

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variance and Site Plan Review
BZZ-5084

Date: March 28, 2011

Applicant: Clement and Lara Haastrup, 2604 Alamo Circle NE, Blaine, MN 55449, (763) 742-0499

Address of Property: 3020, 3024 and 3028 University Avenue SE

Project Name: Prospect Place

Contact Person and Phone: James Mackey, 1723 Lafond Avenue, Saint Paul, MN 55104, (651) 644-0869

Planning Staff and Phone: Becca Farrar, Senior City Planner, (612) 673-3594

Date Application Deemed Complete: February 1, 2011

End of 60-Day Decision Period: April 1, 2011

End of 120-Day Decision Period: On February 25, 2011, Staff sent a letter to the applicant extending the decision period to no later than May 31, 2011.

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

Existing Zoning: OR2 (High Density Office Residence) District, PO (Pedestrian Oriented) Overlay District, and UA (University Area) Overlay District

Proposed Zoning: Not applicable for this development

Zoning Plate Number: 22

Lot area: 18,010 square feet or approximately .41 acres

Legal Description: Not applicable for this development

Proposed Use: Mixed-use building including ground level commercial and 17 dwelling units.

Concurrent Review:

- Conditional Use Permit to allow 17 dwelling units.
- Variance of the front yard setback requirement from 15 feet to 8 feet for the building wall and to 6 feet for balcony encroachments on floors 2-4.
- Site plan review for a new 4-story, 52 foot tall, multi-family residential building located in the OR2 (High Density Office Residence) district and within the PO (Pedestrian Oriented) and UA (University Area) Overlay districts.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, and Chapter 530, Site Plan Review.

Background: The site is currently occupied by three residential structures; a single-family dwelling and two duplexes. The applicant is proposing to demolish all three of the buildings and construct a new four-story, mixed-use development including two ground level commercial spaces and 17 dwelling units located in floors 2-4 of the building with a total of 32 bedrooms. The properties are zoned OR2 with both the PO and UA Overlay Districts. In order to develop the site as proposed a conditional use permit is required to allow 17 dwelling units. Additionally, even though the proposed building is located in a PO, because the property is zoned OR2, the applicant is requesting a variance of the front yard setback requirement along University Avenue SE from 15 feet to 8 feet for the building wall and to 6 feet for proposed balcony encroachments on floors 2-4. Site plan review is also required.

The proposal includes 19 underground parking spaces and 9 surface stalls situated to the side and rear of the building. To access the surface parking lot and underground parking the building has been designed with a partial first floor allowing room for a driveway to pass underneath the building off of University Avenue SE. The ground floor of the structure is proposed to include two commercial spaces, one a possible sit-down restaurant totaling 1,976 square feet and a potential retail space totaling 1,557 square feet. The first floor uses have individual entrances facing the street. The residential lobby is also accessed from the street side.

The following is a summary of the proposed building layout for floors 2-4:

- Second floor – (5) 2 bedroom apartments = 10 total bedrooms
- Third floor – (5) 2 bedroom apartments + (1) 1 bedroom apartment = 11 total bedrooms
- Fourth floor – (5) 2 bedroom apartments + (1) 1 bedroom apartment = 11 total bedrooms

A total of 32 bedrooms in 17 dwelling units are proposed. All units would have one bathroom.

Staff has not received official correspondence from the Prospect Park East River Road Improvement Association (PPERRIA) prior to the printing of this report. All correspondence received prior to the Planning Commission meeting will be forwarded on for consideration.

CONDITIONAL USE PERMIT – to allow 17 dwelling units

Findings as Required by the Minneapolis Zoning Code:

The Department of 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 Planning Division does not believe that constructing a mixed-use building containing 17 dwelling units would be detrimental to or endanger the public health, safety, comfort or general welfare. The surrounding area includes a mixture of uses including offices uses, a variety of commercial establishments and residential developments of varying densities. The proposed mixed-use development will complement the existing uses in the area.

