

**Department of Community Planning and Economic Development – Planning
Division**

Rezoning, Conditional Use Permit, Variances, Site Plan Review
BZZ-2726

Date: January 9, 2006

Applicant: American Cancer Society and the University of Minnesota, 2520 Pilot Knob Rd., Ste. 150, Mendota Heights, MN 55120-1158, (651) 255-8125

Addresses of Property: 2500 University Avenue SE

Project Name: American Cancer Society Hope Lodge

Contact Person and Phone: Stephen Schuller, LHB, 250 Third Avenue North, Suite 450, Minneapolis, MN 55401, (612) 752-6940

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

Date Application Deemed Complete: November 21, 2005

End of 60-Day Decision Period: January 19, 2006

End of 120-Day Decision Period: On December 16, 2005, Staff sent the applicant a letter extending the decision period to no later than March 20, 2006.

Ward: 2 Neighborhood Organization: Prospect Park / East River Road Improvement Assn. (PPERRIA)

Existing Zoning: C3A (Community Activity Center) District

Proposed Zoning: OR2 (High Density Office Residence) District

Zoning Plate Number: 22

Lot area: 55,454 square feet or 1.27 acres

Legal Description: See attachment.

Proposed Use: Hospitality residence for individuals who are undergoing treatment for cancer.

Concurrent Review:

- Petition to rezone the subject property from the C3A district to the OR2 district.
- Conditional Use Permit for a hospitality residence in the OR2 district.
- Variance to allow parking in the required front yard along Delaware Street.

- Variance to allow an increase in the maximum permitted fence height along University Avenue SE and 25th Avenue SE from 4 feet to 5 feet (*application has been withdrawn*).
- Variance to allow ground level patios to encroach along 25th Avenue SE into the required yard and to exceed the allowable size in a required yard.
- Site Plan review.

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

Background: The applicant, the American Cancer Society (ACS) and the University of Minnesota, is jointly proposing to construct a new 3-story, 45-room ACS Hope Lodge on the property located at 2500 University Avenue SE. The use as proposed has been determined to be substantially similar to a hospitality residence. The main difference between the use as proposed and a hospitality residence is that a hospitality residence is defined as a place for families of children who are being treated for an illness. The ACS Hope lodge is a residential facility designed to provide a “home-away-from-home” for persons who are undergoing treatment for cancer. The building as proposed would create a home-like environment with staff offices, a reception area, living room, den or library, dining area and kitchens on the main floor with some guest rooms. The upper two floors would house approximately 20 guest rooms per floor.

The proposed site of the ACS Hope Lodge was selected due to its close proximity to the University of Minnesota Cancer Center. The proximity would lessen the travel distance and ease the daily commute for those who must report each day for a session of radiation or for chemotherapy. No fees are charged to residents, thus the lodge lessens the financial burden of its guests and at the same time it provides a built-in support group with others facing similar challenges. The applicant has confirmed that the subject site is located within ½ mile of Fairview University Hospital, as required in the specific development standards.

The property is currently zoned C3A which does not allow hospitality residences; the applicant proposes to rezone the subject property to the OR2 district which allows hospitality residences as a conditional use. Variances are being proposed in order to allow parking in the front yard along Delaware Street and to allow ground level patios to encroach along 25th Avenue SE into the required yard and to exceed the allowable size in a required yard. The variance to permit an increase in the allowable fence height along both University Avenue SE and 25th Avenue SE has been withdrawn. Site plan review is also required.

Prior to the printing of this report, Staff has not received official correspondence from the Prospect Park / East River Road Improvement Assn. (PPERRIA) stating a formal position on the applications.

REZONING

Findings as Required by the Minneapolis Zoning Code:

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

According to the *Minneapolis Plan*, the subject parcel is located along a Community Corridor and adjacent to an Activity Center. According to the Principles and Policies outlined in the *Minneapolis Plan*, the following apply to this proposal:

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

Relevant Implementation Steps:

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

Relevant Policy: **9.6** Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.

Relevant Implementation Steps:

- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods.

The project would be compatible with area properties.

Relevant Policy: **9.23** Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings and to maintain and improve compatibility with surrounding areas.

The development proposal is in conformance with the above noted principles, policies and implementation steps of the comprehensive plan.

