

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permits, Variance, and Site Plan Review
BZZ – 4645

Date: March 29, 2010

Applicant: Doran University LLC

Address of Property: 1500-1506 4th Street Southeast and 310-316 15th Avenue Southeast

Project Name: Sydney Hall / 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: March 4, 2010

End of 60-Day Decision Period: May 3, 2010

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

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

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 15

Legal Description: Not applicable for this application

Proposed Use: Mixed use building with 142 dwelling units.

Concurrent Review:

- Conditional use permit amendment to increase the number of allowed dwelling units from 125 to 142.
- Amendment to the conditional use permit to increase the building height to modify a condition of approval.
- Variance to reduce the interior side yard requirement adjacent to the east property line from 5 feet to 2 feet to allow a transformer and transformer pad.
- Site plan review amendment.

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, Section 525.520 (1) “To vary the yard requirements, including permitting

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obstructions into required yards not allowed by the applicable regulations.”; and Chapter 530, Site Plan Review.

Background: The applicant is in the process of establishing a mixed use development that incorporates the Dinky Dome building at the properties of 1500-1506 4th Street Southeast and 310-316 15th Avenue Southeast. The Dinky Dome building is located on the south half of the site. The applicant is in the process of rehabilitating the Dinky Dome, which was constructed in 1913. Sydney Hall, the 6-story addition to the Dinky Dome that will house 125 units and ground floor retail, is currently under construction. Approvals for that part of the development proposal were obtained in 2009. The Planning Commission and City Council actions are attached for reference. At the time the applicant obtained land use approvals in 2009, they anticipated an office tenant in the upper floors of the Dinky Dome. The applicant is now pursuing converting the top two floors of the Dinky Dome into 17 dwelling units. The conversion includes adding a mezzanine level for the proposed second floor units. Parking for the units in the Dinky Dome would be provided in the below-grade parking area in the addition. The first floor of the Dinky Dome would still be occupied by commercial tenants.

Several other changes are proposed to the site, including:

- Relocating some of the surface bicycle parking, two of the loading spaces, and one of the transformers,
- Modifying the landscaping adjacent to the east property line,
- Removing the decorative metal fence between the loading area and the adjacent residential property and in the front yard adjacent to 4th Street, and
- Adding a bumper-stop fence adjacent to the adjacent fraternity’s parking lot.

The applicant has indicated that the relocation of the transformer and loading spaces is due to spacing requirements that they were unaware of when the project went through the public hearing process last year.

The applicant is requesting amendments to two conditional use permits. A conditional use permit is required in the C3A district to allow a multifamily dwelling with 5 or more units. In 2009, the planning commission granted a conditional use permit to allow 125 dwelling units. To increase the number of dwelling units to 142 and to increase the gross floor area (new mezzanine level), an amendment to the conditional use permit is required. A conditional use permit was also granted to increase the height to allow the 6-story, 72 foot high addition. A condition of the approval required that “All work on the Dinky Dome shall meet the Secretary of the Interiors standards for rehabilitation. Community Planning and Economic Development Department—Planning Division staff shall review and review the final plans for the Dinky Dome.” The applicant is requesting that the planning commission amend this condition. Upon approval of the conditional use permit amendments, the actions must be recorded with Hennepin County as required by state law.

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. Buildings are subject to a yard requirement of $5 + 2x$ (where x is equal to the number of stories above the first story). A five foot set back is required for all other obstructions in the interior side yard unless allowed otherwise by the

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zoning code. The transformer and transformer pad are not permitted obstructions. A variance is required to reduce the interior side yard requirement.

A site plan review amendment is required to increase the gross floor area of a building by 1,000 square feet or more and to allow any building with more than five dwelling units. Changes to the loading location also must be addressed in the amendment.

The area that the site is located in is not represented by a neighborhood group. Correspondence from the adjacent neighborhood group, Marcy Holmes Neighborhood Association, was received and is attached to this report. Staff will forward comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT: Amendment to increase the number of allowed units in a multiple-family dwelling from 125 to 142.

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 142 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. The proposal utilizes the Dinky Dome building, which is iconic for the Dinkytown area.

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 also frequent businesses in the surrounding area. A residential use on this site should have a positive effect on surrounding properties. Converting the second and third floors from nonresidential tenants to 17 dwelling units should not affect 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. With the approval of the variance for the transformer location, adequate utilities would be provided. Vehicles would enter the site from 4th Street and exit on University Avenue. Public Works Department reviewed and approved the previous site plan 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. As of the writing of this report, the Public Works Department is in the process of reviewing the proposed changes to the site plan.