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

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The Planning Division does not believe that a mixed-use 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. Constructing a new mixed-use development, including 17 dwelling units, on the site would provide additional opportunities for housing within the neighborhood. The development will complement the existing uses that surround the site both in form and function.

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

The applicant will continue to work 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 vehicular access, there are currently two curb cuts located along University Avenue SE that provide access to the three dwellings. The applicant is proposing to consolidate the two curb cuts into one located on the west side of the property.

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

Typically, in the OR2 zoning district the zoning code requires 0.9 parking spaces per dwelling unit, 1 parking space per 500 square feet of gross floor area up to 2,000 square feet for a sit-down restaurant and 4 parking spaces for the retail space given it is under 4,000 square feet. The site is located in the University Area (UA) Overlay District, the Pedestrian Oriented Overlay (PO) District and within the University Avenue SE/29th Avenue SE Transit Station Area.

In the UA, the minimum off-street parking requirement for residential uses shall be 1/2 parking space per bedroom but not less than 1 space per dwelling unit. Based on the proposal of 17 units with 32 bedrooms, a minimum of 17 parking spaces would be required for the residential component. Further, in the TSA PO the minimum off-street parking requirement for residential uses shall be 90 percent of the number required by Chapter 541, Off-Street Parking and Loading. Therefore, for the residential component, a total of 15 off-street parking spaces are required. The applicant is proposing 18 conforming parking spaces in an underground parking garage specifically for the residents of the proposed structure. Typically, the bicycle parking requirement for multiple-family dwellings with 5 units or more is one space per two dwelling units; however, the UA requires 1 bicycle parking space per bedroom. A total of 32 bicycle parking spaces shall be provided on the premises for the residents. All bicycle parking spaces shall meet the standards for long-term bicycle parking. Wall-mounted bicycle racks as well as bicycle storage areas are provided in the underground parking garage as well as in a separate first floor storage area.

The non-residential uses proposed for the first floor include a 1,976 square foot sit-down restaurant and a 1,557 square foot retail space. Based on the Chapter 541 requirements listed above, 4 spaces would be required for each of the commercial uses. In the PO the minimum off-street parking requirement for nonresidential uses shall be 75 percent of the number required by Chapter 541, Off-Street Parking and Loading. Therefore, 3 spaces would be required for each of the commercial uses totaling 6 off-street parking spaces. The applicant is proposing 9 surface stalls specifically for the commercial tenants at the interior/rear of the site. The bicycle parking requirement for each of the commercial uses is 3 spaces, or a total of 6 spaces. A minimum of 6 bicycle parking spaces shall be provided on the premises for the commercial tenants; not less than 50% shall meet the standards for short-term bicycle parking.

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

The site is located along University Avenue SE which is a designated Commercial Corridor in this location. This site is also located in the designated University Avenue SE/29th Avenue SE Transit Station Area (TSA). According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation step: (1.1.5) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

Land Use Policy 1.2 of *The Minneapolis Plan for Sustainable Growth* states, “Ensure appropriate transitions between uses with different size, scale, and intensity.” This policy includes the following applicable implementation step: (1.2.1) “Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.”

Land Use Policy 1.3 of *The Minneapolis Plan for Sustainable Growth* states, “Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.” This policy includes the following applicable implementation step: (1.3.2) “Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.”

Land Use Policy 1.8 of *The Minneapolis Plan for Sustainable Growth* states, “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.” This policy includes the following applicable implementation step: (1.8.1) “Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.”

Land Use Policy 1.10 of *The Minneapolis Plan for Sustainable Growth* states, “Support development along Commercial Corridors that enhances the street’s character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

Land Use Policy 1.13 of *The Minneapolis Plan for Sustainable Growth* states, “Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.” This policy includes the following applicable implementation step: (1.13.1) “Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations.”