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

The amendment is in the public interest and is not solely for the interest of the property owners. The rezoning would allow a hospitality residence as a conditional use, for individuals undergoing treatment for cancer.

- 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 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. A rezoning from the C3A district to the OR2 district will result in the loss of commercial zoning along this portion of University Avenue SE adjacent to an Activity Center. However, the OR2 district does allow mixed use, neighborhood serving retail sales and service uses which would be compatible with the existing zoning classifications and uses within the general area. The area includes a wide range of zoning classifications, including properties with OR2 zoning.

- 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.**

There are reasonable uses of the property permitted under the existing C3A zoning classification, however, Staff would consider a hospitality residence to be a reasonable use of the subject property which is not a permitted or conditional use under the current zoning classification.

- 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.**

There has not necessarily been a change in the character or trend of development in the general area of the property in question since the property was placed in its present zoning classification. However, the proposed zoning classification of OR2 is compatible with the surrounding zoning classifications.

CONDITIONAL USE PERMIT - for a hospitality residence.

Findings as Required by the Minneapolis Zoning Code:

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

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

Development of a 3-story, 45 room hospitality residence for individuals who are undergoing treatment for cancer would not have negative impacts on the area and would not be detrimental to or endanger the public health, safety, comfort or general welfare.

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 site was previously occupied by a motel use. Staff would not expect that the hospitality residence as proposed would be injurious to the use and enjoyment of other property in the vicinity. The scale and intensity of the project would prove compatible with the surrounding uses and would not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

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

The site would be accessed off of two new curb cuts on Delaware Street to the on-site, 56 space surface parking lot. The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections.

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

There are two newly proposed curb cuts off of Delaware Street to the property. The project would comply with the minimum number of required off-street parking spaces as the proposed development requires only 15 spaces and 56 spaces are being provided. All parking spaces would be located in a surface parking lot. A shuttle bus will be providing transportation for residents to and from the treatment facility.

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

See the above listed response to finding #1 in the rezoning application

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 rezoning request, relevant variances, and site plan review.

If all land use/zoning applications are approved, including a rezoning, variances and site plan review, the proposal would comply with all provisions of the OR2 District.

VARIANCE –

- (1) Variance to allow parking in the required front yard along Delaware Street. The applicant proposes to locate parking that encroaches approximately 5 feet into the required yard. A setback of 15 feet is required under the OR2 district regulations.
- (2) Variance to allow an increase in the maximum permitted fence height along University Avenue SE and 25th Avenue SE from 4 feet to 5 feet. This application has been withdrawn.
- (3) Variance to allow ground level patios to encroach along 25th Avenue SE into the required yard and to exceed the allowable size in a required yard. Ground level patios in the corner side yard are allowed to encroach 4 feet into the required yard provided the patio does not exceed 50 square feet in area. The applicant is proposing to vary that requirement as the patios as proposed would encroach 5 feet into the required yard and would be 90 square feet in size.

Findings as Required by the Minneapolis Zoning Code for the Variances:

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.**

To allow parking in the required front yard along Delaware Street: The property could likely be put to a reasonable use under the conditions allowed, however, strict adherence to the regulations of the zoning ordinance would likely cause an undue hardship. The property is subject to two front yard setbacks and one corner side yard setback as the property fronts on three public streets. Further, the change in the zone district ultimately requires a greater yard requirement of 15 feet than adjacent properties. The proposal to allow parking setback approximately 10 feet from the south property line or an encroachment of 5 feet into the required yard, matches the adjacent yard of the Affinity Credit Union located to the east on the same block. Staff believes that granting the setback variance is reasonable and strict adherence to the regulations of the zoning code could cause an undue hardship.

To allow ground level patios to encroach along 25th Avenue SE into the required yard and to exceed the allowable size in a required yard: The property could likely be put to a reasonable use under the conditions allowed, however, strict adherence to the regulations of the zoning ordinance could cause an undue hardship. The variance is being requested in order to allow usable patios or gathering spaces outside of a meeting room and living room that are located along the 25th Avenue SE frontage. Due to the

relatively large setback requirement along 25th, Staff believes this encroachment 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.

To allow parking in the required front yard along Delaware Street: The circumstances could be considered unique as the property is subject to two front yard setbacks and one corner side yard setback as the property fronts on three public streets.

