

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

**Date:** June 16, 2008

**Applicant:** Doran Companies

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

**Project Name:** Sydney Hall and Dinky Dome Redevelopment

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

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

**Date Application Deemed Complete:** May 16, 2008

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

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

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

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

**Proposed Zoning:** C3A Community Activity Center District

**Zoning Plate Number:** 15

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

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

**Concurrent Review:**

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

**Petition to rezone** the property of 310 15<sup>th</sup> Avenue Southeast from the C2 district to the C3A district.

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

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**Conditional use permit** to allow 198 dwelling units.

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

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

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

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

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

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

**Site plan review.**

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

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

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

A conditional use permit is required in the C3A district to allow 198 dwelling units. The building would be 13 stories and 135 feet in height. In the C3A district, the maximum height is limited to 4 stories or 56 feet, whichever is less. A conditional use permit is required to increase the height. Upon approval of

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

The minimum lot area requirement in the C3A district is 400 square feet per dwelling unit, or 79,200 square feet for 198 units. The proposed lot size is 43,560 square feet. The applicant qualifies for a 20 percent density bonus for providing enclosed parking in the building. The applicant also qualifies for a 20 percent density bonus for proposing a commercial space on the ground level that occupies more than 50 percent of the gross floor area of first floor. With the density bonuses, the minimum lot size is 290.4 square feet per unit, or approximately 57,500 square feet for 198 units. The proposed lot area is 220 square feet per dwelling unit. A variance is required to reduce the minimum lot size by 24.2 percent.

The maximum FAR allowed in the C3A District is 2.7. The development qualifies for two density bonuses to increase the FAR by 20 percent by providing all required residential parking in the building and providing residential uses above the ground floor where 50 percent of the ground floor area is devoted to commercial uses. This increases the allowed FAR to 3.78. The proposed development, including the Dinky Dome building, would have a total of 274,134 square feet, which is an FAR of 6.29. A variance is required to increase the maximum FAR.

The front lot lines are adjacent to 4<sup>th</sup> Street and University Avenue. A front yard is only required in the C3A district where an adjacent property is either zoned residential or office residential or contains a residential use. Along 4<sup>th</sup> Street, the adjacent property is zoned OR3, but does not contain any structures with frontage on 4<sup>th</sup> Street. The minimum front yard requirement is equal to the lesser of the front yard required by such residence district or the established front yard of such residential structure for the first 40 feet from such residential property or residence district boundary. The minimum front yard requirement in the OR3 district is 15 feet. The building would be set back 0 feet from the front lot line. A variance is required to reduce the front yard requirement along 4<sup>th</sup> Street.

An interior side yard is required where a side lot line abuts a side lot line in a residence or office residence district. The site is adjacent to R6 and OR3 zoning. A yard equal to the minimum side yard that would be required for a conditional use on the abutting residential lot is required. The minimum interior side yard requirement is equal to  $5+2x$ , where  $x$  is equal to the number of stories above the first floor. A 13-story building is proposed, therefore the minimum requirement is 29 feet. The building addition would be set back 0 feet along the southeasterly property line. A five foot set back is required for all other obstructions in the interior side yard. A transformer and parking would also be located adjacent to the southeasterly property line. A variance is required to reduce the interior side yard requirement.

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

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

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

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

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

**1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.**

The site is adjacent to University Avenue, which is designated as a community corridor by *The Minneapolis Plan*. It is also within a designated activity center. The University of Minnesota/SEMI area is designated as a growth center. According to the principles and policies outlined in the plan, the following apply to this proposal:

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

**Applicable Implementation Step**

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

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

**Applicable Implementation Steps**

Promote more intensive residential development along these corridors where appropriate.

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

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

**Applicable Implementation Steps**

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

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

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

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The *Master Plan for the Marcy-Holmes Neighborhood* small area plan was adopted by the City Council in December of 2003. The site is not included in the boundaries of this plan (the boundary runs through the center of 15<sup>th</sup> Avenue); however, the plan provides guidance for the majority of the Dinkytown area. Generally, the plan does not support the expansion of Dinkytown beyond its existing boundaries and the expansion of commercial development into surrounding residential areas. It supports higher density residential housing along 15<sup>th</sup> Avenue and convenience retail activity in Dinkytown.

