

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permits, Variances and Site Plan Review
BZZ – 3276

Date: November 13, 2006

Applicant: Hub Management Company, Inc.

Address of Property: 2828 and 2910 University Avenue Southeast

Project Name: M Flats

Contact Person and Phone: Karl Bozicevich, (651) 770-5250

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

Date Application Deemed Complete: October 19, 2006

End of 60-Day Decision Period: December 18, 2006

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

Existing Zoning: C2 Neighborhood Corridor Commercial District

Proposed Zoning: Not applicable

Zoning Plate Number: 22

Legal Description: Not applicable

Proposed Use: Mixed use building with 110 dwelling units.

Concurrent Review:

Conditional use permit to allow 110 dwelling units.

Conditional use permit to increase the maximum allowed height of a building from 4 stories to 5 stories and 56 feet to 67 feet.

Variance to increase the maximum floor area ratio from 2.06 to 2.4.

Variance to reduce the interior side yard requirement along the southeast property line from 15 feet to 13 feet to allow a 5-story building with a side entrance.

Variance to reduce the minimum lot size requirement from 756.3 square feet to 632.6 square feet (16.4 percent).

Site plan review.

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Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, specifically Section 525.520(1) “To vary the yard requirements”, Section 525.520(2) “To vary the lot area or lot width requirement up to 30 percent” and Section 525.520(3) “To vary the floor area ratio requirements of a structure or use.”; and Chapter 530, Site Plan Review.

Background: The applicant proposes to construct a new mixed use building with 110 dwelling units at the properties of 2828 and 2910 University Avenue Southeast. The site is located on the westerly corner of University Avenue and Arthur Avenue Southeast. The area south of the site is predominantly residential. Uses along University Avenue and north of the site are mostly commercial or industrial. The site currently consists of a vacant car wash facility and an industrial office building. The applicant has indicated that this project would be constructed in two phases. In the first phase, a 5-story building with a ground floor retail space and 110 dwelling units is proposed. Enclosed parking would be provided on the first floor and lower level. For the second phase, the applicant has indicated that the property of 2900 University Avenue Southeast would be incorporated into the development. They would also propose an increase in the number of dwelling units from 110 to 147 if the site is zoned C2, but not increase the bulk of the building proposed in the Phase I review.

In the C2 district, a building with 5 or more dwelling units is a conditional use. The building would have 5 stories. In the C2 district, the maximum height is limited to 4 stories or 56 feet, whichever is less. A conditional use permit is required to increase the height. Site plan review is also required for any new use with 5 or more dwelling units.

A variance is required to exceed the maximum floor area ratio. The maximum FAR allowed in the C2 District is 1.7. The applicant qualifies for a 20 percent density bonus for providing all required parking within the building. Therefore the maximum FAR increases to 2.04. The building would have a total of FAR of 2.4, which requires a variance.

A variance is required to reduce the minimum lot area requirement for the number of dwelling units proposed. The proposed lot size is 69,584 square feet. The minimum lot area requirement in the C2 district is 900 square feet per dwelling unit, or 99,000 square feet for 110 units. The applicant qualifies for a 20 percent density bonus for providing enclosed parking in the building. With the density bonus, the minimum lot size is 756.3 square feet per unit, or 83,193 square feet for 110 units. The applicant is requesting a variance to reduce the minimum lot size by 16.4 percent.

An interior side yard is required along the southeast lot line perpendicular to Williams Avenue Southeast. The minimum interior side yard requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor. A five-story building is proposed, therefore the minimum requirement is 13 feet. However, where an entrance for a multiple-family dwelling faces a side lot line, a 15 foot interior side yard is required. The building would be set back at 13 feet with a principal entrance facing the side lot line. The applicant is requesting a variance to allow the door and building to be located closer than the 15 foot minimum.

Because the property of 2910 University Avenue Southeast was formerly used for a car wash, the applicant had the soil tested for contamination. Information provided in a Soil Contamination Monitoring Plan and Soil Vapor Intrusion Response Action Plan indicate that contaminated groundwater

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would be approximately four feet below the floor of the lower garage level. The objectives of the plans are to monitor and control petroleum vapors that could potentially enter the building.

As of writing this staff report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMITS: 1) to allow 110 dwelling units, and 2) to increase the maximum height of a principal structure from 4-stories to 5-stories and 56 feet to 67 feet.

Findings as required by the Minneapolis Zoning Code:

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

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

Dwellings: Construction of a multifamily residential building on the site should not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

Height: Construction of a five story building on the site should not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

2. Will be injurious to the use and enjoyment of other property in the vicinity and will impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

Dwellings: The surrounding area is fully developed. The development of this site for residential use should have a positive effect on surrounding properties.