Urban Design Policy 10.4 of *The Minneapolis Plan for Sustainable Growth* states, “Support the development of residential dwellings that are of high quality design and compatible with surrounding development.” This policy includes the following applicable implementation steps: (10.4.1) “Maintain and strengthen the architectural character of the city’s various residential neighborhoods; and (10.4.2) Promote the development of new housing that is compatible with existing development in the area and the best of the city’s existing housing stock.”

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Urban Design Policy 10.8 of *The Minneapolis Plan for Sustainable Growth* states, “Strengthen the character and desirability of the city's urban neighborhood residential areas while accommodating reinvestment through infill development.”

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

In February of 2007, the Minneapolis City Council adopted the *University Avenue SE/29th Avenue SE Development Objectives and Design Guidelines*. The development objectives identify areas along University Avenue SE where redevelopment can occur and where growth can be accommodated. The design guidelines document translates the city's existing zoning code and the neighborhood's design preferences into a visual guide for prospective developers. It provides design guidance in terms of the general built form as well as guidance for site development. The document breaks out items by topic and covers basic site plan principles such as building placement, window coverage and entries as well as specific elements such as materials, awnings, retaining walls, and franchise architecture. As a follow-up to this plan a rezoning study of the area was completed. In June of 2007, the City Council adopted the PO Pedestrian Oriented Overlay District for the proposed University Avenue SE and 29th Avenue SE Transit Station Area.

In the *University Avenue SE/29th Avenue SE Development Objectives and Design Guidelines* the site is called out as a redevelopment opportunity site. Specifically, this site is earmarked for mixed-use development. According to the principles and policies found in the *University Avenue SE/29th Avenue SE Development Objectives* the following apply to this proposal:

- Throughout the corridor, encourage residential ownership and rental, as well as a variety of unit and building types, to accommodate a wide variety of income levels, life styles and life cycles
- Concentrate employment and housing densities adjacent to transit station areas.
- Orient buildings to the street and place buildings close to the sidewalk. Setbacks should be no more than eight feet (for landscaping and pedestrian activity, not for cars) Building placement should reinforce the street wall.
- Create a mix of land uses that will generate increase transit ridership in terms of both volume and pattern.
- Be creative and flexible in the vertical and horizontal mixing of uses.
- Promote mixed uses to create economic spin-off.

The Planning Division believes that the proposed development is in conformance with the above policies/principles of the *University Avenue SE/29th Avenue SE Development Objectives*. It is noteworthy to mention that the site could accommodate a higher density project; the proposal allows for a medium density development and plans call for high density in this location.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

If all land use/zoning applications are approved, including the conditional use permit, variance and site plan review, the proposal would appear to comply with all applicable provisions of the OR2 District and the UA and TSA PO standards.

VARIANCE - to reduce the front yard setback along University Avenue SE from the required 15 feet to 8 feet for the proposed building wall and to 6 feet for balcony encroachments on floors 2-4.

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.

The applicant is seeking a variance to reduce the front yard setback from the required 15 feet to 8 feet for the proposed building and to 6 feet for balcony encroachments on floors 2-4. The setback requirement in the PO is not more than eight feet from the front lot line, except where a greater yard is required by the zoning ordinance. The OR2 zoning district has a 15-foot front yard setback requirement. The majority of the buildings on the block face are located close to the front property line along University Avenue SE. The one building that has a significantly greater setback from the front property line is the adjacent building to the west which is a detached storage building that is approximately 550 square feet in size and is located at the back of the lot. There is a surface parking area between it and the front property line. Please note that all of the buildings on the block face are commercial in nature. Allowing a yard reduction in this circumstance is consistent with adopted policy.

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 site is unique in that the majority of the buildings (with the exception of the detached storage building on the adjacent lot to the west) along this segment of University Avenue SE that share the same block face are located close to the front property line. The existing built form along this corridor has not been created by any persons presently having an interest in the property. The reduction in the front yard setback will allow for a structure that reinforces the street wall and maintains a consistent street edge along University Avenue SE and is consistent with adopted policy for the area.

