station Area as designated in *The Minneapolis Plan for Sustainable Growth*. The site is also located one block south of University Avenue Southeast which is a designated Commercial Corridor in *The Minneapolis Plan for Sustainable Growth*. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the site as mixed use. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

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

- Support the development of multi-family residential dwellings of appropriate form and scale (Urban Design Policy 10.5).
- Medium-scale, multi-family residential development is more appropriate along Commercial Corridors, Activity Centers, Transit Station Areas and Growth Centers outside of Downtown Minneapolis (Implementation Step for Urban Design Policy 10.5).

The Planning Division believes that the height of the proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*. The proposed building has been sited approximately 65 feet from the nearest residential building which will allow for access to light and air for both properties.

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

With the approval of the conditional use permits, variances and site plan review this development will meet the applicable regulations of the C3A, Commercial Activity Center District, PO Pedestrian Oriented Overlay District and the UA University Area Overlay District.

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

1. Access to light and air of surrounding properties.

The proposed development should not diminish access to light and air for surrounding properties. The closest building is located immediately to the east of the site. The proposed development has been sited approximately 65 feet away from this building. Other buildings near the development site are located across Huron Boulevard Southeast and Delaware Street Southeast.

2. Shadowing of residential properties or significant public spaces.

The applicant has submitted computer-generated shadow studies which are included in this staff report. The shadow study diagrams were done for the winter solstice and the summer solstice in the early morning, at mid-day and in the evening. The shadow study indicates minimal shadowing on the residential building located northwest of the site during the early morning hours.

3. The scale and character of surrounding uses.

The residential property to the east is ten stories in height. The majority of the other buildings in the area range between one and five stories in height.

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

There are no landmark buildings, significant open spaces or water bodies near the site that will be obstructed by the proposed building.

VARIANCE - Variance to reduce the minimum lot area requirement per dwelling unit from 314 square feet per dwelling to 284 square feet per dwelling (68 dwelling units to 75 dwelling units)

Findings as Required by the Minneapolis Zoning Code for the 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.

Minimum lot area: The applicant is seeking a variance to reduce the minimum lot area requirement per dwelling unit from 314 square feet per dwelling unit to 284 square feet per dwelling unit (68 dwelling units to 75 dwelling units). The applicant has indicated that the minimum lot area for the development could be met but in order to do this the number of bedrooms per unit would need to increase which is not the desire of the neighborhood. As the building is currently designed there are five studio units, 30 one-bedroom units and 40 two-bedroom units.

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.

Minimum lot area: The Planning Division believes that the circumstances are unique to warrant the granting of the variance. In order to balance the neighborhood goals and the needs of the developer the unit count has been increased but the number of bedrooms per dwelling unit has been kept low.

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.

Minimum lot area: The Planning Division believes that 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 zoning code regulates the overall amount of development on a site through density and building mass requirements. The applicant could reduce the number of dwelling units on the site and increase the number of bedrooms in the remaining dwelling units which would ultimately result in the same number of residents living on the site.

The site is located in the Stadium Village Activity Center and the University and 29th Avenue Transit Station Area as designated in *The Minneapolis Plan for Sustainable Growth*. The policies for both of these land use features encourage concentration of high- to very-high residential development in these areas. Density guidelines are provided in the comprehensive plan. The density range for high-density housing is between 50 and 120 dwelling units per acre and very-high density is more than 120 dwelling units per acre. This development has 153 dwelling units per acre which is what the policies call for in this location.

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.

Minimum lot area: The Planning Division believes that the granting of the variance would have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

VARIANCE - to increase the maximum FAR (floor area ratio) of the building from 3.51 to 3.59 (74,984 square feet to 76,681 square feet)

Findings as Required by the Minneapolis Zoning Code for the 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.