Height: The scale and massing of the proposed structure could have negative effects for surrounding properties. Along University Avenue, the proposed height of the structure would be 59 to 67 feet above grade. This building wall is almost 360 feet long setback 0 to 7 feet from the property line. The grade of the site slopes down towards University Avenue. As a result, the building appears to be 6 stories. Staff believes the scale and massing of the proposed building would likely inhibit light from reaching the public sidewalk and street along University Avenue casting a large, uninterrupted shadow during most of the daylight hours. The commercial property to the west of the site would have less access to light because it is at a lower grade level. The increase in height is also triggering the need for variances to make exceptions to the maximum floor area ratio and minimum lot area requirement.

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

Dwellings and Height: The site is served by existing infrastructure. Vehicle access would be from Arthur Avenue. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design

of improvements in or over the public right of way. The final plan must indicate all drainage patterns, including roof drains.

4. Adequate measures have not been or will not be provided to minimize traffic congestion in the public streets.

Dwellings and Height: The minimum parking requirement for the proposed development is 114 spaces. The applicant is proposing a total 183 vehicle parking spaces. The development should have little effect on congestion in the streets.

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

Dwellings and Height: The site is adjacent to University Avenue, which is designated as a community corridor by *The Minneapolis Plan*. According to the principles and policies outlined in the plan, the following apply to this proposal:

4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

Applicable Implementation Step

Strengthen the residential character of Community Corridors by developing appropriate housing types that represent variety and a range of affordability levels.

Promote more intensive residential development along these corridors where appropriate.

4.11 Minneapolis will improve the availability of housing options for its residents.

Applicable Implementation Steps

Increase the variety of housing styles and affordability levels available to prospective buyers and renters.

Provide and maintain moderate and high-density residential areas.

Promote the development of housing suitable for people and households in all life stages, and that can be adapted to accommodate changing housing needs over time.

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

Applicable Implementation Steps

Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.

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

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

Applicable Implementation Steps

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

Staff comment: The applicant proposes a density of almost 69 dwelling units per acre, which is considered high density. This amount of density can be appropriate on a community corridor by allowing the city to increase its supply and diversity of housing types. However, the increased height combined with the proposed length of the building could negatively affect the pedestrian street-level environment along University Avenue. This length of building wall is almost 360 feet long setback 0 to 7 feet from the property line. The height is between 59 and 67 feet measured from the sidewalk grade. The grade of the site slopes down towards University Avenue. As a result, the building appears to be 6 stories. Staff believes the scale and massing of the proposed building would likely inhibit light from reaching the public sidewalk and street along University Avenue casting a large, uninterrupted shadow during most of the day. If the height of the building were reduced, the number of units could also decrease. For these reasons, the height and density would not be consistent with the policies of the comprehensive plan.

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

Dwellings: The use of the site for 110 dwelling units would conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permits, variances, and site plan review.

Height: The use of the site for a 5-story mixed use building would conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permits, variances, and site plan review.

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

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

Along University Avenue, the proposed height of the structure would be 59 and 67 feet above grade. This length of building wall is almost 360 feet long setback 0 to 7 feet from the property line. The grade of the site slopes down towards University Avenue. As a result, the building appears to be 6 stories. Staff believes the scale and massing of the proposed building would likely inhibit light from reaching the public sidewalk and street along University Avenue casting a large, uninterrupted shadow during most of the daylight hours. The commercial property to the west of the site would have less access to light because it is at a lower grade level.

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

The applicants did not submit a shadow study as part of this application. Along University Avenue, the proposed height of the structure would be 59 and 67 feet above grade. This length of building wall is almost 360 feet long setback 0 to 7 feet from the property line. The grade of the site slopes down towards University Avenue. As a result, the building appears to be 6 stories. Staff believes the scale and massing of the proposed building would likely inhibit light from reaching the public sidewalk and street along University Avenue casting a large, uninterrupted shadow during most of the daylight hours. Setting the upper floors back or dividing the building into smaller identifiable sections could reduce these effects. The building should not significantly shadow any nearby residential properties.

(3) The scale and character of surrounding uses.

The height of other residential buildings in the area is typically one, two or three stories. Where the site abuts Williams Avenue, the adjacent residences are two story structures. A five story structure on Williams Avenue is not consistent with the scale or character of the other residences in the immediate vicinity. Along this street, the applicant could reduce the building height to 2 stories and step back to 5 stories where it is less visible to better reflect the character of the adjacent residences. Commercial buildings in the area range in height from one to 10 stories. Several commercial buildings are approximately the same length as the proposed building. However, they are not more than 2 stories in height. The scale of the building would not be in character with surrounding uses.

