

**Department of Community Planning and Economic Development – Planning Division**  
Variance  
BZZ-4749

**Date:** April 26, 2010

**Applicant:** Clark Gassen with CAG Development

**Address of Property:** 1000 and 1022 University Avenue Southeast

**Project Name:** Florence Court Redevelopment

**Contact Person and Phone:** Gretchen Camp with BKV Group, Inc., (612) 373-9122

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

**Date Application Deemed Complete:** March 22, 2010

**End of 60-Day Decision Period:** May 21, 2010

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

**Ward: 3      Neighborhood Organization:** Marcy Holmes Neighborhood Association

**Existing Zoning:** R5, Multiple-family District and Mississippi River and University Area Overlay Districts

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 15

**Legal Description:** Not applicable for this application

**Proposed Use:** 121-unit, multiple-family development

**Concurrent Review:**

**Variance:** to reduce the front yard setback along University Avenue Southeast from the required 15 feet to zero feet to allow an electrical transformer to be located in the northeast corner of the property.

**Applicable zoning code provisions:** Chapter 525, Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations”.

**Background:** The applicant is proposing to construct a new 84-unit rental project on the site. The property is currently made up of eight buildings including the existing Florence Court residential building, five additional dwellings, a garage and the gas station on the corner of University Avenue

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Southeast and 10<sup>th</sup> Avenue Southeast. The Florence Court building is a local historic landmark and will be rehabilitated as part of this development. In addition, four of the five existing dwellings will remain on the site and be rehabilitated. The dwelling on the corner of University Avenue Southeast and 11<sup>th</sup> Avenue Southeast and the gas station will be demolished.

This development was approved by the Minneapolis Planning Commission in December of 2009. The original land use applications included:

- Conditional use permit for a 121-unit (84 proposed and 37 existing) Planned Unit Development
- Variance of the UA University Area Oriented Overlay District standards as they pertain to vehicle and bike parking
- Variance to reduce the east interior side yard setback from the required 15 feet to a distance ranging between 13.5 feet and 10 feet for a variety of building elements and to 2 feet for a relocated detached garage
- Site plan review
- Preliminary and final plat

The proposed building will be six-stories in height and contain two levels of below ground parking. The parking spaces will be used by all of the residents on the site, including those who live in the Florence Court building and the four single-family homes. In addition to automobile parking there will be bicycle parking provided at a ratio of one space per dwelling unit. The building has been designed to look like several narrow buildings pieced together through the use of building recesses and building materials. The interior courtyard located on the site will be preserved. The majority of the existing canopy trees will be saved, the existing driveway will be resurfaced using stamped concrete and a patio with additional landscape materials will be constructed near the new construction.

There will be a total of 121 dwelling units and 313 bedrooms on the site. In the existing Florence Court building there will be 33 dwelling units. There will be a total of 16 one-bedroom units, four two-bedroom units, nine three-bedroom units and four four-bedroom units. The four existing single-family dwellings will each have four bedrooms. And in the new building there will be 84 dwelling units. There will be a total of five one-bedroom units, 33 two-bedroom units, 25 three-bedroom units and 21 four-bedroom units.

The applicant is in the process of preparing the final construction documents for permitting. As part of this work Xcel Energy consulted on the project and has determined that the development needs a new electrical transformer. The transformer is proposed to be located in the front yard setback along University Avenue Southeast. The placement of the transformer requires a setback variance.

**VARIANCE** - to reduce the front yard setback along University Avenue Southeast from the required 15 feet to zero feet to allow an electrical transformer to be located in the northeast corner of the property

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

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

**Front yard setback along University Avenue Southeast:** The applicant is seeking a variance to reduce the front yard setback along University Avenue Southeast from the required 15 feet to zero feet to allow an electrical transformer to be located in the northeast corner of the property. The concrete pad underneath the electrical transformer is approximately 120 square feet in size. The maximum size of the electrical transformer is seven feet four inches deep by seven feet eight inches wide by five feet six inches tall and the maximum size of the connection cabinet that will sit next to the electrical transformer is three feet six inches wide by two feet deep by five feet tall. The electrical transformer will be screened on two sides by a four-foot high wall and on the other two sides by landscaping. Specifically Karl Foerster, an ornamental grass that grows to a height between five and seven feet tall, will be planted on two sides of the electrical transformer. The landscape area on the north side of the electrical transformer is located within the eight-foot wide interior green boulevard. It should also be noted that there is a four foot high grade change between the public sidewalk and the first floor elevation of the building. The electrical transformer will be built into the natural grade.

The applicant has indicated that the electrical transformer needs to be readily accessible by the power company for maintenance and repair purposes. In addition, the electrical transformer has to maintain a ten foot setback from any operable openings in the building. This requirement limits where the electrical transformer can be placed on the site. The applicant has also indicated that in an effort to maintain the historic nature of the interior courtyard they do not want to locate the electrical transformer towards the interior of the site. It should also be pointed out that this property does not have a rear yard typical of most zoning lots in the City of Minneapolis.

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

**Front yard setback along University Avenue Southeast:** The site is unique in that there is no rear yard on this property and that the existing Florence Court building is historic as is the site. Given the orientation of the historic Florence Court building and the placement of the four existing single family homes and the proposed building the interior courtyard is the backyard typical of most zoning lots in the City of Minneapolis.

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

**Front yard setback along University Avenue Southeast:** The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The Planning Division believes that the granting of this variance would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. As long as the proposed landscaping is maintained it will screen the electrical transformer from the public right-of-way.

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

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

## **RECOMMENDATIONS**

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the front yard setback along University Avenue Southeast from the required 15 feet to zero feet to allow an electrical transformer to be located in the northeast corner of the property located at 1000 and 1022 University Avenue Southeast.

### **Attachments:**

1. Statement of proposed use
2. Variance findings
3. March 19, 2010, e-mail to Council Member Hofstede and the Marcy Holmes Neighborhood Association (MHNA)
4. Zoning Map
5. Site plan, landscaping plans and elevations of the transformer
6. Information sheet about Karl Forester ornament grass
7. Photographs of the site and surrounding area