Maximum FAR increase: The applicant is seeking a variance to increase the maximum FAR (floor area ratio) of the building from 3.51 to 3.59 (74,984 square feet to 76,681 square feet). The difference between what is permitted and what is proposed is 1,697 square feet. The applicant has indicated that although the building is larger than what is permitted by the zoning code that the design of the building is such that it respects the adjacent residential building to the east by stepping back the upper levels of the building from the first floor building edge. The adjacent building to the east is ten stories in height and much larger than the proposed development.

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.

Maximum FAR increase: The Planning Division believes that increasing the FAR of the building is reasonable given the size and scale of the adjacent residential development to the east.

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.

Maximum FAR increase: The Planning Division believes that 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 zoning code regulates the overall amount of development on a site through density and building mass requirements. Many policies in *The Minneapolis Plan for Sustainable Growth* say that new developments should be designed to fit in with the surrounding area and should be of an appropriate form and scale. Given the size and scale of the adjacent residential development to the east the proposed development will blend in well with the neighborhood.

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.

Maximum FAR increase: The Planning Division believes that the granting of the variance would have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

VARIANCE - to reduce the required number of off-street parking spaces from 61 to 45

Findings as Required by the Minneapolis Zoning Code for the 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.

Parking reduction: The applicant is seeking a variance to reduce the required number of off-street parking spaces from 61 to 45. The applicant has indicated that the site is shaped like a triangle and because of this it is difficult to accommodate the required amount of parking on the site and also provide active uses along the street edge. The applicant has also indicated that the water table in the area is located between 10 and 18 feet below grade. Given this variation underground parking was not possible on this site.

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.

Parking reduction: The Planning Division believes that the shape of the site and the depth of the water table are two unique circumstances of this parcel of land that warrant the granting of the variance.

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.

Parking reduction: The Planning Division believes that 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. Not only is this site located near the University of Minnesota campus it is also located two blocks from the future Light Rail Transit station stop at 23rd Avenue Southeast and University Avenue Southeast. The developer has also committed to providing a shared vehicle on the site for the residents to use and one bicycle parking space per bedroom.

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.

Parking reduction: Because of the applicant's commitment to provide a shared vehicle, the proposed supply of bicycle parking, and the close proximity to the core of the University of Minnesota and future

light rail transit service, the Planning Division believes that the granting of the variance would have little impact on congestion of area streets. Further, the variance should not affect fire safety, or general welfare or public safety.

VARIANCE - to reduce the front yard setback along Delaware Street Southeast from the required 15 feet to zero feet for the first 40 feet west of the east property line

Findings as Required by the Minneapolis Zoning Code for the 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.

Front yard setback along Delaware Street Southeast: The applicant is seeking a variance to reduce the front yard setback along Delaware Street Southeast from the required 15 feet to zero feet for the first 40 feet west of the east property line. The property is zoned commercial. The property to the east of the site is zoned residential. The property to the east contains a ten-story multiple-family residential building which is located 30 feet from the front property line along Delaware Street Southeast.

The required front yard setback in the C3A zoning district is zero feet except where a street frontage includes property zoned as a residence or office residence district and property zoned as a commercial district, or where a street frontage includes structures used for permitted or conditional residential purposes, a front yard equal to the lesser of the front yard required by such residence or office residence district or the established front yard of such residential structure shall be provided in the commercial district for the first 40 feet from such residence or office residence district boundary or residential property. Although the adjacent dwelling is located 30 feet from the front property line along Delaware Street Southeast the front yard setback in the R6 zoning district is 15 feet so the lesser of the two setbacks is 15 feet.

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 setback along Delaware Street Southeast: The Planning Division believes that reducing the front yard setback to zero feet is a reasonable use of the property. The adjacent residential building is located 30 feet back from Delaware Street Southeast and approximately 65 feet from the shared interior property line. The area between the two buildings on the adjacent property is used for parking. So although the proposed building will be located up to the front property line there is a lot of open space between the two buildings.

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.