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 Planning Division believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance. Constructing this building 15 feet from the front property line would be out of character for the area. In addition, the *University Avenue SE/29th Avenue SE Transit Corridor Design Guidelines*, which were adopted by the City Council in February of 2007, calls for the placement of buildings to be located so as to “maintain and reinforce a consistent street edge and to focus attention on University Avenue, 4th Street SE, 29th and Malcolm”. Further the plan states “orient buildings to the street and place buildings close to the sidewalk. Setbacks should be no more than eight feet (for landscaping and pedestrian activity, not for cars) Building placement should reinforce the street wall.

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 Planning Division believes that the granting of the front yard setback variance would likely have no 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.

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.**
- **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.**

The building reinforces the street wall, facilitates pedestrian access and maximizes natural surveillance. The building is situated close to the property lines; the first floor entrances are connected to the public sidewalk along University Avenue SE via a series of walkways; there are large windows that allow views in and out along all levels of the building and the individual dwelling units have balconies that will allow residents to observe adjacent spaces and public sidewalks. The first floor of the building is required to be located within eight feet of the property line except where a greater yard is required by the zoning ordinance. In the OR2 zoning district the front yard setback is 15 feet. The applicant is seeking a variance to reduce the front yard setback from the required 15 feet to eight feet for the building wall and to 6 feet for the proposed balcony encroachments on floors 2-4. The area in between the building and the front property line will contain walkways and landscaping. All of the parking spaces are located either underground or within the surface parking lot situated to the side and rear of the proposed building.

In addition to the window requirements in Chapter 530, Site Plan Review, all properties located within a designated PO Pedestrian Oriented Overlay District are subject to the provisions of Chapter 551, Overlay Districts. The PO Pedestrian Oriented Overlay District requires that at least 40 percent of the first floor facade of any nonresidential use that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level. This requirement applies to the University Avenue SE side of the building. For the rest of the building at least 30 percent of the first floor of the building facing the on-site parking area and at least 10 percent of the upper floors of the building facing University Avenue SE and the on-site parking area are required to be windows. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active

uses located along public streets. The analysis of the project's compliance with these requirements follows:

- University Avenue SE: The percentage of windows provided on the first floor is approximately 46% which exceeds the minimum of 40% required.
- South wall facing the on-site parking area: The percentage of windows on the first floor of the building is approximately 18%. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission require compliance with this provision as it would be practical to include additional windows to meet this requirement.
- West wall facing the on-site parking area: Only the first floor of the building faces the on-site parking area as the upper three floors of the building are located over the parking area. The percentage of windows on the first floor of the building is 42% which exceeds the minimum requirement of 30%.

The proposed development meets the 10% window requirement on each floor above the first floor that faces the public street and public sidewalk. The windows in the building are vertical in nature and are more or less evenly distributed along the building walls.

The building complies with the active functions provision as outlined above.

The exterior materials and appearance of the rear and side walls of the proposed building would be similar to and compatible with the front of the building. The materials on the proposed structure would include brick, stone and stucco. The proposed building incorporates architectural elements including recesses and projections, windows and entries. There are no blank uninterrupted walls that exceed 25 feet in width on any of the elevations. The principal roof line of the building will be flat. In the area both pitched roofs and flat roofed buildings can be found.

The parking proposed for the development is accessed via a curb-cut off of University Avenue SE. There are a total of 18 conforming parking stalls proposed in the underground parking garage for residents of the proposed structure. A total of 9 surface stalls are proposed in the parking lot located to the interior/rear of the site. These spaces are for the proposed commercial uses that would be located in the first floor of the structure. The accessible parking space will need to be relocated as the striped area is partially obstructed by a portion of the building.

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.

The first floor entrances are connected to the public sidewalk along University Avenue SE via a series of walkways that are greater than 4 feet in width. There is a sidewalk that runs along the south and east side of the building as well.