To allow ground level patios to encroach along 25th Avenue SE into the required yard and to exceed the allowable size in a required yard: The circumstances could be considered unique as the property is subject to two front yard setbacks and one corner side yard setback as the property fronts on three public streets.

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.

To allow parking in the required front yard along Delaware Street: Granting the variance to allow parking in the required front yard along Delaware Street would likely be in keeping with the spirit and the intent of the ordinance as the property is subject to two front yard setbacks and one corner side yard setback. Further, granting a setback variance along the south property line for the proposed development would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity as the adjacent property along the south property line is a parking lot for the Affinity Credit Union which also has an approximate 10 foot landscape buffer from the property line.

To allow ground level patios to encroach along 25th Avenue SE into the required yard and to exceed the allowable size in a required yard: Granting the variance to allow the encroachment of the ground level patios an additional one foot into the required yard, and to allow an increase in the permitted size within the required yard would likely be in keeping with the spirit and intent of the ordinance. The patios would extend toward a public street and toward a commercial area, so granting the variance would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

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.

To allow parking in the required front yard along Delaware Street: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

To allow ground level patios to encroach along 25th Avenue SE into the required yard and to exceed the allowable size in a required yard: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

SITE PLAN REVIEW:

Required Findings for 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 Zoning Code

BUILDING PLACEMENT AND FAÇADE:

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

- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.**
- **Entrances and windows:**
- **Residential uses:**
 - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
 - a. **Windows shall be vertical in proportion.**
 - b. **Windows shall be distributed in a more or less even manner.**
 - **Nonresidential uses:**

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

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

Minimum window area shall be measured as indicated in section 531.20 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.**

The building would be built up to the setback line along University. As proposed the building would exceed the minimum required yard along 25th Avenue SE as 12 feet is required and 15 feet is being proposed which would require alternative compliance. Staff would recommend to the Planning Commission that the building be shifted 3

feet to be built up to the setback line along 25th Avenue SE. Both University Avenue SE and Delaware Street are considered front yards, while 25th Avenue SE is considered a corner side yard. The building is oriented toward University Avenue SE and 25th Avenue SE as it is located at the corner as well as toward the interior of the site where a large patio area is proposed for the residents. The design of the development reinforces the street edge along both University Avenue SE and 25th Avenue SE to the extent possible in the proposed OR2 District. The use of progressive design and street-oriented building alignments is reinforced with the proposed development.

There is a principal entrance that faces the public street as an entry to the hospitality residence is located off of University Avenue SE and two other private ingress/egress points are located along the 25th Avenue SE frontage on to small patio areas. The building reinforces the street wall, maximize natural surveillance and facilitate pedestrian access. The area between the building and the public streets will have new and existing tree plantings along the University Avenue SE, 25th Avenue SE and Delaware Street frontages. Based on the active uses proposed on the first level of the building along the University Avenue SE and 25th Avenue SE frontages, Staff does consider this to be a pedestrian oriented development along both streets. Staff would consider the proposed parking facilities as being located to the rear or interior of the site even though the parking is located directly adjacent to Delaware Street which is technically considered a front yard and in fact, encroaches into the required yard. The site is configured in such a manner that the building is oriented toward University Avenue SE and 25th Avenue SE. Based on the layout of the site, the parking as proposed would be located to both the interior and rear of the site.

The façade of the building along University Avenue SE (36%) and 25th Avenue SE (27%) incorporates windows that exceed the 20% window requirement. The windows proposed between 2 and 10 feet provide natural surveillance and visibility by having active uses located along the public streets. The proposed development meets the 10% window requirement on each floor above the first floor that faces the public street, public sidewalk and on-site parking lot.

The south elevation of the building facing Delaware Street meets the 10% window requirement on each floor above the first floor, however, does not have distribution of windows in a more or less even manner, and the elevation is not meeting the 20% window requirement as approximately 18.5% is composed of windows or doors. Alternative compliance would be necessary. Staff believes that there are additional opportunities for windows along the south elevation and will recommend that the Planning Commission require that the proposal meet the minimum requirement.