Front yard setback along Delaware Street Southeast: The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The Planning Division believes that the granting of the variance would 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. With approximately 65 feet of open space between the two buildings there will be adequate light, air and open space provided for both buildings.

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.

Front yard setback along Delaware Street Southeast: The Planning Division believes that the granting of the variance would have little impact on congestion of area streets or fire safety, nor would the proposed setback variance be detrimental to welfare or public safety.

VARIANCE - to increase the corner side yard setback along Huron Boulevard Southeast from the maximum setback of 8 feet in the PO Pedestrian Oriented Overlay District to 10 feet

Findings as Required by the Minneapolis Zoning Code for the 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.

Corner side yard setback along Huron Boulevard Southeast: The applicant is seeking a variance to increase the corner side yard setback along Huron Boulevard Southeast from the maximum setback of 8 feet in the PO Pedestrian Oriented Overlay District to 10 feet. The west property line is both a corner side yard and an interior side yard. The property to the east is irregular in shape. The majority of it is located to the east and south of the subject property but a small portion of it is located on the west side of the subject property. Where the adjacent property abuts the subject property there is an interior side yard setback requirement but where the subject property has frontage on Huron Boulevard Southeast there is a corner side yard setback requirement. The setback requirement for these two yards is different. The corner side yard setback requirement is a maximum of eight feet and the interior side yard setback requirement is 15 feet. The applicant is requesting to locate the building 10 feet from the west property line.

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.

Corner side yard setback along Huron Boulevard Southeast: The Planning Division believes that having two setback requirements from the west property line is a unique circumstance of this parcel of land that warrants the granting of the variance.

- 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.**

Corner side yard setback along Huron Boulevard Southeast: The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The Planning Division believes that 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 portion of the building that is subject to the corner side yard setback will be used as an exercise room on the first floor and dwelling units on the upper floors. There are large windows on every floor of the building that face the corner side yard.

- 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.**

Corner side yard setback along Huron Boulevard Southeast: The Planning Division believes that the granting of the variance would have little impact on congestion of area streets or fire safety, nor would the proposed setback variance be detrimental to welfare or public safety.

VARIANCE - to reduce the east interior side yard setback from the required 15 feet to zero feet for the first floor of the building and to 10 feet for the upper levels of the building

Findings as Required by the Minneapolis Zoning Code for the 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.**

East interior side yard setback: The applicant is seeking a variance to reduce the east interior side yard setback from the required 15 feet to zero feet for the first floor of the building and to 10 feet for the upper levels of the building. The applicant has indicated that the site is shaped like a triangle. When looking at the shape of the site and the cumulative effect of all of the yard variances the amount of developable area is minimal compared to most commercially zoned properties.

- 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.**

East interior side yard setback: The Planning Division believes that the shape of the site is a unique circumstance of this parcel of land that warrants the granting of the variance.

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.

East interior side yard setback: The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The applicant has indicated that the adjacent residential building to the east is located approximately 65 feet from the shared interior property line. The area between the two buildings on the adjacent property is used for parking. Given the placement of the building on the adjacent site the Planning Division believes that constructing the proposed building up to the shared interior property line 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.

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.

East interior side yard setback: The Planning Division believes that the granting of the variance would have little impact on congestion of area streets or fire safety, nor would the proposed setback variance be detrimental to welfare or public safety.

VARIANCE - to reduce the west interior side yard setback from the required 15 feet to 10 feet

Findings as Required by the Minneapolis Zoning Code for the 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.

West interior side yard setback: The applicant is seeking a variance to reduce the west interior side yard setback from the required 15 feet to 10 feet. The west property line is both a corner side yard and an interior side yard. The property to the east is irregular in shape. The majority of it is located to the east and south of the subject property but a small portion of it is located on the west side of the subject property. Where the adjacent property abuts the subject property there is an interior side yard setback requirement but where the subject property has frontage on Huron Boulevard Southeast there is a corner side yard setback requirement. The setback requirement for these two yards is different. The corner side yard setback requirement is a maximum of eight feet and the interior side yard setback requirement is 15 feet. The applicant is requesting to locate the building 10 feet from the west property line.