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

The minimum automobile parking requirement for the multifamily dwelling is 128 spaces. In the below-grade parking garage, 135 spaces would be provided. The bedroom to parking space ratio is over 0.5.

The minimum bicycle/scooter parking requirement for the multiple family dwelling is 243 spaces. All required spaces would be provided in the below-grade parking garage.

The minimum loading requirement for multiple family dwellings of 100 to 250 dwelling units is one small loading space. One small space would be provided for the residences.

The applicant submitted a 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. On-street parking is not allowed or is metered in the immediate area. Although on-street parking is limited, other transportation and off-street 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 4th Street. The applicant has indicated they will promote a shared car program for residents, such as HOURCAR or Zipcar.

The proposed use should have little effect on traffic in the surrounding area.

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

The site is adjacent to University Avenue, 15th Avenue and 4th Street Southeast, which are designated as community corridors by *The Minneapolis Plan for Sustainable Growth*. It is also within a designated activity center, the Dinkytown Activity Center. The University of Minnesota/SEMI area is designated as a growth center. The designated future land use of the site is mixed use. According to the principles and policies outlined in the plan, the following apply to this proposal:

Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

Applicable Implementation Step

1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

Applicable Implementation Step

- 1.9.6 Promote more intensive residential development along Community Corridors near intersections with Neighborhood Commercial Nodes and other locations where it is compatible with existing character.

Policy 1.12: Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.

Applicable Implementation Steps

- 1.12.1 Encourage a variety of commercial and residential uses that generate activity all day long and into the evening.
- 1.12.2 Encourage mixed use buildings, with commercial uses located on the ground floor and secure entrances for residential uses.
- 1.12.6 Encourage the development of high- to very-high density housing within the boundaries of Activity Centers.

Policy 1.15: Support development of Growth Centers as locations for concentration of jobs and housing, and supporting services.

Applicable Implementation Step

- 1.15.3 Encourage the development of high- to very high-density housing within Growth Centers.

Policy 3.1: Grow by increasing the supply of housing.

Applicable Implementation Step

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

Policy 3.2: Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.

Applicable Implementation Step

- 3.2.1 Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.

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 15th Avenue); however, the plan provides guidance for the majority of the Dinkytown area. The plan supports higher density residential housing along 15th Avenue and expansion of the single-family core of the neighborhood along Fifth, Sixth, Seventh and parts of Eighth Streets. The City Council adopted the *15th Avenue Southeast Urban Design Plan* in March of this year, which provides better guidance for future development adjacent to 15th Avenue on the blocks between 5th Street and 8th Street. This plan encourages mid- to high-rise (4 to 12+ stories), high density development.

Staff comment: Because the site is located directly across the street from the core of the University of Minnesota, high density housing is appropriate. The mixed use development would be high

density, which is appropriate in an activity center and this growth center. Establishing higher density closer to the University may also provide opportunities for the reestablishment of single-family homes in the core of the Marcy-Holmes neighborhood. Increased density should support nearby businesses. The proposed increase of units is 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 142 dwelling units will conform to the applicable regulations of the districts in which it is located upon the approval of the conditional use permit amendments, variance, and site plan review amendment.

CONDITIONAL USE PERMIT: A conditional use permit was granted to increase the height to allow the 6-story, 72 foot high addition. A condition of the approval required that “All work on the Dinky Dome shall meet the Secretary of the Interiors standards for rehabilitation. Community Planning and Economic Development Department—Planning Division staff shall review and review the final plans for the Dinky Dome.” The condition requires that work on the interior and exterior of the Dinky Dome building meet those standards. The applicant is requesting that the planning commission amend this condition to restrict the application of the standards of the Secretary of the Interior to the exterior building elements of the Dinky Dome including the dome structure located on the roof of the building.

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 amendment:

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

Amending the condition of approval to apply to only the exterior of the building 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.

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.

In the previous application, the applicant indicated that allowing a taller building will allow them to achieve the density needed to fund the rehabilitations proposed for the Dinky Dome. Staff concluded that preserving this well-known building, including original interior features, would have a positive effect on the surrounding area for its aesthetic and potential historic value.