No transit shelters are proposed as part of this development; however, this site will be approximately a block from the 29th and University Ave SE LRT stop.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. The parking areas are accessed via a singular curb cut along University Avenue SE; curb cuts to the site have been minimized.

There are no public alleys adjacent to the site.

The maximum impervious surface requirement in the OR2 zoning district is 85 percent. According to the applicant's submittal, 70% of the site is 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.

The zoning code requires that at least 20% of the site not occupied by the building be landscaped. The lot area of the site is 18,010 square feet. The footprint of the building is 5,480 square feet. When you subtract the footprint from the lot size the resulting number is 12,530 square feet.; 20% of this number is 2,506 square feet. According to the applicant's landscaping plan there is 5,479 square feet of landscaping on the site or approximately 44% 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. The tree and shrub requirement for this site is 5 trees and 25 shrubs. The applicant is proposing to plant 5 canopy trees, 2 ornamental trees and 11

shrubs on the site. Alternative compliance is required for the quantity of shrubs proposed. Planning Staff will recommend that the Planning Commission require compliance with this provision. In addition, the applicant is proposing to plant three ornamental trees, additional shrubs and ornamental grasses in the public boulevard area between the front property line and the sidewalk.

A seven-foot wide landscaped yard is required between the parking area and the east, south and west sides of the property. The applicant is providing a seven foot wide yard along all three property lines; however, it is not landscaped in compliance with the Zoning Code. Additionally, screening equal to 95 percent opacity is required in the landscaped area between the parking area and the east, south and west sides of the property. The current plan is not meeting these requirements and alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission require that the landscaping plan be revised to meet both of these provisions.

In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. The applicant is proposing a total of 9 spaces in the surface parking lot.

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.**

The surface parking area will be designed so stormwater runoff from this area drains towards the green space in the southwest corner of the site.

Staff would not expect the proposal to result in the blocking of significant views. The proposed structure would be expected to have minimal shadowing impacts on adjacent properties, however, not on public spaces. The proposed structure would also be expected to have some minimal impacts on light, wind and air in relation to the surrounding area as well.

The site plan complies with crime prevention design elements as there are walkways that direct people to the building entrances, there are windows where people can see in and out along all levels of the building, the individual dwelling units have balconies where people will be able to sit and observe adjacent spaces and public sidewalks and there are lights located near all of the pedestrian entrances and throughout the site.

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 - The proposed use of the site is conditional in the OR2 District. If all land use/zoning applications are approved, including the conditional use permit, variance, and site plan review, the proposal would comply with all applicable provisions of the OR2 District, PO and UA Overlay Districts.

Parking and Loading:

Minimum automobile parking requirement: Typically, in the OR2 zoning district the zoning code requires 0.9 parking spaces per dwelling unit, 1 parking space per 500 square feet of gross floor area up to 2,000 square feet for a sit-down restaurant and 4 parking spaces for the retail space given it is under 4,000 square feet. The site is located in the University Area (UA) Overlay District, the Pedestrian Oriented Overlay (PO) District and within the University Avenue SE/29th Avenue SE Transit Station Area.

In the UA, the minimum off-street parking requirement for residential uses shall be 1/2 parking space per bedroom but not less than 1 space per dwelling unit. Based on the proposal of 17 units with 32 bedrooms, a minimum of 17 parking spaces would be required for the residential component. Further, in the TSA PO the minimum off-street parking requirement for residential uses shall be 90 percent of the number required by Chapter 541, Off-Street Parking and Loading. Therefore, for the residential component, a total of 15 off-street parking spaces are required. The applicant is proposing 18 conforming parking spaces in an underground parking garage specifically for the residents of the proposed structure.