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.

West interior side yard setback: The Planning Division believes that having two setback requirements from the west property line is a unique circumstance of this parcel of land that warrants the granting of the variance.

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.

West interior side yard setback: The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The Planning Division believes that 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. Although the adjacent residential property is located on the west side of the subject property it is an unbuildable piece of the property given its wedge shape.

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.

West interior side yard setback: The Planning Division believes that the granting of the variance would have little impact on congestion of area streets or fire safety, nor would the proposed setback variance be detrimental to welfare or public safety.

VARIANCE - to reduce the west interior side yard setback from the required 15 feet to 3.5 feet for an electrical transformer and a generator

Findings as Required by the Minneapolis Zoning Code for the 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.

West interior side yard setback to allow an electrical transformer and a generator: The applicant is seeking a variance to reduce the west interior side yard setback from the required 15 feet to 3.5 feet for an electrical transformer and a generator. The applicant has indicated that the site is shaped like a triangle. Given this the property does not have a rear yard typical of most zoning lots in the City of Minneapolis.

The electrical transformer and the generator will be screened by the building on one side and by landscaping on the other three sides. Specifically the applicant is proposing to plant Big Bluestem, an ornamental grass that grows to a height between three and ten feet tall, on the southeast and southwest sides of the electrical transformer and the generator. In addition, the applicant is proposing to plant Isanti Dogwood, a shrub that grows to a height between five and six feet, and Purple Coneflower, a perennial that grows to a height of two to three feet, on the northwest side of the electrical transformer and the generator.

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.

West interior side yard setback to allow an electrical transformer and a generator: The Planning Division believes that the shape of the site and the fact that there is no rear yard on this property are unique circumstances of this parcel of land that warrant the granting of the variance.

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.

West interior side yard setback to allow an electrical transformer and a generator: The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The Planning Division believes that 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. As long as the proposed landscaping is maintained it will screen the electrical transformer and the generator from the public right-of-way.

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.

West interior side yard setback to allow an electrical transformer and a generator: The Planning Division believes that the granting of the variance would have little impact on congestion of area streets or fire safety, nor would the proposed setback variance be detrimental to welfare or public safety.

VARIANCE - to reduce the required setback between the building and the surface parking lot on the adjacent property to the east from the required 6 feet to approximately 3 feet

Findings as Required by the Minneapolis Zoning Code for the 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.

Setback between building and surface parking: The applicant is seeking a variance to reduce the required setback between the building and the surface parking lot on the adjacent property to the east from the required 6 feet to approximately 3 feet. The applicant has indicated that the site is shaped like a triangle. The shape of the site makes it difficult to accommodate the required amount of parking on the site. If the east building wall was not constructed up to the interior property line the amount of parking would be reduced because a double-loaded parking aisle could not be provided.

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.

Setback between building and surface parking: The Planning Division believes that the shape of the site is a unique circumstance of this parcel of land that warrants the granting of the variance.

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.

Setback between building and surface parking: The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The Planning Division believes that 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 first floor of the proposed building will be primarily used for on-site parking. The upper levels of the building, where the dwelling units are located, will be setback a minimum of ten feet from the interior property line.

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.

Setback between building and surface parking: The Planning Division believes that the granting of the variance would have little impact on congestion of area streets or fire safety, nor would the proposed setback variance be detrimental to welfare or public safety.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- 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 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, windows, and active functions:**
 - **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:**
 - 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.**
 - g. **In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.**
 - **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
 - **Ground floor active functions: Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing 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. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.**

PLANNING DIVISION RESPONSE:

- **The building reinforces the street wall, facilitates pedestrian access and maximizes natural surveillance. The building is set close to the front and corner side property lines, there are entrances and exits at street level that can be accessed by residents and guests and there are large windows on all sides of the building that maximize the opportunities for people to observe adjacent spaces and the public sidewalks.**
- **The building is located up to the front property line along Delaware Street Southeast and ten feet from the corner side property line along Huron Boulevard Southeast. The west property line is both a corner side yard and an interior side yard. The property to the east is irregular in shape. The majority of it is located to the east and south of the subject property but a small portion of it is located on the west side of the subject property. Where the adjacent property abuts the subject property there is an interior side yard setback requirement but where the subject property has frontage on Huron Boulevard Southeast there is a corner side yard setback requirement. The setback requirement for these two yards is different. The corner side yard setback requirement is a**

maximum of eight feet and the interior side yard setback requirement is 15 feet. The applicant is requesting to locate the building 10 feet from the west property line. Given these site characteristics the Planning Division is recommending that the City Planning Commission grant alternative compliance to not require the building be located within eight feet of the corner side property line.

- The area in between the building and the front and corner side property lines will be landscaped.
- The principal entrance to the building is oriented towards Delaware Street Southeast.
- All of the on-site parking will be enclosed.
- The exterior materials of the building will include brick and cement board siding. The cement board siding will be installed in different sizes, shapes and colors. The sides and rear of the building are similar to and compatible with the front of the building.
- The building wall along Delaware Street Southeast is approximately 170 feet in length and the building walls along Huron Boulevard Southeast and the east property line are approximately 180 feet in length. To break up the building walls the applicant has used recesses along both the Delaware Street Southeast and east sides of the building. The applicant has also used building materials in a variety of sizes, shapes and colors. In addition, cornices have been added at different levels of the building and around the roofline of the northwest corner of the building
- There are no areas of the building that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements.
- At least 20 percent of the first or ground floor and at least 10 percent of the upper floors of the building that face a public street, public sidewalk, public pathway, or on-site parking lot are required to be windows. The window requirement pertains to the Delaware Street Southeast and Huron Boulevard Southeast sides of the building. Please note that the minimum window calculation for the first floor of the building is measured between two and ten feet above the adjacent grade. The analysis of the project's compliance with these requirements follows:
 - Delaware Street Southeast: the percentage of windows on the first floor is 29 percent and the percentage of windows on floors two through six is 25 percent
 - Huron Boulevard Southeast: the percentage of windows on the first floor is 30 percent and the percentage of windows on floors two through six is 12 percent. Please note that only 35 feet of the building wall along Huron Boulevard Southeast has actual frontage on the street. The remainder of the building is adjacent to another property.
- The windows are vertical in nature and are evenly distributed along the building walls.
- Seventy-two percent of the building frontage along Delaware Street Southeast contains active functions and 91 percent of the building frontage along Huron Boulevard Southeast contains active functions.
- The principal roof line of the building will be flat. The majority of the buildings within the neighborhood 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.**

PLANNING DIVISION RESPONSE:

- The principal entrance to the building is connected to the public sidewalk via a walkway.
- No transit shelters are proposed as part of this development.
- All of the on-site parking will be enclosed.
- There are no public alleys adjacent to the site.
- There is no maximum impervious surface requirement in the C3A zoning district. According to the materials submitted by the applicant 89 percent of the site will be impervious.

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.**

PLANNING DIVISION RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the entire site is 21,368 square feet. The footprint of the buildings is 18,126 square feet. When you subtract the footprint from the lot size the resulting number is 3,242 square feet. Twenty percent of this number is 648 square feet. According to the information that was submitted there is approximately 2,451 square feet of landscaping on the site or approximately 76 percent of the site not occupied by the building.
- The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement for this site is two and seven respectively. The applicant is providing a total of six canopy trees and 55 shrubs on the site. In addition, the applicant is proposing to plant 12 evergreen trees, one ornamental tree and 325 perennials on the site. The applicant is also proposing to plant six canopy trees in the right-of-way.