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

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

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

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

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

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

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

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

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

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

**CONDITIONAL USE PERMIT:** to allow 198 dwelling units.

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

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

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

The establishment of 198 dwelling units on the site would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

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

The proposed use would primarily provide housing for students attending the University of Minnesota. Residents would likely frequent businesses in the surrounding area. The

development of this site with a residential use should have a positive effect on surrounding properties.

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

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

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

The minimum parking requirement for the multifamily dwelling is 198 spaces (one per unit). The development qualifies for a transit incentive to reduce the parking requirement of a multifamily dwelling by 10 percent because it is located within 300 feet of a transit stop with midday service headways of 30 minutes or less in each direction. Therefore the parking requirement is reduced to 178 spaces. For the residences, 192 spaces would be provided. The dwelling unit to parking space ratio would be almost 0.97. A total of 473 bedrooms are proposed, which results in approximately 0.4 parking spaces per bedroom. The applicant submitted a draft Travel Demand Management Plan. A study done for the plan looked at the ratio of parking spaces to dwelling units and bedrooms for 12 multiple family residences in Dinkytown and Stadium Village. The study showed that the average parking stall to unit ratio is 1.25 and the average parking stall to bedroom ratio is 0.38. The plan also indicates that the applicant will participate and manage involvement in a shared car program for residents use, such as HOURCAR or Zipcar. On-street parking is not allowed or is metered in the immediate area. Although on-street parking is limited, other transportation and parking options are available. The site is in close proximity to five transit route stops and the University of Minnesota. Students can apply for a semester-long parking contract with the University (typically 80 percent of those who apply receive a contract). A large University parking ramp is located across 4<sup>th</sup> Street. The plans also indicate that 225 bicycle parking spaces would be available in the enclosed parking garage for use by residents. The development should have little effect on congestion in the streets.

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

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

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

**Applicable Implementation Steps**

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

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

**Applicable Implementation Step**

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

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

**Applicable Implementation Step**

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

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

*Staff comment:* The mixed use development would be high density, which is appropriate in an activity center and this growth center. It would also allow the city to increase its supply and diversity of housing types. The site has access to five bus routes with frequent headways. Increased density should support nearby businesses. The use would be consistent with the comprehensive plan.

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

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

**CONDITIONAL USE PERMIT:** to increase the maximum height of a principal structure from 4-stories to 13-stories and 56 feet to 135 feet.

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

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

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

Construction of a mixed use building of 13 stories and 135 feet in height on the site would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

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

The increased height would be located at the northwest quadrant of the block. Residential properties are located southeast of the proposed building and should not be significantly affected. The building would be separated from other properties to the north and west by streets. These other properties contain nonresidential uses. The effects of shadowing on those properties are lessened because they are separated by a street. A parking lot owned by the University is located east of the proposed building and would be most affected by shadowing. According to the applicant, they are in discussions with the University to create a no-build easement. A no-build easement would allow for separation of future development, but would not make development on the adjacent site infeasible.

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

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

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

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

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

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

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

**Applicable Implementation Steps**

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

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

**Applicable Implementation Steps**

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

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

*Staff comment:* The proposal would preserve a landmark building of Dinkytown, the Dinky Dome. The applicant has indicated that the following renovations would be done: rehabilitate for future national historic registration of the building, restoring the exterior façade, restoring and reglazing the dome, replacing the existing roof, improving and redesigning the exterior signage, repairing cast stone elements, improving accessibility, restoring street level entrances, relocating retail to the street level, remodeling the interior tenant spaces and installing new mechanical and electrical systems. The rehabilitation of the Dinky Dome should be done concurrently with the construction of the new addition and should follow the standards and procedures that would not be detrimental to the eligibility of the building for National Historic Registration.