The non-residential uses proposed for the first floor include a 1,976 square foot sit-down restaurant and a 1,557 square foot retail space. Based on the Chapter 541 requirements listed above, 4 spaces would be required for each of the commercial uses. In the PO the minimum off-street parking requirement for nonresidential uses shall be 75 percent of the number required by Chapter 541, Off-Street Parking and Loading. Therefore, 3 spaces would be required for each of the commercial uses totaling 6 off-street parking spaces. The applicant is proposing 9 surface stalls specifically for the commercial tenants at the interior/rear of the site.

Maximum automobile parking requirement: The maximum automobile parking provision is not applicable for the residential component of the development.

For the non-residential components, based on the proposed 1,976 square foot sit-down restaurant, the maximum parking requirement would be 1 space per 75 feet of gross floor area or 26 spaces; the 1,557 square foot retail component would be 1 space per 200 square feet of gross floor area or 8 spaces. The total maximum automobile parking requirement for both tenants would be 32 spaces. When applying the PO reduction that reduces the minimum off-street parking requirement for nonresidential uses to 75% of this number, the maximum parking requirement would be 26 spaces. The applicant is providing a total of 9 surface stalls for the commercial component.

Bicycle parking requirement: Typically, Chapter 541 would require a total of one space per two units for residential developments with 5 units or more, however, due to the location of the property within the UA Overlay District, at least one bicycle parking space per bedroom must be provided. Based on the proposal to include a total of 32 bedrooms, 32 bicycle parking spaces would be required. The applicant is proposing to install a total of 32 secured bicycle parking spaces within the underground parking garage and within a bike storage area which meets the UA Overlay District requirement. Not less than 90% of the required bicycle

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parking shall meet the standards for long-term bicycle parking. Wall-mounted bicycle racks as well as bicycle storage areas are provided in the underground parking garage as well as in a separate first floor storage area. The long-term bicycle standards are as follows:

- *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. With permission of the zoning administrator, long-term bicycle parking spaces for non-residential uses may be located off-site within three hundred (300) feet of the site.*

Based on the Chapter 541 standards, the bicycle parking requirement for each of the commercial uses is 3 spaces, or a total of 6 spaces. A minimum of 6 bicycle parking spaces shall be provided on the premises for the commercial tenants; not less than 50% shall meet the standards for short-term bicycle parking. These spaces are located adjacent to the public sidewalk along University Avenue SE. Not less than 50% of the required bicycle parking shall meet the standards for short-term bicycle parking which are as follows:

- *“Required short-term bicycle parking spaces shall be located in a convenient and visible area within fifty (50) feet of a principal entrance and shall permit the locking of the bicycle frame and one (1) wheel to the rack and shall support a bicycle in a stable position without damage to the wheels, frame or components. With the permission of the city engineer, required bicycle parking may be located in the public right-of-way. Public bicycle parking spaces may contribute to compliance with required bicycle parking when located adjacent to the property in question.”*

Loading: There is no loading requirement for residential dwellings under 100 units. There is no loading requirement for either of the commercial uses as 20,000 square feet is the threshold for “Low” rated uses.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The development complies with this provision as there is a trash and recycling room located within the building.

Hours of Operation: Residential uses are not subject to hours of operation. The hours of operation for the commercial uses in the building are 7 am to 10 pm Sunday through Thursday and 7 am to 11 pm Friday and Saturday.

Signs: All signs will be expected to comply with Chapter 543 of the Zoning Code. Any new signage requires a separate permit from the Zoning Office.

Lighting: The applicant is proposing to install decorative pedestrian and wall mounted light fixtures throughout the site. A photometric plan was not submitted as part of the application and will be required with the final submittal. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

Maximum Floor Area: The maximum F.A.R. for the proposed uses within the OR2 district is the gross floor area of the building which would be approximately 28,520 square feet divided by the area of the lot which is 18,010 square feet. The outcome is 1.58 which is less than the maximum of 2.5 that is permitted in the OR2 District. In the PO/TSA Overlay District the minimum FAR is 1.0. The proposal is in compliance with this requirement.