Prior to submitting a redevelopment proposal to the City, the applicant hired an historic consultant to prepare a report to evaluate the historical and architectural significance of the building. The report concluded that “it appears that the building qualifies for both [National Register or local landmark] designations and retains very good integrity.” At the time the land use applications were submitted for

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the Sydney Hall project, a nomination had not been submitted for either designation. Therefore the condition of approval to require all work on the Dinky Dome meet the Secretary of the Interiors Standards for Rehabilitation was recommended. The intent of requiring this as a condition of approval was to:

- Preserve or repair original features inside and out or replace with like materials when necessary, and
- Prevent changes that would affect the buildings eligibility for future local and/or national historic designation.

When the condition was adopted, an analysis of how or if the proposed work on the Dinky Dome would meet the Secretary of the Interior Standards had not been done. As work on the Dinky Dome progressed and plans for reusing the building were refined, historical analyses submitted by the applicant showed that many significant historic interior features have been removed by previous owners. Also, the floor plan for the functions of the original use of the building, a college, was much different than the proposed floor plan layout for dwellings. Strict adherence to the Secretary of the Interiors Standards in the interior building would likely not allow conversion of the upper two floors to dwellings. For example, the majority of the second floor was used as a large auditorium for the college. Over the years, most of the second floor has been split up into multiple tenant spaces. However, constructing partitions in the space that was originally used for an auditorium would not meet the Secretary's Standards.

As previously noted, preventing adaptive reuse of the Dinky Dome building was not the intent of the condition placed on this conditional use permit for height. It is feasible for many of the original interior features that remain to be preserved with the proposed use. One of the prominent features of the interior is the two-story octagonal, open space below the dome on the second and third floors. The applicant is proposing to keep this feature in the floor plan layout for the new dwellings. This space also includes other architectural features such as the lighting fixtures, cornices, columns and railing that the applicant proposing to keep or modify within the guidelines of the Secretary of the Interior. There are two other areas of significance on the second and third floors. These areas are the two main staircases/corridors. Features of these spaces include railings, marble walls and steps, and light fixtures. Photos of the areas referred to are attached to this report.

The City's Preservation & Design staff has been involved in the review of the proposed changes. Staff agrees that the changes to the three main areas of significance that the applicant has described to staff meet the Secretary of the Interiors Standards as well because original features will be preserved or reused. Staff considers the other interior areas as secondary and does not need to analyze further changes. With this approach, Preservation & Design staff has indicated that detailed historic reports do not need to be submitted for further interior changes. Staff understands this to be the primary reason for the applicant requesting the amendment to this condition of approval. The applicant would still need to provide drawings and plans showing the proposed changes.

Staff now recommends that the planning commission modify the condition of approval slightly to pertain to the exterior of the building and the three main interior character defining features discussed above. Making this amendment should have no affect 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. With the approval of the variance for the transformer location, adequate utilities would be provided. Vehicles would enter the site from 4th Street and exit on University Avenue. Public Works Department reviewed and approved the previous site plan 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. As of the writing of this report, the Public Works Department is in the process of reviewing the proposed changes to the site plan. Amending the condition of approval would not affect infrastructure.

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

Residential parking measures, as discussed in the previous conditional use permit section of this report, are adequate and should not increase traffic congestion. Because the site is located in the Dinkytown PO overlay district, nonresidential uses are not required to provide accessory off-street parking. The minimum bicycle parking requirement for the seven proposed commercial tenant spaces is 21 spaces. The applicant is proposing to provide 24 bicycle spaces. The minimum loading requirement for all of the commercial uses is one small loading space, which would be provided on-site. 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, 15th Avenue and 4th Street Southeast, which are designated as community corridors by *The Minneapolis Plan for Sustainable Growth*. It is also within a designated activity center, the Dinkytown Activity Center. The University of Minnesota/SEMI area is designated as a growth center. The designated future land use of the site is mixed use. In addition to the principles and policies discussed in the previous conditional use permit section of this staff report, the following apply to the proposed amendment:

Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.

Applicable Implementation Step

1.5.3 Promote the preservation of traditional commercial storefronts wherever feasible.

Policy 8.1: Preserve, maintain, and designate districts, landmarks, and historic resources which serve as reminders of the city's architecture, history, and culture.

Applicable Implementation Steps

8.1.1 Protect historic resources from modifications that are not sensitive to their historic significance.

8.1.3 Encourage new developments to retain historic resources, including landscapes, incorporating them into new development rather than removal.

Policy 10.10: Support urban design standards that emphasize a traditional urban form in commercial areas.

Applicable Implementation Steps

- 10.10.1 Enhance 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 four season public spaces and infrastructure.
- 10.10.2 Identify commercial areas in the city that reflect, or used to reflect, traditional urban form and develop appropriate standards and preservation or restoration objectives for these areas.