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

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

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

With the staff recommendation, the height would be consistent with the comprehensive plan.

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

The use of the site for a 13-story, 135 foot mixed use building will conform to the applicable regulations of the districts in which it is located upon the approval of the rezoning, conditional use permits, variances, and site plan review.

**ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT**

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

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

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

The shadow studies submitted by the applicant indicate that residential properties would not be significantly affected. These properties are to the south and east of the proposed addition. Therefore, the shadowing effects should not be significant on residential properties. Shadowing of the adjacent streets would increase, but would not remain entirely in shadow throughout the day.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed variance should not increase the danger of fire or endanger public safety. The proposed amount of parking complies with the minimum zoning code requirement. Other transportation and parking options are also available. The site is in close proximity to five transit route stops. Students can apply for a semester-long parking contract with the University (typically 80 percent of those who apply receive a contract). A large University parking ramp is located across 4<sup>th</sup> Street. The plans also indicate that 225 bicycle parking spaces would be available in the enclosed parking garage for use by residents. The applicant has also indicated that they will participate and manage involvement in a shared car program for residents use, such as HOURCAR or Zipcar. The additional traffic generated by the development should not have a large impact on the public streets.

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

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

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

The lot area is 43,560 square feet. The maximum FAR allowed in the C3A District is 2.7. The development qualifies for two density bonuses to increase the FAR by 20 percent by providing all required residential parking in the building and providing residential uses above the ground floor where 50 percent of the ground floor area is devoted to commercial uses. This increases the allowed FAR to 3.78. The proposed development, including the Dinky Dome building, would have a total of 274,134 square feet, which is an FAR of 6.29. The applicant is proposing to rehabilitate the Dinky Dome. The applicant indicates that a higher density is necessary to offset the costs related to the reuse of the building. The higher density is resulting in a larger building. To help support the University and encourage economic growth around the campus, higher residential densities are desired adjacent to the campus. Reuse and rehabilitation of the Dinky Dome is also desired.

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

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

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

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

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

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

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

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

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

*Front yard variance:* A front yard is only required in the C3A district where an adjacent property is either zoned residential or office residential or contains a residential use. Along 4<sup>th</sup> Street, the adjacent property is zoned OR3, but does not contain any structures with frontage on 4<sup>th</sup> Street. The minimum front yard requirement is equal to the lesser of the front yard required by such residence district or the established front yard of such residential structure for the first 40 feet from such residential property or residence district boundary. The minimum front yard requirement in the OR3 district is 15 feet. The building would be set back 0 feet from the front lot line. Between 13<sup>th</sup> Avenue and 17<sup>th</sup> Avenue, most of the properties along 4<sup>th</sup> Street are nonresidential and not residential in character. The adjacent parking lot is paved up to 4<sup>th</sup> Street. Along 4<sup>th</sup> Street, two blocks west of the site, the commercial buildings are built up to the front lot line. Most buildings in the area are between one and four stories tall. The north elevation, where the variance is requested, would have little recession and projection on a façade that is over 130 feet wide and tall. Staff is concerned that a large, massive wall would have a negative impact of the area. Incorporating more recessions and projections would likely improve compatibility with the character of the surrounding buildings. Because most buildings in the area are between one and four stories, a reduction in this yard requirement to allow the first through fourth floors to extend up to the front lot line should have little effect on surrounding properties. As a condition of approval for the conditional use permit for height, staff is recommending that the upper floors of the building on this elevation including part of the building proposed in the required yard are stepped back to minimize the impact of the proposed mass of the building.