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

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

VARIANCES: 1) to increase the maximum floor area ratio from 2.06 to 2.4; 2) to reduce the interior side yard requirement along the southeast property line from 15 feet to 13 feet to allow a 5-story building with a side entrance; and 3) to reduce the minimum lot size requirement from 756.3 square feet to 632.6 square feet (16.4 percent).

Findings as required by the Minneapolis Zoning Code:

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

FAR: The applicant is proposing to establish approximately 166,776 square feet of floor area for a mixed use building on a 69,584 square foot lot. This is a floor area ratio of 2.4. The maximum FAR allowed in the C2 District is 1.7. The applicant qualifies for a 20 percent density bonus for providing all required residential parking within the building increasing the maximum FAR to 2.04. Therefore without a variance, approximately 141,950 square feet of floor area would be allowed. The zoning code allows an additional 20 percent density bonus if 50 percent of the gross floor area of the ground floor is devoted to commercial uses. Please note, parking is not

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included in gross floor area calculations. The applicant is proposing a retail tenant space approximately 1,600 square feet in area, which is 12.4 percent of the gross floor area of the ground floor. If the applicant provided at least 6,500 square feet of commercial area, the maximum allowed FAR would increase to 2.38. Thus, the proposed FAR exceeds the amount that would be allowed even if the project qualified for two bonuses. Further, the applicant is requesting a conditional use permit to increase the maximum allowed height of the building and a variance to reduce the minimum lot area. If the applicant reduced the number of units and height of the building, the floor area ratio variance could be eliminated. The property can be put to a reasonable use without increasing the FAR to 2.4.

Interior side yard to allow an entrance and building: An interior side yard is also required along the southeast lot line perpendicular to Williams Avenue Southeast. The minimum interior side yard requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor. A five-story building is proposed, therefore the minimum requirement is 13 feet. However, where an entrance for a multiple-family dwelling faces a side lot line, a 15 foot interior side yard is required. The building would be set back at 13 feet with a principal entrance facing the side lot line. The applicant has indicated that the doorway is for emergency egress only. Because the required width of the side yards is determined by the height of the building unless an entrance is proposed, the height could be reduced to 4 stories as allowed by the zoning district. The minimum side yard requirement along the northwesterly property line would be reduced to 11 feet. The building could then be shifted two feet to the west to increase the southeasterly side yard to 15 feet eliminating the need for the variance.

Minimum lot area: The proposed lot size is 69,584 square feet. The minimum lot area requirement in the C2 district is 900 square feet per dwelling unit, or 99,000 square feet for 110 units. The applicant qualifies for a 20 percent density bonus for providing enclosed parking in the building. With the density bonus, the minimum lot size is 756.3 square feet per unit, or 83,193 square feet for 110 units. Thus, even after consideration of the qualifying density bonus, the project is 13,000 square feet below the minimum lot area requirement. The applicant is requesting a variance to reduce the minimum lot size by 16.4 percent and proposes to provide 632 square feet per dwelling unit. The zoning code allows an additional 20 percent density bonus if 50 percent of the gross floor area of the ground floor is devoted to commercial uses. Please note, parking is not included in gross floor area calculations. The applicant is proposing a retail tenant space approximately 1,600 square feet in area, which is 12.4 percent of the gross floor area of the ground floor. If the applicant provided at least 6,500 square feet of commercial area, the number of allowed units would increase to 107. The applicant is also requesting a conditional use permit to increase the maximum allowed height of the building and a variance to increase the maximum floor area ratio. If the building size was reduced leaving room for fewer units, the variance to reduce the minimum lot area requirement could be eliminated. The property can be put to a reasonable use without granting the variance.

- 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.**

FAR: The site is located on University Avenue, which is designated as a community corridor by the comprehensive plan. It is also less than one mile from the University of Minnesota. However, there are no unique circumstances associated with this parcel that would justify the proposed exception to the maximum permitted FAR.

Interior side yard to allow an entrance and the building: The site is odd shaped closely resembling an “L”. Where the side entrance is located, the lot width is 98 feet wide. The size and shape of the lot can be restrictive for a multifamily dwelling with enclosed parking. The footprint of the building is dictated by the minimum size requirements of the enclosed parking. However, the required width of the side yards is determined by the height of the building. If the height were reduced to 4 stories as allowed by the zoning district, the minimum side yard requirement along the northwesterly property line would be reduced to 11 feet. The building could then be shifted two feet to the west to increase the southeasterly side yard to 15 feet eliminating the need for the variance. The circumstances have been created by the applicant.

Minimum lot area: The site is located on University Avenue, which is designated as a community corridor by the comprehensive plan. It is also less than one mile from the University of Minnesota. However, there are no unique circumstances associated with this parcel that would justify the proposed exception to the minimum lot area requirement.