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 15th Avenue); however, the plan provides guidance for the majority of the Dinkytown area. The plan strongly encourages rehabilitation over demolition and rebuilding.

Staff comment: In the previous analysis for the conditional use permit to increase building height, staff found that allowing increased height for the addition would result in preservation of traditional urban form and rehabilitation of the Dinky Dome building, a well-known building in Dinkytown. In documents for the previous applications, the applicant stated “the intent is to follow the standards and procedures that will potentially enable National Historic Registration of this property through that process.” To ensure that the rehabilitation would not be detrimental to the eligibility of the building for National Historic Registration, staff recommended that work on the building meet the Secretary of the Interiors Standards for Rehabilitation.

As proposed by the applicant, exterior work would still be subject to the Secretary’s Standards. Staff is recommending that three main spaces, the areas below the dome and the two main staircases/corridors leading to the areas under the dome, also remain subject to the standards to be more consistent with the above policies of the comprehensive plan. These spaces retain many original features significant to the building.

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 conditional use permit will conform to the applicable regulations of the districts in which it is located upon the approval of the amendment.

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

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

The amendment to the condition of approval will not affect surrounding property’s access to light and air.

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

The amendment to the condition of approval will not affect shadowing of residential properties or significant public spaces.

(3) The scale and character of surrounding uses.

The amendment to the condition of approval will not change the development in relation to the scale and character of surrounding uses.

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

The amendment to the condition of approval would not cause the development to significantly block views of landmark buildings, significant open spaces, or bodies of water.

VARIANCE: To reduce the interior side yard requirement adjacent to the east property line from 5 feet to 2 feet to allow a transformer and transformer pad.

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.

An interior side yard is required where a side lot line abuts a side lot line in a residence or office residence district. Where the transformer and transformer pad location are proposed, the site is adjacent to R6 zoning. A five foot set back is required for any unpermitted obstructions other than a building in the interior side yard. The transformer pad would be set back 2 feet and the transformer would be set back approximately one foot from the edge of the pad. The transformer pad dimensions would be approximately 8.5 feet by 12.5 feet. The dimensions of the connection cabinet would be 2 feet wide by 7.5 feet long by 5 feet tall. The transformer would be screened by solid PVC panels attached to the decorative fence on the east side and by shrubs on the north side. The other two sides are required to be screened as well.

The site has frontage on three streets. Part of the frontages adjacent to University Avenue and 4th Street are required front yards where a transformer is also not a permitted obstruction. Site plan review standards also discourage locating transformers between buildings and streets because they are not an amenity that enhances the streetscape and street life. The existing placement of the Dinky Dome building and the Sydney Hall addition further limit where vehicle access, parking, and transformers can be provided on the site.

According to the technical documents submitted by the applicant, the transformer must be located at least 10 feet from all building window openings. As part of the approvals for the conditional use permit to increase building height, a condition that work done on the Dinky Dome must comply with the standards of the Secretary of the Interior was required. Covering those openings to allow the transformer to be located on the other side of the driveway would not meet the intent of that requirement. Further, rehabilitating the Dinky Dome is consistent with the goals of *The Minneapolis Plan for Sustainable Growth*.

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The applicant has provided a letter from Xcel Energy (attached to this report) stating that subterranean and/or pole mounted transformers are not feasible for this site. Subterranean locations are further limited by the below-grade stormwater management system.

A driveway for the fraternity would separate the transformer from the adjacent residential structure. The on-site area adjacent to the side lot line is currently occupied by parking spaces and a driveway.

If the transformer and transformer pad are required to be set back 5 feet from the side lot line, they would interfere with the proposed driveway location. Then a variance for the driveway width would be needed or all traffic would be forced to enter and exit from the 4th Street curb cut likely resulting in a lot of traffic congestion.

Meeting the yard requirement would cause undue hardship.