*Interior side yard:* An interior side yard is required where a side lot line abuts a side lot line in a residence or office residence district. The site is adjacent to R6 and OR3 zoning. A yard equal to the minimum side yard that would be required for a conditional use on the abutting residential lot is required. The minimum interior side yard requirement is equal to  $5+2x$ , where  $x$  is equal to the number of stories above the first floor. A 13-story building is proposed, therefore the minimum requirement is 29 feet. The addition would be U-shaped. The top of the U (each 61 feet wide) would be set back 0 feet along the southeasterly property line. The center of the U (84 feet wide) would be set back 60 feet from the property line. A five foot set back is required for all other obstructions in the interior side yard. A transformer and parking would also be located adjacent to the southeasterly property line. A parking lot operated by the University of Minnesota is adjacent to the property line. The proposed set backs would have little effect on the adjacent property. The request is reasonable.

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

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

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

Interior side yard: The building would be adjacent to a parking lot of a nonresidential property. These circumstances have not been created by the applicant.

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

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses.

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

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

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

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

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

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

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

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

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

The grade slopes down from 4<sup>th</sup> Street to University Avenue. This circumstance has not been created by the applicant.

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

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

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

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

## **SITE PLAN REVIEW**

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

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

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

#### **BUILDING PLACEMENT AND DESIGN:**

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

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

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

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

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

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

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

***Conformance with above requirements:***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**ACCESS AND CIRCULATION:**

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

***Conformance with above requirements:***

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

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

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

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

The site is not adjacent to an alley.

The site is currently all impervious. The building would cover most of the site. The applicant is proposing to install landscaping adjacent to and in the 15<sup>th</sup> Avenue right-of-way. The rest of the proposed impervious surface is needed for parking and on-site circulation. The amount of impervious surface proposed would not be excessive.

#### **LANDSCAPING AND SCREENING:**

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
  - **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year.**
- **Screening shall be satisfied by one or a combination of the following:**
  - **A decorative fence.**
  - **A masonry wall.**
  - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

*Conformance with above requirements:*

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The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 43,560 square feet. The building, including the below-grade parking area, would be approximately 40,061 square feet. The lot area minus the building footprints therefore consists of approximately 3,499 square feet. At least 20 percent of the net site area (699.8 square feet) must be landscaped. Approximately 233 square feet of the site would be landscaped. That is equal to 6.7 percent of the net lot area. Loading spaces, driveways, walkways, stairs, and bike parking that are needed for efficient circulation and access are proposed in the areas that would not be landscaped. The applicant is proposing to provide additional landscaping in the 15<sup>th</sup> Avenue and University Avenue right-of-ways. For these reasons, staff is recommending that the planning commission grant alternative compliance.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 2 and 7 respectfully. The applicant would provide 0 trees and 13 shrubs on-site. The remainder of the on-site landscaped area would be covered with perennials. In the right-of-way, 74 additional shrubs are proposed. Also, the existing Dinky Dome building and vehicle access needs limits where trees and shrubs can be provided on-site. Staff is recommending that the planning commission grant alternative compliance.

A landscaped yard with screening that is 3 feet high and at least 60 percent opaque is required between the parking area and 4<sup>th</sup> Street and the loading area and University Avenue. The building wall would extend down between the parking and 4<sup>th</sup> Street. An opening in the wall would provide views into the parking area. Under the opening, the wall would be less than 2 feet in height. Staff believes that the alternative proposed by the applicant meets the intent of the ordinance. Along University Avenue, the loading area is adjacent to 10 feet of the right of way. Loading and parking currently are located in this area without any screening. The applicant is proposing to narrow the curb cut to reduce conflicts with pedestrians. Requiring the landscaping will also eliminate a required loading space. Staff believes alternative compliance is warranted.

A 7-foot wide landscaped yard with screening that is 6 feet in height and not less than 95 percent opaque are required between the parking area and the properties to the east. No landscaping is proposed in this location. A 3 foot high metal fence would be located between the loading area and the property line. A driveway for a fraternity is located on the adjacent property. No screening would be provided for the parking, except where parking would be located under the building. The parking is adjacent to a parking lot operated by the University. Providing landscaping would require the elimination of loading and parking spaces. Staff is recommending that the planning commission grant alternative compliance for the landscaping requirements, and in lieu of providing a solid screening fence, require a decorative, ornamental metal fence.