- 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.**

FAR: Building bulk requirements are established to provide for the orderly development and use of land and to minimize conflicts among land uses. The applicant is requesting a conditional use permit to increase the maximum allowed height of the building and a variance to reduce the minimum lot area. The potential impacts of those requests are linked to the variance to increase the maximum floor area ratio. Therefore, the scale of the building would not be in character with surrounding uses. A five story structure on Williams Avenue is not consistent with the scale or character of the other two story residences in the immediate vicinity. Commercial buildings in the area range in height from one to 10 stories. Several commercial buildings are approximately the same length as the proposed building. However, they are not more than 2 stories in height. Staff believes the scale and massing of the proposed building would likely inhibit light from reaching the public sidewalk and street along University Avenue casting a large, uninterrupted shadow during most of the daylight hours. Complying with the maximum floor area ratio could reduce these effects.

Interior side yard to allow an entrance and the building: In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The building would be set back between 13 and 18 feet with one principal entrance facing the side lot line. The applicant has indicated that the doorway is for emergency egress only. If the yard requirement were based on the height of the building adjacent to the yard and no side entrances were proposed, only 13 foot set back would be required. Therefore, the proposed building would not have any more affect on light and air than

a building complying with the yard requirement for a 5-story building. The purpose of the side entrance should have little effect on the adjacent residences and would be in keeping with the intent of the ordinance.

Minimum lot area: Lot area requirements are established to provide for the orderly development and use of land and to minimize conflicts among land uses. Sufficient parking would be provided for the use. Although the number of units proposed should have little effect on the surrounding units, the proposed density inadvertently contributes to the likely negative effects of the proposed height and floor area.

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

FAR variance: The CPED Department does not expect that granting the variance would affect public safety. Allowing an increase in the floor area ratio could adversely increase congestion in the area if it is needed for the number of units proposed.

Interior side yard variance to allow the building and entrance: The CPED Department does not expect that granting the variance would affect congestion or public safety.

Lot area variance: The CPED Department does not expect that granting the variance would affect public safety. Allowing additional dwelling units could increase congestion in the area.

SITE PLAN REVIEW

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

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

Section A: Conformance with Chapter 530 of the Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- **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.**

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- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
 - For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
 - In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
 - Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
 - Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
 - The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
 - The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
 - Entrances and windows:
 - Residential uses:

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

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

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.
- Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
- The form and pitch of roof lines shall be similar to surrounding buildings.
 - Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

Conformance with above requirements:

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The building would reinforce the street wall on University Avenue, Williams Avenue and Arthur Avenue. Windows would be provided on most walls at ground level to provide natural surveillance and visibility. The exception is a section of wall along University Avenue. This wall is adjacent to the parking garage between the main residential entrance and the retail space. It is almost a full-exposed story with no windows. Windows should be provided for natural surveillance and to break up a blank façade. A pedestrian walkway would connect the public to the main building entrances to facilitate pedestrian access from the University Avenue sidewalk. However, the surface parking area is not located next to an entrance. To comply with accessibility requirements, the shortest, most direct route within the site must connect accessible parking spaces to an entrance. The proposed layout would not comply. The applicant should locate a common residential entrance at the rear of the building to provide convenient access to the surface parking area.

The building would be set back between 0 and 7 feet along University Avenue and between 0 and 5 feet along Arthur Avenue. Along Williams Avenue, the building would be set back between 18 and 31 feet. On Williams Avenue, the site is adjacent to a residence district and a residential property. In the C2 district where a street frontage includes property zoned as a residence district, a front yard equal to the lesser of the front yard required by such residence district or the established front yard of a residential structure must be provided in a commercial district for the first 40 feet from such residential property. The minimum front yard requirement for the residence district is 15 feet. The adjacent residential structure is set back 36 feet. Therefore the minimum front yard requirement is 15 feet. Because larger residential front yards are typical on Williams Avenue, staff believes the proposed setback would be more in keeping with the character of the area.

The area between the building and the lot lines adjacent to the streets would be landscaped.

The building would have frontage on three streets. All entrances would be accessed from University Avenue. The proposed retail entrance and three townhome entrances would face the street. The main residential entrance would not face the street, but would be within 7 feet of the front of the building. Staff believes the main entrance should face the street to increase its visibility and emphasize its importance.

Most of the parking would be located within the building. Twelve surface parking spaces are proposed in the interior of the site.