- 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 existing location of the Dinky Dome building limits where transformers can be provided on the site. As part of the approvals for the conditional use permit to increase building height, a condition that work done on the Dinky Dome must comply with the standards of the Secretary of the Interior was required. Covering those openings to allow the transformer to be located on the other side of the driveway would not meet the intent of that requirement. Further, rehabilitating the Dinky Dome is consistent with the goals of *The Minneapolis Plan for Sustainable Growth*. The land directly adjacent to the proposed transformer location is used for a driveway. Alternate locations and other service options are not feasible for this development because of service load requirements, stormwater management requirements, and other code requirements. There are unique circumstances, which 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. The land directly adjacent to the proposed transformer location is used for a driveway. The area where the transformer is proposed is currently used for parking. The parking area is currently not screened from the adjacent fraternity. The transformer will be screened as required by section 535.70 of the zoning code. 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.**

The proposed location of the transformer would comply with building and electrical codes that are in effect to protect the public. If the transformer and transformer pad are required to be set back 5 feet from the side lot line, they would interfere with the proposed driveway location. Then a variance for the driveway width would be needed or all traffic would be forced to enter and exit from the 4th Street curb cut likely resulting in a lot of traffic congestion. The CPED Department does not expect that granting the variance would affect congestion or public safety.

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:

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

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

- **Ground floor active functions:**

Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.

- **The form and pitch of roof lines shall be similar to surrounding buildings.**

- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

Conformance with above requirements:

The proposed changes do not affect the Building Placement and Design standards. Changes cannot be made that would place the building out of compliance with minimum window requirements or standards requiring ground floor active functions.

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.

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- **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 loading space locations are proposed to move closer and directly abut University Avenue, which could cause conflicts with pedestrian traffic. The previous location of the loading spaces next to the Dinky Dome was set back over 15 feet from University Avenue. If the back loading space is occupied, it is likely that a delivery truck would need to maneuver over the public sidewalk to park in the front loading space. Staff consulted the Traffic Division in the Public Works Department about the proposed loading location. Public Works staff agreed that the proposed location would create potential conflicts. With the proposed use change of the second floor from nonresidential to residential use, the number of loading spaces required by the zoning code has been reduced from 3 to 2 for the development. Removing one of the loading spaces should allow sufficient room on-site for maneuvering and a landscape buffer between the loading and the sidewalk. Staff recommends that the planning commission require these changes to reduce potential conflicts with pedestrians.

The proposed changes do not affect the rest of the Access and Circulation standards.

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.**

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- **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:

A landscaped yard with screening that is 3 feet high and at least 60 percent opaque is required between the loading area and University Avenue. The planning commission granted alternative compliance to these requirements for the previous site plan for the following reasons:

- The loading spaces were set back more than 15 feet from the front lot line.
- Along University Avenue, the loading area would be adjacent to only 10 feet of the right of way.
- Loading and parking currently are located in this area without any screening.
- The existing curb cut would be narrowed to reduce conflicts with pedestrians.
- A 42 inch high, ornamental metal fence was proposed that extended to the University Avenue sidewalk.

The proposed loading space location would directly abut the University Avenue sidewalk. No screening or landscaping is proposed. The applicant is also proposing to terminate the decorative fence at the south end of the transformer. While three of the five above reasons for alternative compliance still apply, an alternative to address the adverse impacts of no buffer between the loading spaces and the sidewalk have not been proposed. The loading area will become much more visible from the public right-of-way and to the adjacent residential property. With the proposed use change of the second floor from nonresidential to residential use, the number of loading spaces required by the zoning code has been reduced from 3 to 2 for the development. Removing one of the loading spaces should allow sufficient room for a 7-foot wide landscape buffer between the loading and the sidewalk. Staff is recommending that the planning commission require the applicant to provide a 7-foot wide landscaped yard and extend the decorative fence to the front property line and also between the sidewalk and the loading space. Please note that the maximum height allowed for the proposed fence in the required front yards is 4 feet.

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 loading areas and the properties to the east. Alternative compliance was granted for these requirements for the previous site plan for the following reasons:

- The applicant is proposing to provide a 3.5 foot high decorative metal fence between the loading areas and the side lot line that extended from 4th Street to University Avenue.
- A driveway and parking area for a fraternity and a University of Minnesota parking lot are directly adjacent to the side lot line.
- Where the yard is required, a driveway and parking area currently exist with no physical barrier between properties.
- Providing landscaping would require the elimination of the loading spaces and driveway access required for the site.

The decorative fence has been eliminated in this location and no other alternative has been proposed for these requirements. Staff is recommending that the planning commission require the applicant to extend

the decorative fence to the front property lines adjacent to University Avenue and 4th Street. Please note that the maximum height allowed for the proposed fence in the required front yards is 4 feet.

The proposed changes do not affect the rest of the Landscaping and Screening standards.