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

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

the building most of the day. Staff is recommending that the planning commission grant alternative compliance.

**ADDITIONAL STANDARDS:**

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

***Conformance with above requirements:***

The surface parking area would be defined by 6-inch by 6-inch concrete curbing. The surface parking would be sheltered by the upper floors of the building and is located over the below-grade parking. On-site filtration of stormwater is not practical.

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

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

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

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

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

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

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

**Parking and Loading:** The minimum parking requirement for the multifamily dwelling is 198 spaces (one per unit). The development qualifies for a transit incentive to reduce the parking requirement of a multi-family dwelling by 10 percent because it is located within 300 feet of transit stops with midday service headways of 30 minutes or less in each direction. Therefore the parking requirement is reduced to 178 spaces. For the residences, 192 spaces would be provided.

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

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

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

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

**Maximum Floor Area:** The lot area is 43,560 square feet. The maximum FAR allowed in the C3A District is 2.7. The development qualifies for two density bonuses to increase the FAR by 20 percent by providing all required residential parking in the building and providing residential uses above the ground floor where 50 percent of the ground floor area is devoted to commercial uses. This increases the allowed FAR to 3.78. The proposed development, including the Dinky Dome building, would have a total of 274,134 square feet, which is an FAR of 6.29. The applicant is requesting a variance.

The maximum floor area of retail sales and services uses in the C3A district is 8,000 square feet if no parking is located between the principal structure and the street and the structure is at least two-stories. Tenant spaces in the new building would not exceed 8,000 square feet. When the Dinky Dome is remodeled, the retail spaces cannot exceed 8,000 square feet.

**Minimum Lot Area:** The minimum lot area requirement in the C3A district is 400 square feet per dwelling unit, or 79,200 square feet for 198 units. The proposed lot size is 43,560 square feet. The applicant qualifies for a 20 percent density bonus for providing enclosed parking in the building. The applicant also qualifies for a 20 percent density bonus for proposing a commercial space on the ground level that occupies more than 50 percent of the gross floor area of first floor. With the density bonuses, the minimum lot size is 290.4 square feet per unit, or approximately 57,500 square feet for 198 units. The proposed lot area is 220 square feet per dwelling unit. The applicant is requesting a variance to reduce the minimum lot size by 24.2 percent.

**Dwelling Units per Acre:** The proposed density would be 198 dwelling units per acre.

**Building Height:** In the C3A district, the maximum height is limited to 4 stories or 56 feet, whichever is less. The height of the building would be 13 stories and 135 feet in height. Although the addition would have only 12 floors, by definition of the zoning code it is 13 stories. A story is defined as that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or 14 feet, whichever is less. The first floor would be 18 feet, therefore each is considered two stories. A conditional use permit is required to increase the height.

**Yard Requirements:** The front lot lines are adjacent to 4<sup>th</sup> Street and University Avenue. A front yard is only required in the C3A district where an adjacent property is either zoned residential or office residential or contains a residential use. Along 4<sup>th</sup> Street, the adjacent property is zoned OR3, but does not contain any structures with frontage on 4<sup>th</sup> Street. The minimum front yard requirement is equal to the lesser of the front yard required by such residence district or the established front yard of such residential structure for the first 40 feet from such residential property or residence district boundary. The minimum front yard requirement in the OR3 district is 15 feet. The building would be set back 0 feet from the front lot line. The applicant is requesting a variance to reduce the front yard requirement along 4<sup>th</sup> Street.

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An interior side yard is required where a side lot line abuts a side lot line in a residence or office residence district. The site is adjacent to R6 and OR3 zoning. A yard equal to the minimum side yard that would be required for a conditional use on the abutting residential lot is required. The minimum interior side yard requirement is equal to  $5+2x$ , where  $x$  is equal to the number of stories above the first floor. A 13-story building is proposed, therefore the minimum requirement is 29 feet. The building addition would be set back 0 feet along the southeasterly property line. A five foot set back is required for all other obstructions in the interior side yard. A transformer and parking would also be located adjacent to the southeasterly property line. The applicant is requesting a variance to reduce the yard requirement.