The length of the building along University Avenue would be approximately 360 feet. The length of the building extending to Williams Avenue would be approximately 270 feet. The building design includes small recesses and projections and windows on all levels to provide architectural detail and natural surveillance. However, staff does not believe this is sufficient to divide the mass of the building into smaller identifiable sections. Along University Avenue, the proposed height of the structure would be 59 to 67 feet above grade. The grade of the site slopes down towards University Avenue. As a result, the building appears to be 6 stories. The scale and massing of the proposed building would likely inhibit light from reaching the public sidewalk and street along University Avenue casting a large, uninterrupted shadow during most

of the daylight hours. Setting the upper floors back or dividing the building into smaller identifiable sections with larger recesses or projections could reduce these effects.

As proposed, there would be a blank, uninterrupted wall that does not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length in the lower garage level facing University Avenue between the main residential entrance and the retail space. The blank wall is approximately 108 feet long. It is feasible to provide more architectural details or windows and should be provided.

The primary exterior materials would include brick, precast concrete wall, panel siding, and glass. All sides of the building would be compatible. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.

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

Several entrances are provided on University Avenue including the retail entrance and entrances for three townhomes. Few architectural features are proposed for these entrances. More features could be incorporated into the retail entrance to emphasize it is open to the public. For the townhome entrances, additional features should be provided to indicate they are private entrances. The main residential entrance would be located along University Avenue, but would not face the street. The entrance vestibule projects from the building. The applicant has indicated that the stair entrances are only for emergency egress, therefore this entrance is the only common entrance from a street and ground level. Staff believes the entrance should face the street to increase its visibility and emphasize its importance.

All walls except the northwest elevation are subject to the minimum window requirements. The amount of windows on all walls of all residential levels would exceed 20 percent. Where the retail space faces University Avenue, windows equaling 30 percent of the wall would be provided meeting the minimum requirement. Along Arthur Avenue on the ground level, 13.1 percent of the wall would be windows. Because 30 percent windows are required, alternative compliance is requested. Only 35 percent of the Arthur Avenue façade would be occupied by the retail space. Enclosed parking for the retail and an emergency egress for the residents occupies the rest of the façade. The applicant is providing several openings into the parking area. A large side light would be provided for the egress stairway. Staff believes these alternatives meet the intent of the ordinance.

A flat roof is proposed. Most of the nonresidential buildings in the area along University Avenue also have flat roofs.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**

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- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

Conformance with above requirements:

The building entrances would be connected to the public sidewalks with walkways five feet in width. The surface parking area is not located next to an entrance. To comply with accessibility and building code requirements, the shortest, most direct route within the site must connect accessible parking spaces to an entrance. The proposed layout would not comply. The applicant should locate a common residential entrance at the rear of the building to provide convenient access to the surface parking area.

A transit shelter exists on University Avenue near the intersection of Arthur and University Avenue. One will not be incorporated into the development.

Both levels of the parking garage and the surface parking area would have access from Arthur Avenue through one curb cut. The curb cut should have minimal impact on pedestrians.

The site is adjacent to an alley; however, alley access is not proposed. The proposed curb cut would be located five feet north of the alley. A five foot yard would separate the driveway and parking area from the alley. No shrubs, trees or fencing are proposed. Staff is concerned that vehicles would park in this area and block part of the alley impacting the access of other residents who use the alley. The applicant should provide landscaping and screening to prevent unauthorized parking.

The proposed site plan would reduce the amount of impervious surface that currently exists on site. Most of the parking would be located within the building connected to the street by a 22 foot wide driveway. Twelve spaces would be provided in a surface parking area behind the building. No other impervious surfaces would be used for access or circulation.

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.**

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

Conformance with above requirements:

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 69,584 square feet. The building footprint would be approximately 39,012 square feet. The lot area minus the building footprints therefore consists of approximately 20,572 square feet. At least 20 percent of the net site area (4,114 square feet) must be landscaped. Approximately 18,500 square feet of the site would be landscaped. That is equal to 89.9 percent of the net lot area.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 9 and 42 respectfully. The applicant would provide 14 trees and 52 shrubs. The remainder of the landscaped area would be covered with plants such as turf grass, native grasses, or other perennial flowering plants.

The surface parking area would be located at the interior of the site accessed from Arthur Avenue and across the alley from a residential district. The building would screen the parking area from Arthur Avenue. A 7-foot landscaped yard and screening that is 6 feet in height and 95 percent opaque are required between the parking area and the alley and an adjacent resident south of the subject site.

Landscaped yard: A 10 foot wide yard would be provided between the parking area and the adjacent residence. A five foot yard would be provided adjacent to the alley, therefore the applicant is requesting alternative compliance for the yard width. If a 7 foot wide yard were provided along the alley, the driveway and drive aisle for the parking area would be reduced to 20 feet. A 22 foot drive aisle is required for the parking spaces.