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 previous site design included a decorative fence adjacent to the east interior side lot line extending from the 4th Street sidewalk to the University Avenue sidewalk to help control and guide movement to and from the site. The applicant is proposing to terminate the fence at the transformer on the south side and 15 feet from the 4th Street sidewalk. Because the fence was also an alternative proposed for the screening and landscaping requirements for the loading areas, staff is recommending that the planning commission not allow the proposed changes to the length of the fence.

The proposed changes do not affect any more of the Additional standards.

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

ZONING CODE: The site is zoned C3A with the PO and UA overlay districts. The applicant is proposing a mix of uses including 142 dwelling units, general retail sales and services uses, a bank, and restaurants. The proposed commercial uses are permitted. A multifamily dwelling with 5 or more units is a conditional use. In 2009, the planning commission granted a conditional use permit to allow 125 dwelling units. To increase the number of dwelling units to 142 and to increase the gross floor area, an amendment to the conditional use permit is required.

Parking and Loading:

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Minimum automobile parking requirements: The minimum automobile parking requirement for the multiple family dwelling is 128 spaces. The general requirement for a multiple family dwelling is one per unit, or 142 spaces. In the UA overlay district, the minimum off-street parking requirement for residential uses is 0.5 parking spaces per bedroom, but not less than one space per dwelling unit. Up to 243 bedrooms are proposed. 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 a transit stop with midday service headways of 30 minutes or less in each direction. Therefore the parking requirement is reduced to 128 spaces. In the Dinkytown PO overlay district, nonresidential uses are not required to provide accessory off-street parking. A total of 135 parking spaces are proposed.

Maximum automobile parking requirements: Dwellings are not subject to a maximum parking requirement when all parking is enclosed.

The maximum parking requirements for nonresidential uses differs by the type of use. For nonresidential uses located in the PO overlay district, the amount of accessory parking spaces for nonresidential cannot exceed 75 percent of the general maximum parking requirements. The commercial tenant spaces would be occupied by general retail sales and services uses, a bank, and food and beverage uses (approximately 25,000 square feet of floor area). The maximum parking requirement for general retail sales and services uses and banks is one space per 200 square feet of gross floor area. The maximum parking requirement for food and beverage uses is one space per 75 square feet of the floor area. The applicant has not yet determined the final mix of uses, but the proposed amount of parking for nonresidential uses is far lower than the maximums allowed.

Minimum bicycle parking requirements: The minimum bicycle parking requirement is equal to one space per two dwelling units in the C3A district. Not less than 90 percent of the required bicycle parking must meet the standards for long term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, required long-term bicycle parking spaces must be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. In the UA overlay district, the minimum requirement is one bicycle or motorized scooter parking space per one bedroom, which also cannot be located in any required yard or between the principal dwelling and the street. Therefore the minimum requirement is 243 spaces, of which at least 219 must meet the long-term parking requirements and at least 71 must be bicycle spaces. The applicant is proposing to provide 225 bicycle spaces and 24 scooter spaces in the below-grade parking garage.

The minimum bicycle parking requirement for the proposed commercial uses is 3 spaces per tenant, of which at least 50 percent must be short-term (located in a convenient and visible area within 50 feet of a principal entrance). As of the writing of this staff report, 7 commercial tenants were proposed. The applicant is proposing to provide a total of 24 bicycle spaces in the University Avenue, 15th Avenue and 4th Street right-of-way (racks proposed in the right-of-way requires permission from the city engineer). Of these spaces, 22 would meet the short-term bicycle parking standards. All required bicycle racks must be installed to the manufacturer's specifications, including the minimum recommended distance from other structures.

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Minimum loading requirements: The minimum loading requirement for multiple family dwellings of 100 to 250 dwelling units is one small loading space (10 feet wide by 25 feet deep). Approximately 25,000 square feet of floor area would be devoted to general retail sales and services uses, a bank, and food and beverage uses. When a development includes more than one nonresidential use with a low, medium, or high loading requirement, the square footage of uses within the same rating category shall be added together in order to determine the number of required loading spaces. The zoning code assigns a low rating to determine the loading requirement for these uses. For the amount of floor area proposed, one small loading space is required. The total loading requirement for the development is two small spaces. Three 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 would have a total of 155,156 square feet, which is an FAR of 3.56.

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. One tenant space in the building addition could be up to 12,000 square feet. A variance was granted to increase the size of one tenant space.

Minimum Lot Area: The minimum lot area requirement in the C3A district is 400 square feet per dwelling unit, or 56,800 square feet for 142 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 41,237 square feet for 142 units. The proposed lot area is approximately 306.7 square feet per dwelling unit.