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

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

- The first floor of the building must be located within eight feet of a lot line adjacent to a street. First floor building walls facing a street would be within 8 feet of the lot line, except along 15<sup>th</sup> Avenue where the wall would be set back 10 feet. The applicant is requesting a variance.
- The first floor façade of the building that faces a public street or a sidewalk is required to have at least 40 percent clear or lightly tinted glass that allows views into and out of the building at eye level and are distributed in a more or less even manner. Therefore the walls fronting 15<sup>th</sup> Avenue and 4<sup>th</sup> Street are subject to this provision. The proposed windows would meet these requirements.
- Pole signs, back-lighted awning and canopy signs, and back-lighted insertable panel projecting signs are prohibited. This standard cannot be varied. No signs are proposed at this time.
- Accessory parking is required to be located at the rear or interior of the site, within the building, or entirely below grade. Most of the parking would be located below grade. The surface parking would be located at the interior of the site. Surface parking lots are limited to 60 feet of street frontage. The maximum amount of accessory parking spaces cannot exceed the minimum parking requirements more than 150 percent. The parking lot width would not exceed 60 feet and the proposed amount of parking does not exceed the minimum requirement by 150 percent. The driveway width for all parking facilities cannot exceed 20 feet of street frontage. The driveway access from 4<sup>th</sup> Street and University Avenue would not exceed 20 feet.

**Hours of Operation:** The hours of operation for the commercial tenant(s) must comply with the

district requirements. In the C3A District, nonresidential uses may be open to the public during the following hours: Sunday through Saturday from 6:00 a.m. to 1:00 a.m.

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

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

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

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

Most of the mechanical equipment would be located on the roof in an enclosed structure. A transformer would be located at ground level next to the proposed electrical room. The transformer must be sufficiently screened from the adjacent residential property.

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

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

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

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (3) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

**Signs:** The applicant has indicated that no signage is proposed at this time. Any new signage will require Zoning Office review, approval, and permits.

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

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

**Applicable Implementation Steps**

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

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

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

**Applicable Implementation Steps**

Enhance unique characteristics of the city's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality public spaces and infrastructure.

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

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

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

**Applicable Implementation Steps**

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

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

**Applicable Implementation Steps**

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

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

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

**ALTERNATIVE COMPLIANCE:**

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

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

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

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

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

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

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

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

- Blank walls

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

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

- Twenty percent window requirement

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

- Pedestrian access

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

- Twenty percent landscaping

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 43,560 square feet. The building, including the below-grade parking area, would be approximately 40,061 square feet. The lot area minus the building footprints therefore consists of approximately 3,499 square feet. At least 20 percent of the net site area (699.8 square feet) must be landscaped. Approximately 233 square feet of the site would be landscaped. That is equal to 6.7 percent of the net lot area. Loading spaces, driveways, walkways, stairs, and bike parking that are needed for efficient circulation and access are proposed in the areas that would not be landscaped. The applicant is proposing to provide additional landscaping in the 15<sup>th</sup> Avenue and University

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Avenue right-of-ways. For these reasons, staff is recommending that the planning commission grant alternative compliance.

- Tree and shrub requirements

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 2 and 7 respectfully. The applicant would provide 0 trees and 13 shrubs on-site. The remainder of the on-site landscaped area would be covered with perennials. In the right-of-way, 74 additional shrubs are proposed. Also, the existing Dinky Dome building and vehicle access needs limits where trees and shrubs can be provided on-site. Staff is recommending that the planning commission grant alternative compliance.