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.**

PLANNING DIVISION RESPONSE:

- All of the on-site parking will be enclosed.
- There are no important elements of the city near the site that will be obstructed by the proposed building.
- The applicant has submitted computer-generated shadow studies which are included in this staff report. The shadow study diagrams were done for the winter solstice and the summer solstice in the early morning, at mid-day and in the evening. The shadow study indicates minimal shadowing on the residential building located northwest of the site during the early morning hours.
- This building should have minimal wind effects on the surrounding area.

- The site plan complies with crime prevention design elements as there is a walkway that directs people to the building entrance, there are windows where people can see in and out along all levels of the building and there are lights located near all of the entrances and throughout the grounds.
- This site is neither historically designated nor located in a historic district.

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

ZONING CODE:

- **Use:** Residential uses over five dwelling units require a conditional use permit in the C3A zoning district.
- **Off-Street Parking and Loading:**

Minimum automobile parking requirement: The zoning code requires a minimum of 1.0 parking space per dwelling unit for multiple-family developments. For 75 dwelling units the parking requirement would be 75 spaces. The site is located in a PO Pedestrian Oriented Overlay District. Specifically, the site is located in the University Avenue Southeast and 29th Avenue Southeast Transit Station Area Pedestrian Oriented Overlay. In the Transit Station Area Pedestrian Oriented Overlay the minimum off-street parking requirement for residential uses is 90 percent of what is required in Chapter 541, Off-Street Parking and Loading. Ninety percent of 75 spaces is 68 spaces. In addition, a parking reduction of ten percent may be approved when a shared vehicle is provided on the site. The applicant is proposing to have a shared vehicle on the site so the parking requirement can be reduced an additional seven spaces. After this reduction is applied the minimum parking requirement for the development is 61 spaces. The applicant is proposing to provide a total of 45 parking spaces on the site. The applicant has applied for a variance to reduce the parking requirement.

The site is also located in the UA University Area Overlay District. In this overlay district the off-street parking requirement for residential uses is .5 spaces per bedroom but not less than one space per dwelling unit. With 115 bedrooms the parking requirement would be 58 parking spaces. Since this is less than one space per dwelling unit the other parking calculation applies.

Maximum automobile parking requirement: There is no maximum parking for dwellings in the C3A zoning district.

Bicycle Parking: The bicycle parking requirement for a multiple-family development is one space per two dwelling units. The bicycle parking requirement for this development is 38 spaces. Not less than 90 percent of the required bicycle parking spaces shall meet the standards for long-term bicycle parking. Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. In total, 42 of the required bicycle parking spaces need to be enclosed.

Department of Community Planning and Economic Development – Planning Division
BZZ-4768

In the University Area Overlay District the zoning code requires one bicycle parking spaces per bedroom. There are a total of 115 bedrooms in the development which requires 115 bicycle parking spaces on the site. There will be a total of 115 bicycle parking spaces provided in the parking garage.

Loading: There is no loading space required for this development.