Screening: No shrubs, trees or fencing is proposed in this area. Staff is concerned that vehicles would park in this area and block part of the alley impacting the access of other residents who use the alley. Because of the yards location between an alley and a driveway, snow may pile up and make it difficult for shrubs to survive or may damage a fence. To address these concerns and in order to grant alternative compliance to the yard width and screening requirements, the applicant should provide a 6-inch by 6-inch concrete curb along the south side of the parking area and driveway with trees spaced no less than 20 feet apart, snow should not be stored in the required yard, and shrubs that are tolerant to salt and sand should also be provided. Screening meeting the requirements of section 530.170(b) should be provided between the parking area and the adjacent residence.

Five of the 12 surface parking spaces would be within 50 feet of an on-site deciduous tree. Additional trees could be provided in the landscaped area between the alley and the residential property of 2906 University Avenue and the parking area to meet this requirement.

Installation and maintenance of all landscape materials must comply with the standards outlined in section 530.210.

ADDITIONAL STANDARDS:

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

Conformance with above requirements:

Curbing is not indicated on the plans. Some on-site stormwater filtration could occur at the west end of the parking area after the alley turns and before the driveway descends to the lower level of the parking garage. Staff believes curbing should be provided on the south side of the parking area and driveway to prevent parking of vehicles on the yard along the alley. Discontinuous curbing should be provided at the west end where practical.

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

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The applicants did not submit a shadow study as part of this application. Along University Avenue, the proposed height of the structure would be 59 and 67 feet above grade. This length of building wall is almost 360 feet long setback 0 to 7 feet from the property line. The grade of the site slopes down towards University Avenue. As a result, the building appears to be 6 stories. Staff believes the scale and massing of the proposed building would likely inhibit light from reaching the public sidewalk and street along University Avenue casting a large, uninterrupted shadow during most of the daylight hours. Setting the upper floors back or dividing the building into smaller identifiable sections could reduce these effects. The building should not significantly shadow any nearby residential properties.

Wind currents should not be major concern.

Most of the site design provides natural surveillance and visibility, controls and guides to movement on the site, and distinguishes between public and non-public spaces. Along University Avenue, the wall adjacent to the parking garage between the main residential entrance and the retail space is almost a full-exposed story with no windows. Windows and vertical landscaping should be provided to provide natural surveillance, graffiti prevention and to break up a blank façade.

The existing structures are neither historic nor eligible for historic designation.

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

ZONING CODE: The site is zoned C2. A multifamily dwelling with 5 or more units in the C2 district is a conditional use.

Parking and Loading: The minimum parking requirement for the residences is 110 spaces (one per unit). The minimum parking requirement for a general retail sales and services use is one space per 300 square feet of gross floor area in excess of 4,000 square feet or 4 spaces, whichever is greater. The retail space is less than 4,000 square feet, therefore the minimum parking requirement is 4 spaces. Therefore, the minimum parking requirement for the proposed development is 114 spaces. The applicant is proposing a total 183 vehicle parking spaces. Nine of those spaces are available for the commercial tenant. Please note, the applicant is providing more than .5 spaces per bedroom as well (290 bedrooms are proposed).

Maximum Floor Area: The maximum FAR allowed in the C2 District is 1.7. The applicant qualifies for a 20 percent density bonus for providing all required residential parking within the building. Therefore the maximum FAR increases to 2.04. The building would have a total of FAR of 2.4. The applicant is requesting a variance.

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Minimum Lot Area: The proposed lot size is 69,584 square feet. The minimum lot area requirement in the C2 district is 900 square feet per dwelling unit, or 99,000 square feet for 110 units. The applicant qualifies for a 20 percent density bonus for providing enclosed parking in the building. With the density bonus, the minimum lot size is 756.3 square feet per unit, or 83,193 square feet for 110 units. The applicant is requesting a variance to reduce the minimum lot size by 16.4 percent and proposes to provide 632 square feet per dwelling unit.

Dwelling Units Per Acre: The applicant proposes a density of almost 69 dwelling units per acre.

Lot Coverage: Not applicable.

Impervious Surface Coverage: Not applicable.

Building Height: The maximum height allowed in the C2 district is 4 stories or 56 feet, whichever is less. The proposed building would be five stories and 67 feet in height. Although the building appears to be six stories in height along University Avenue Southeast, it is not considered a six story building because the lower level is not exposed over 6 feet for more than 50 percent of the perimeter and at no point is exposed more than 12 feet above grade. The applicant is requesting a conditional use permit to increase the height in stories and feet.