- Landscaping and screening of the parking and loading area

A landscaped yard with screening that is 3 feet high and at least 60 percent opaque is required between the parking area and 4<sup>th</sup> Street and the loading area and University Avenue. The building wall would extend down between the parking and 4<sup>th</sup> Street. An opening in the wall would provide views into the parking area. Under the opening, the wall would be less than 2 feet in height. Staff believes that the alternative proposed by the applicant meets the intent of the ordinance. Along University Avenue, the loading area is adjacent to 10 feet of the right of way. Loading and parking currently are located in this area without any screening. The applicant is proposing to narrow the curb cut to reduce conflicts with pedestrians. Requiring the landscaping will also eliminate a required loading space. Staff believes alternative compliance is warranted.

A 7-foot wide landscaped yard with screening that is 6 feet in height and not less than 95 percent opaque are required between the parking area and the properties to the east. No landscaping is proposed in this location. A 3 foot high metal fence would be located between the loading area and the property line. A driveway for a fraternity is located on the adjacent property. No screening would be provided for the parking, except where parking would be located under the building. The parking is adjacent to a parking lot operated by the University. Providing landscaping would require the elimination of loading and parking spaces. Staff is recommending that the planning commission grant alternative compliance for the landscaping requirements, and in lieu of providing a solid screening fence, require a decorative, ornamental metal fence.

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

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

## **RECOMMENDATIONS**

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

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

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow 198 dwelling units for the properties located at 1500-1506 4<sup>th</sup> Street Southeast and 310-316 15<sup>th</sup> Avenue Southeast, subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. The final plans for the Dinky Dome shall be approved before building permits for the new addition are issued. All work on the Dinky Dome must meet the Secretary of the Interiors standards for rehabilitation. In addition, the rehabilitation must be completed by July 25, 2010.
3. At least 50 percent of the 4<sup>th</sup> Street elevation above the first floor shall be stepped back 10 feet from the property line to reduce the massing effect.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to increase the maximum allowed height of a building from 4 stories to 13 stories and from 56 feet to 135 feet for the properties located at 1500-1506 4<sup>th</sup> Street Southeast and 310-316 15<sup>th</sup> Avenue Southeast, subject to the following condition:

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

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the minimum lot area requirement by 24.2 percent for the properties located at 1500-1506 4<sup>th</sup> Street Southeast and 310-316 15<sup>th</sup> Avenue Southeast.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to increase the maximum floor area ratio from 3.78 to 6.29 for the properties located at 1500-1506 4<sup>th</sup> Street Southeast and 310-316 15<sup>th</sup> Avenue Southeast.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the front yard requirement adjacent to the northeasterly property line (4<sup>th</sup> Street) from 15 feet to 0 feet to allow the building addition for the properties located at 1500-1506 4<sup>th</sup> Street Southeast and 310-316 15<sup>th</sup> Avenue Southeast.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the interior side yard adjacent to the southeasterly property line from 27 feet to 0 feet to allow the building, a transformer and parking for the properties located at 1500-1506 4<sup>th</sup> Street Southeast and 310-316 15<sup>th</sup> Avenue Southeast.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the PO overlay district standards to allow the building to be set back more than 8 feet from the street for the properties located at 1500-1506 4<sup>th</sup> Street Southeast and 310-316 15<sup>th</sup> Avenue Southeast.

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

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

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by July 25, 2009, or the permit may be revoked for non-compliance.
3. The north and east elevations shall contain additional architectural elements, including recesses, projections, and windows, as required by section 530.120 of the zoning code.
4. The building shall not contain blank, uninterrupted walls that do not include windows, entries, recesses, projections, or other architectural elements that exceed 25 feet in length as required by section 530.120 of the zoning code.
5. At least 15 percent of the east first floor building wall facing the surface parking area shall be windows as required by section 530.120 of the zoning code.
6. Clearly identifiable pedestrian access to the surface parking area from the 4<sup>th</sup> Street sidewalk shall be provided as required by section 530.130 of the zoning code.
7. A decorative, ornamental metal fence shall be provided adjacent to the parking and loading adjacent to the southeasterly property line in lieu of the landscaping and screening required by section 530.170(b)(2) of the zoning code.
8. Mechanical equipment shall be screened as required by section 535.70 of the zoning code.

**Attachments:**

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