Dwelling Units per Acre: The proposed density would be 142 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 Dinky Dome currently has 3 floors. With the construction of the mezzanine, it will have four floors. The height of the addition is 6 stories and 72 feet in height. A conditional use permit was granted to increase the height. A condition of the approval required that “All work on the Dinky Dome shall meet the Secretary of the Interiors standards for rehabilitation. Community Planning and Economic Development Department—Planning Division staff shall review and review the final plans for the Dinky Dome.” The applicant is requesting that the planning commission amend this condition.

Yard Requirements: The front lot lines are adjacent to 4th 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 4th Street, the adjacent property is zoned OR3, but does not contain any structures with frontage on 4th 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

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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 is set back 15 feet from the front lot line in the required front yard. The required front yard adjacent to University Avenue is the same where the adjacent property is zoned R6, but the adjacent residential structure is set back more than 15 feet. The Dinky Dome currently encroaches into the front yard. Parking facilities also encroached into the front yard and some grandfather rights exist to allow the loading spaces in their proposed locations.

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 6-story building requires a 15 foot setback. The building addition is set back 15 feet along the southeasterly property line. A five foot setback is required for all other obstructions in the interior side yard unless allowed as a permitted obstruction. The driveway and loading facilities would be set back 5 feet from the side lot line except where adjacent to the Dinky Dome. Some grandfather rights exist to allow the loading spaces in their proposed locations. The proposed fences are permitted obstructions. The transformer and transformer pad proposed in the side yard are not permitted obstructions. The applicant is requesting a variance to reduce the interior side 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, except where a greater yard is required by the zoning ordinance. Amenities are required to be located between the building and the street. At least one principal entrance is required to face a public street rather than the interior of the site. The new addition complies with these requirements.
- Each nonresidential use that faces a public street or a sidewalk is required to have at least 40 percent clear or lightly tinted glass that allow views into and out of the building at eye level and are distributed in a more or less even manner measured between two and ten feet above the first floor level. All commercial tenant spaces in the new addition would meet this requirement. As of the writing of this report, staff is not aware of any exterior changes to the Dinky Dome that would reduce the amount of windows for nonresidential uses further.
- 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. All of the parking would be located below grade. The amount of accessory parking spaces for nonresidential cannot exceed 75 percent of the general maximum parking requirements. The proposed amount of parking would not exceed 75 percent of the general maximum parking requirements. The driveway width for all parking facilities cannot exceed 20 feet of street frontage. The driveway access from 4th Street and University Avenue would be 12 feet wide.

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. Two transformers would be located at ground level on the east side of the Dinky Dome. The transformers would be screened sufficiently.

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 signage will be applied for in the future. Any new signage will require Zoning Office review, approval, and permits.

Separate access required for commercial and residential uses: Mixed use buildings must comply with Chapter 535 of the zoning code, including:

535.85. Separate access required for commercial and residential uses. Structures containing both nonresidential and residential uses shall be designed so that customers and employees of nonresidential uses do not have unsolicited access to hallways that include doorways serving individual dwelling units.

MINNEAPOLIS PLAN: Many of the principles and policies discussed in the conditional use permit sections of this staff report are also applicable to the site plan and adaptive reuse of the Dinky Dome building. In particular, Policy 1.12 offers support for the propose reuse, which is located in an Activity Center.

Policy 1.12: Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.

Applicable Implementation Steps

- 1.12.1 Encourage a variety of commercial and residential uses that generate activity all day long and into the evening.
- 1.12.2 Encourage mixed use buildings, with commercial uses located on the ground floor and secure entrances for residential uses.

- 1.12.6 Encourage the development of high- to very-high density housing within the boundaries of Activity Centers.

ALTERNATIVE COMPLIANCE:

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

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

Alternative compliance is requested by the applicant to meet the following landscaping and screening standards as a result of changes made to the site plan:

- 1) The loading space locations are proposed to move closer and directly abut University Avenue, which could cause conflicts with pedestrian traffic. The previous location of the loading spaces next to the Dinky Dome was set back over 15 feet from University Avenue. If the back loading space is occupied, it is likely that a delivery truck would need to maneuver over the public sidewalk to park in the front loading space. Staff consulted the Traffic Division in the Public Works Department about the proposed loading location. Public Works staff agreed that the proposed location would create potential conflicts. With the proposed use change of the second floor from nonresidential to residential use, the number of loading spaces required by the zoning code has been reduced from 3 to 2 for the development. Removing one of the loading spaces should allow sufficient room on-site for maneuvering and a landscape buffer between the loading and the sidewalk. Staff recommends that the planning commission require these changes to reduce potential conflicts with pedestrians.
- 2) A landscaped yard with screening that is 3 feet high and at least 60 percent opaque is required between the loading area and University Avenue. The planning commission granted alternative compliance to these requirements for the previous site plan for the following reasons:
 - The loading spaces were set back more than 15 feet from the front lot line.
 - Along University Avenue, the loading space would be adjacent to only 10 feet of the right of way.
 - Loading and parking currently are located in this area without any screening.
 - The existing curb cut would be narrowed to reduce conflicts with pedestrians.
 - A 42 inch high, ornamental metal fence was proposed that extended to the University Avenue sidewalk.

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The proposed loading space location would directly abut the University Avenue sidewalk. No screening or landscaping is proposed. The applicant is also proposing to terminate the decorative fence at the south end of the transformer. While three of the five above reasons for alternative compliance still apply, an alternative to address the adverse impacts of no buffer between the loading spaces and the sidewalk have not been proposed. The loading area will become much more visible from the public right-of-way and to the adjacent residential property. With the proposed use change of the second floor from nonresidential to residential use, the number of loading spaces required by the zoning code has been reduced from 3 to 2 for the development. Removing one of the loading spaces should allow sufficient room for a 7-foot wide landscape buffer between the loading and the sidewalk. Staff is recommending that the planning commission require the applicant to provide a 7-foot wide landscaped yard and extend the decorative fence to the front property line and also between the sidewalk and the loading space. Please note that the maximum height allowed for the proposed fence in the required front yards is 4 feet.

- 3) 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 loading areas and the properties to the east. Alternative compliance was granted for these requirements for the previous site plan for the following reasons:
- The applicant is proposing to provide a 3.5 foot high decorative metal fence between the loading areas and the side lot line that extended from 4th Street to University Avenue.
 - A driveway and parking area for a fraternity and a University of Minnesota parking lot are directly adjacent to the side lot line.
 - Where the yard is required, a driveway and parking area currently exist with no physical barrier between properties.
 - Providing landscaping would require the elimination of the loading spaces and driveway access required for the site.

The decorative fence has been eliminated in this location and no other alternative has been proposed for these requirements. Staff is recommending that the planning commission require the applicant to extend the decorative fence to the front property lines adjacent to University Avenue and 4th Street. Please note that the maximum height allowed for the proposed fence in the required front yards is 4 feet.

RECOMMENDATIONS

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to increase the number of allowed dwelling units from 125 to 142 for the properties located at 1500-1506 4th Street Southeast and 310-316 15th 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.

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** an amendment to the application for a conditional use permit to increase the maximum allowed height of a building for the properties located at 1500-1506 4th Street Southeast and 310-316 15th 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.
2. Exterior work, and changes to character defining features of the interior open spaces under the dome and the two main stairwells/corridors on the Dinky Dome shall meet the Secretary of the Interiors Standards for Rehabilitation. Community Planning and Economic Development Department— Planning Division staff shall review and approve the final plans for the Dinky Dome. Interior changes shall not require historical reports provided by the applicant.

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 5 feet to 2 feet to allow a transformer and transformer pad for the properties located at 1500-1506 4th Street Southeast and 310-316 15th Avenue Southeast.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for an amendment site plan review for the properties located at 1500-1506 4th Street Southeast and 310-316 15th 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 March 29, 2011, or the permit may be revoked for non-compliance.
3. Unless otherwise authorized or required by the City Planning Commission, the conditions of the site plan review approval for BZZ-4429 shall remain in effect.
4. Between the loading area and University Avenue, a landscaped yard at least 7 feet wide shall be provided to prevent potential conflicts with pedestrians and to provide a buffer between the loading area and the public sidewalk as required by sections 530.150 and 530.170 of the zoning code.
5. The decorative fence shall extend from 4th Street Southeast to University Avenue adjacent to the east property line and shall extend from the east property line to the driveway adjacent to University Avenue between the loading area and the sidewalk as an alternative to some of the landscaping and screening requirements of section 530.170 of the zoning code and to help control and guide movement to and from the site as required by section 530.260 of the zoning code.

Attachments:

1. Previous planning commission and city council actions
2. Statement of use
3. Findings
4. Correspondence
5. Zoning map
6. Previously approved plans
7. Plans
8. Technical drawings for transformer
9. Photos