Yard Requirements for the C2 District: Where a street frontage includes property zoned as a residence district, a front yard equal to the lesser of the front yard required by such residence district or the established front yard of a residential structure must be provided in a commercial district for the first 40 feet from such residential property. On Williams and Arthur Avenue, the site is adjacent to a residence district and residential properties. The minimum front yard requirement for the residence district is 15 feet along both streets. All adjacent residential structures are set back more than 15 feet. Therefore the minimum front yard requirement is 15 feet. The building would not project into either of the front yards.

An interior side yard is required along the southwest lot line perpendicular to Arthur Avenue Southeast and along the northwest lot line. The minimum interior side yard requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor. A five-story building is proposed, therefore the minimum requirement is 13 feet. The building would be set back 13 feet or more along both of the lot lines.

An interior side yard is also required along the southeast lot line perpendicular to Williams Avenue Southeast. The minimum interior side yard requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor. A five-story building is proposed, therefore the minimum requirement is 13 feet. However, where an entrance for a multiple-family dwelling faces a side lot line, a 15 foot interior side yard is required. The building would be set back at 13 feet with a principal entrance facing the side lot line. The applicant is requesting a variance to allow the door and building to be located closer than the 15 foot minimum.

Specific Development Standards: Not applicable.

Hours of Operation: In the C2 District, nonresidential uses may be open to the public during the following hours: Sunday through Thursday from 6:00 a.m. to 10:00 p.m.; Friday and Saturday from 6:00 a.m. to 11:00 p.m.

Signs: The applicant has indicated that all signage would comply with code requirements. Any new signage will require Zoning Office review, approval, and permits.

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

535.590. Lighting. (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

The applicant has submitted a lighting plan showing that the illumination of some of the lights would exceed ½ footcandle measured at the property lines of adjacent residences.

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

4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

Applicable Implementation Step

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

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

Applicable Implementation Steps

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

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

Applicable Implementation Steps

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

Require screening and buffering for new developments next to residential areas.

Promote quality design and building orientation of commercial and industrial development that is appropriate with the surrounding neighborhoods.

Mitigate, through screening and buffering, limiting the size and scale of a building, and a business' hours of operation, the effects of commercial properties on residential areas.

Staff comment: The commercial tenant space would be located at the corner of University and Arthur Avenue with access from University Avenue. All on-site parking would be accessed through a curb cut on Arthur Avenue preventing conflicts with other residents occupying properties south of the site who use the alley. The surface parking proposed at the interior of the site would be available to residents of the building. A five and ten foot wide yard would be provided to the south of the lot to separate it from an adjacent residence and the alley; however, no shrubs, trees or fencing is proposed between them. Staff is concerned that vehicles would park in this area and block part of the alley impacting the access of other residents who use the alley. Because of the yards location between an alley and a driveway, snow may pile up and make it difficult for shrubs to survive or may damage a fence. To address these concerns, the applicant should provide a 6-inch by 6-inch concrete curb along the south side of the parking area and driveway with trees spaced no less than 20 feet apart, snow should not be stored along the alley, and shrubs that are tolerant to salt and sand should also be provided. Also, screening meeting the requirements of section 530.170(b) should be provided between the parking area and the adjacent residence. With the incorporation of landscaping and screening to act as a buffer along the south interior property line, the proposed development would be consistent with the comprehensive plan.

ALTERNATIVE COMPLIANCE:

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

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of

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natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.

- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

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

- Location of the first floor of the building within 8 feet of the front lot line unless a greater yard is required

Along Williams Avenue, the building would be set back between 18 and 31 feet. On Williams Avenue, the site is adjacent to a residence district and a residential property. In the C2 district where a street frontage includes property zoned as a residence district, a front yard equal to the lesser of the front yard required by such residence district or the established front yard of a residential structure must be provided in a commercial district for the first 40 feet from such residential property. The minimum front yard requirement for the residence district is 15 feet. The adjacent residential structure is set back 36 feet. Therefore the minimum front yard requirement is 15 feet. The residences on this side of Williams Avenue all have front yards greater than 15 feet. Because larger residential front yards are typical on Williams Avenue, staff believes the proposed setback would be more in keeping with the character of the area and alternative compliance could be granted.

- Principal entrance facing a street and providing architectural features to clearly express the importance of the entrance

Several entrances are provided on University Avenue including the retail entrance and entrances for three townhomes. Few architectural features are proposed for these entrances. More features could be incorporated into the retail entrance to emphasize it is open to the public. For the townhome entrances, additional features should be provided to indicate they are private entrances. The main residential entrance would be located along University Avenue, but would not face the street. The entrance vestibule projects from the building. The applicant has indicated that the stair entrances are only for emergency egress, therefore this entrance is the only common entrance from a street and ground level. Staff believes the entrance should face the street to increase its visibility and emphasize its importance. Staff believes the entrance should face the street to increase its visibility and emphasize its importance and alternative compliance should not be granted.