Minimum Lot Area: The minimum lot area per dwelling unit in the OR2 zoning district is 700 square feet. With 17 proposed dwelling units on a lot of 18,010 square feet, the applicant proposes 1,059 square feet of lot area per dwelling unit.

Dwelling Units per Acre: With 17 dwelling units on a site having 18,010 square feet of lot area, the proposal would include approximately 41 dwelling units per acre.

Height: Maximum building height for principal structures located in the OR2 district is 4 stories or 56 feet, whichever is less. The proposed new construction would be 4 stories or 52 feet tall.

Yard Requirements: The required yards are as follows:

- *Front yards– University Avenue SE* = 15 feet
- *Interior side yard/rear yard (5+2x):* 11 feet

Building coverage: The maximum building coverage in the OR2 district is 70 percent. Buildings would cover approximately 30 percent of the site.

Impervious surface area: The maximum impervious surface coverage in the OR2 district is 85 percent. Impervious surfaces would cover approximately 70 percent of the site.

MINNEAPOLIS PLAN:

See the above listed response to finding #5 in the conditional use permit application. The policies and implementation steps outlined apply to the proposed site plan review application as well.

Conformance with Applicable Development Plans or Objectives Adopted by the City Council:

See the above listed response to finding #5 in the conditional use permit application. The policies/principles outlined specific to the *University Avenue SE/29th Avenue SE Development Objectives and Design Guidelines* apply to the proposed site plan review application as well.

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.

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

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- 30% window requirement: At least 30% of the first floor of the building facing the on-site parking area is required to be windows. The south wall facing the on-site parking area doesn't comply with the window requirement. The percentage of windows on the first floor of the building is approximately 18%. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission require compliance with this provision as it would be practical to include additional windows to meet this requirement.
- Landscape quantities: 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. The tree and shrub requirement for this site is 5 trees and 25 shrubs. The applicant is proposing to plant 5 canopy trees, 2 ornamental trees and 11 shrubs on the site. Alternative compliance is required for the quantity of shrubs proposed. Planning Staff will recommend that the Planning Commission require compliance with this provision.
- Screening requirement: A seven-foot wide landscaped yard is required between the parking area and the east, south and west sides of the property. The applicant is providing a seven foot wide yard along all three property lines; however, it is not landscaped in compliance with the Zoning Code. Additionally, screening equal to 95 percent opacity is required in the landscaped area between the parking area and the east, south and west sides of the property. The current plan is not meeting these requirements and alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission require that the landscaping plan be revised to meet both of these provisions.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for 17 dwelling units (with a total of 32 bedrooms) located on the properties at 3020, 3024 and 3028 University Avenue SE subject to the following conditions:

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

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 from the required 15 feet to 8 feet for the building and to 6 feet for balcony encroachments on floors 2-4 located on the properties at 3020, 3024 and 3028 University Avenue SE.

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

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The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for a new 4-story, mixed-use development including 17 dwelling units (32 bedrooms) on the properties located at 3020, 3024 and 3028 University Avenue SE subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans.
2. All site improvements shall be completed by March 28, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. No rock mulch shall be permitted on the final landscape plan.
4. The landscape plan shall be revised to meet the quantities required by Section 530.160 of the Zoning Code.
5. A landscaped yard and screening equal to 95 percent shall be provided in the landscaped area between the parking area and the east, south and west sides of the property as required by Section 530.170 of the Zoning Code.
6. The accessible parking space located within the surface parking lot shall be relocated so that no portion of the accessible space is obstructed by the building wall.
7. Planning Staff shall work with the applicant to accommodate streetscape landscaping and improvements consistent with the approved Central Corridor LRT plans.
8. All bicycle parking shall be provided that meets the requirements outlined in Section 541.180 of the Zoning Code.

Attachments:

1. Statement of proposed use and description of the project
2. Conditional use permit and variance findings
3. Correspondence
4. Zoning Map
5. Civil drawings, site plan, landscaping plans, floor plans and elevations
6. Photographs of the site
7. PDR notes