- **Maximum Floor Area:** The maximum FAR in the C3A zoning district is 2.7. Section 548.130 allows a 20 percent density bonus for enclosed parking. Section 551.175 allows the density bonus to be increased to 30 percent when the site is located in a Transit Station Area Pedestrian Oriented Overlay. This development qualifies for the density bonus which, when calculated, would result in a maximum FAR 3.51. The lot in question is 21,368 square feet in area. The applicant proposes a total of 76,681 square feet of gross floor area, an FAR of 3.59. The applicant has applied for a variance to increase the FAR of the building from 3.51 to 3.59 59 (74,984 square feet to 76,681 square feet).
- **Building Height:** Building height in the C3A zoning district is limited to four stories or 56 feet. The applicant has applied for a conditional use permit to increase the height of the building to six stories or 74 feet in height.
- **Minimum Lot Area:** The minimum lot area per dwelling unit in the C3A zoning district is 400 square feet. Section 548.130 allows a 20 percent density bonus for enclosed parking. Section 551.175 allows the density bonus to be increased to 30 percent when the site is located in a Transit Station Area Pedestrian Oriented Overlay. This development qualifies for the density bonus which, when calculated, would result in a minimum lot area of 314 square feet per dwelling unit. With 75 dwelling units on a lot of 21,368 square feet, the applicant proposes 284 square feet of lot area per dwelling unit. The applicant has applied for a variance to reduce the minimum lot area from 314 square feet per dwelling to 284 square feet per dwelling (68 dwelling units to 75 dwelling units).
- **Dwelling Units per Acre:** The site is 21,368 square feet or .49 acres in size. There are 153 dwelling units per acre proposed on the site.
- **Yard Requirements:** The required front yard setback in the C3A zoning district is zero feet except where a street frontage includes property zoned as a residence or office residence district and property zoned as a commercial district, or where a street frontage includes structures used for permitted or conditional residential purposes, a front yard equal to the lesser of the front yard required by such residence or office residence district or the established front yard of such residential structure shall be provided in the commercial district for the first 40 feet from such residence or office residence district boundary or residential property. Although the adjacent dwelling is located 30 feet from the front property line along Delaware Street Southeast the front yard setback in the R6 zoning district is 15 feet so the lesser of the two setbacks is 15 feet. The applicant has applied for a variance to reduce the front yard setback along Delaware Street Southeast from the required 15 feet to zero feet for the first 40 feet west of the east property line.

The corner side yard setback in the C3A zoning district is zero feet. However, the site is located in the Pedestrian Oriented Overlay District which has a maximum setback of eight feet. The applicant has applied for a variance to increase the corner side yard setback along Huron Boulevard Southeast from the maximum setback of 8 feet in the PO Pedestrian Oriented Overlay District to 10 feet.

The interior side yard setbacks in the C3A zoning district are $5+2x$, where x equals the number of stories above the first floor, not to exceed 15 feet. The resulting setback along the east and west interior side yards is 15 feet. The applicant has applied for a variance to reduce the east interior side yard setback from the required 15 feet to zero feet for the first floor of the building and to 10 feet for the upper levels of the building and for a variance to reduce the west interior side yard setback from the required 15 feet to 10 feet.

- **Specific Development Standards:** There are no specific development standards for residential uses.
- **Hours of Operation:** Residential uses are not subject to hours of operation.
- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the C3A zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall. However, if there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 180 square feet in size. Projecting signs are limited to 48 square feet in size. There is no height limitation for either wall signs or projecting signs. Freestanding signs are limited to 80 square feet and can be no taller than 8 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one. The applicant is proposing to have a 15 square foot sign affixed to the top of the canopy over the entrance to the building. The sign will read “SOLHEM”. There will also be a wall sign located on the northwest corner of the building. The sign will be 65 square feet in size and will be located at the top of the building wall. The sign will read “EAST SOLHEM BANK”.
- **Refuse storage:** There will be a trash and recycling room located on the first floor of the building.
- **Lighting:** A lighting plan showing footcandles was not submitted as part of the application materials. The Planning Division is recommending that the final lighting plan conform to the standards of Chapter 535, Regulations of General Applicability.

MINNEAPOLIS PLAN:

This site is located on the southeast corner of Huron Boulevard Southeast and Delaware Street Southeast. The site is located in the Stadium Village Activity Center and the University and 29th Avenue Transit Station Area as designated in *The Minneapolis Plan for Sustainable Growth*. The site is also located one block south of University Avenue Southeast which is a designated Commercial Corridor in *The Minneapolis Plan for Sustainable Growth*. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the site as mixed use. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

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

Department of Community Planning and Economic Development – Planning Division
BZZ-4768

- Support the development of multi-family residential dwellings of appropriate form and scale (Urban Design Policy 10.5).
- Medium-scale, multi-family residential development is more appropriate along Commercial Corridors, Activity Centers, Transit Station Areas and Growth Centers outside of Downtown Minneapolis (Implementation Step for Urban Design Policy 10.5).
- New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level (Urban Design Policy 10.6).
- Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within require setbacks (Implementation Step for Urban Design Policy 10.6).
- Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses (Implementation Step for Urban Design Policy 10.6).
- Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces (Implementation Step for Urban Design Policy 10.6).
- Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level (Implementation Step for Urban Design Policy 10.6).