- In larger buildings, divide the building into smaller identifiable sections

The length of the building along University Avenue would be approximately 360 feet. The length of the building extending to Williams Avenue would be approximately 270 feet. The building design includes recesses and projections and windows on all levels to provide architectural detail and natural surveillance. However, staff does not believe this is sufficient to divide the mass of the building into smaller identifiable sections. Along University Avenue, the proposed height of the structure would be 59 and 67 feet above grade. The

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grade of the site slopes down towards University Avenue. As a result, the building appears to be 6 stories. The scale and massing of the proposed building would likely inhibit light from reaching the public sidewalk and street along University Avenue casting a large, uninterrupted shadow during most of the daylight hours. Setting the upper floors back or dividing the building into smaller identifiable sections could reduce these effects. Staff does not believe alternative compliance is warranted.

- Blank walls

As proposed, there would be a blank, uninterrupted wall that does not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length in the lower garage level facing University Avenue between the main residential entrance and the retail space. The blank wall is approximately 108 feet long. It is feasible to provide more architectural details or windows and should be provided. Staff does not believe alternative compliance is warranted.

- Windows

Along Arthur Avenue on the ground level, 13.1 percent of the wall would be windows. Because 30 percent windows are required, alternative compliance is requested. Only 35 percent of the Arthur Avenue façade would be occupied by the retail space. Enclosed parking for the retail and an emergency egress for the residents occupies the rest of the façade. The applicant is providing several openings into the parking area. A large side light would be provided for the egress stairway. Staff believes these alternatives meet the intent of the ordinance.

- Walkways connecting entrances to parking areas

The surface parking area is not located next to an entrance. The applicant should locate a common residential entrance at the rear of the building to provide convenient access to the surface parking area and alternative compliance should not be granted.

- Location of all surface parking within 50 feet of a tree

Five of the 12 surface parking spaces would be within 50 feet of an on-site deciduous tree. Additional trees could be provided in the landscaped area between the alley and the residential property of 2906 University Avenue and the parking area to meet this requirement. Staff does not believe alternative compliance should be granted.

- Screening and landscaping of the surface parking area

The surface parking area would be located at the interior of the site accessed from Arthur Avenue and across the alley from a residential district. The building would screen the parking area from Arthur Avenue. A 7-foot landscaped yard and screening that is 6 feet in height and 95 percent opaque are required between the parking area and the alley and an adjacent resident south of the subject site.

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Landscaped yard: A 10 foot wide yard would be provided between the parking area and the adjacent residence. A five foot yard would be provided adjacent to the alley, therefore the applicant is requesting alternative compliance for the yard width. If a 7 foot wide yard were provided along the alley, the driveway and drive aisle for the parking area would be reduced to 20 feet. A 22 foot drive aisle is required for the parking spaces.

Screening: No shrubs, trees or fencing is proposed in this area. Staff is concerned that vehicles would park in this area and block part of the alley impacting the access of other residents who use the alley. Because of the yards location between an alley and a driveway, snow may pile up and make it difficult for shrubs to survive or may damage a fence. To address these issues and in order to grant alternative compliance to the yard width and screening requirements, the applicant should provide a 6-inch by 6-inch concrete curb along the south side of the parking area and driveway with trees spaced no less than 20 feet apart, snow should not be stored along the alley, and shrubs that are tolerant to salt and sand should also be provided. Screening meeting the requirements of section 530.170(b) of the zoning code should be provided between the parking area and the adjacent residence and alternative compliance should not be granted.

RECOMMENDATIONS

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a conditional use permit to allow 110 dwelling units for the properties located at 2828 and 2910 University Avenue Southeast.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a conditional use permit to increase the maximum allowed height of a building from 4 stories to 5 stories and 56 feet to 67 feet for the properties located at 2828 and 2910 University Avenue Southeast.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to increase the maximum floor area ratio from 2.06 to 2.4 for the properties located at 2828 and 2910 University Avenue Southeast.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to reduce the interior side yard requirement along the southeast property line from 15 feet to 13 feet to allow a 5-story building with a side entrance for the properties located at 2828 and 2910 University Avenue Southeast.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to reduce the minimum lot size requirement from 756.3 square feet to 632.6 square feet (16.4 percent) for the properties located at 2828 and 2910 University Avenue Southeast.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for site plan review to allow a multifamily dwelling with 110 units for the properties located at 2828 and 2910 University Avenue Southeast.

Attachments:

1. PDR comments
2. Zoning data sheet
3. Statement of use
4. Findings
5. Zoning maps
6. Plans
7. Photos