The Planning Division believes that the development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

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.**
- **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.**

PLANNING DEPARTMENT RESPONSE:

- **The first floor of the building shall be located not more than eight feet from the front lot line. If located on corner lot, the building wall abutting each street shall be subject to this requirement.** The building is located up to the front property line along Delaware Street Southeast

and ten feet from the corner side property line along Huron Boulevard Southeast. The west property line is both a corner side yard and an interior side yard. The property to the east is irregular in shape. The majority of it is located to the east and south of the subject property but a small portion of it is located on the west side of the subject property. Where the adjacent property abuts the subject property there is an interior side yard setback requirement but where the subject property has frontage on Huron Boulevard Southeast there is a corner side yard setback requirement. The setback requirement for these two yards is different. The corner side yard setback requirement is a maximum of eight feet and the interior side yard setback requirement is 15 feet. The applicant is requesting to locate the building 10 feet from the west property line. Given these site characteristics the Planning Division is recommending that the City Planning Commission grant alternative compliance to not require that the entire wall of the building be located within eight feet of the corner side property line.

RECOMMENDATIONS:

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit for a 75-unit residential development located at 2428 Delaware Street 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. There shall be no more than 75 dwelling units in the development.
3. There shall be a shared vehicle provided on site by the developer for the life of the project.

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 findings above and **approve** the conditional use permit to increase the height of the building from 4 stories/56 feet to 6 stories/74 feet located at 2428 Delaware Street Southeast subject to the following conditions:

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

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the minimum lot area requirement per dwelling unit from 314 square feet per dwelling to 284 square feet per dwelling (68 dwelling units to 75 dwelling units) located at 2428 Delaware Street Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to increase the maximum FAR (floor area ratio) of the building from 3.51 to 3.59 (74,984 square feet to 76,681 square feet) located at 2428 Delaware Street Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the required number of off-street parking spaces from 61 to 45 located at 2428 Delaware Street Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the front yard setback along Delaware Street Southeast from the required 15 feet to zero feet for the first 40 feet west of the east property line located at 2428 Delaware Street Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to increase the corner side yard setback along Huron Boulevard Southeast from the maximum setback of 8 feet in the PO Pedestrian Oriented Overlay District to 10 feet located at 2428 Delaware Street Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the east interior side yard setback from the required 15 feet to zero feet for the first floor of the building and to 10 feet for the upper levels of the building located at 2428 Delaware Street Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the west interior side yard setback from the required 15 feet to 10 feet located at 2428 Delaware Street Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the west interior side yard setback from the required 15 feet to 3.5 feet for an electrical transformer and a generator located at 2428 Delaware Street Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the required setback between the building and the surface parking lot on the adjacent property to the east from the required 6 feet to approximately 3 feet located at 2428 Delaware Street Southeast.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for the property located at 2428 Delaware Street Southeast subject to the following conditions:

Department of Community Planning and Economic Development – Planning Division
BZZ-4768

1. The final lighting plan shall conform to the standards of Chapter 535, Regulations of General Applicability.
2. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
3. All site improvements shall be completed by May 24, 2011, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Preliminary Development Review report from April 23, 2010, meeting
2. Statement of proposed use and description of project
3. Responses to the conditional use permit and variance findings
4. April 27, 2010, e-mail to Council Member Gordon
5. April 27, 2010, e-mail to the Prospect Park East River Road Improvement Association
6. Zoning map
7. Site plan, floor plans, elevations and other supporting materials
8. Photos of the site and the surrounding area