The exterior materials and appearance of the rear and side walls of the proposed building is proposed to be similar to and compatible with the front of the building. The proposed materials will be brick, glass, cementitious boards and paneling. The proposed building appears to incorporate architectural elements including recesses

and projections, windows and entries. Along the south ground floor elevation of the building there appears to be a blank uninterrupted walls that exceed 25 feet in width. Alternative compliance would be necessary. Staff believes that it is practical to require alterations to the elevation as a condition of approval as that wall will be visible from the on-site parking lot and from Delaware Street despite the presence of a pergola.

The form and pitch of the roof line on the proposed building is similar to and compatible with surrounding buildings.

There is an on-site surface parking lot associated with the proposed development. No parking ramp is being proposed as part of the development.

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.**

Clear and well-lighted walkways would connect the principal entrances of the proposed building to the adjacent public sidewalk and the surface parking lot. The majority of individuals would likely enter the facility off of the patio area to the rear of the building.

While there are no transit shelters within the development itself, the site is adjacent to bus stops on the same block along University Avenue SE that serves multiple bus routes.

There is an on-site 56 stall surface parking lot associated with the proposed development. The parking lot would have two access points off of Delaware Street. The project would remove an existing curb cut from University Avenue SE and 25th Avenue SE. The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses.

There would likely be minimal impacts on surrounding residential properties as a result of the proposed development, however, the project has been designed to minimize those impacts by locating the parking on one side of the site, and attempting to provide a buffer with landscaping. There are no public alleys adjacent to the site.

The site has been designed to minimize the use of impervious surfaces through landscaping and pervious pavers throughout the site as approximately, 26% of the site is

pervious. However, there is an excess number of parking spaces on site. Staff would strongly encourage the applicant to consider reducing the number of stalls in order to reduce the overall impervious surfaces on site.

LANDSCAPING AND SCREENING:

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

The proposal meets the 20% landscape requirement. There are landscaped yard requirements for the proposed development. The total site area is 55,454 square feet and the proposed building footprint on the site would be 10,500 square feet. A total of 8,991 square feet of landscaping would be necessary to meet the 20% requirement. The zoning code requires that there be at least 18 trees and 90 shrubs planted on the site. The applicant is proposing to have 44 trees, 170 shrubs and 673 perennials located or approximately 14,400 square feet or 32% of the site would be landscaped.

The applicant is proposing to include other features in or adjacent to the landscape areas of the site including pergolas, benches, a rain garden along the southern edge of 25th Street SE as well as a large patio.

Screening is not being provided in the front yard along Delaware Street or in the corner side yard along 25th Street SE. Staff will recommend that the Planning Commission require compliance with the screening standards between the parking lot and Delaware Street and 25th Avenue SE per Section 530.170.

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. The proposal meets this requirement.

Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction. The proposal meets this requirement.

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.**
- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
 - **Natural surveillance and visibility**
 - **Lighting levels**
 - **Territorial reinforcement and space delineation**
 - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

The proposed parking is located in an on-site 56 stall surface parking lot located on the south side of the site. The applicant is proposing to provide curbing along the perimeter of the parking area and around the landscape islands located within the parking lot. The parking facilities have been designed to the extent practical to avoid headlights from shining on adjacent properties. There are adjacent residential properties.

The applicant is proposing to install decorative pedestrian-scale light fixtures and wall mounted fixtures throughout the site. A photometric plan was not submitted as part of the application. Staff would require that a more detailed plan showing the proposed

lighting be submitted for final review and approval. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541. The City's CPTED officer has recommended that any additional plantings follow the 3' – 7' rule to allow visibility on site. Planning Staff concurs with that recommendation.

Staff would not expect the proposed development to result in the blockage of views or shadowing of adjacent properties, nor would the proposed development be expected to have impacts on light, wind and air in relation to the surrounding area.

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

ZONING CODE - The proposed use is conditional in the OR2 District

With the approval of the rezoning, conditional use permit, variances and site plan review this development would meet the requirements of the OR2 zoning district.

Specific Development Standards for a hospitality residence:

- (1) The use shall be located within one-half (1/2) mile of a hospital.
- (2) There shall be no more than fifty (50) rooming units or dwelling units.
- (3) On-site services shall be for the residents of the facility only.
- (4) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
- (5) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (6) The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

The proposal complies with all applicable above-listed specific development standards.

Parking and Loading: Chapter 541 of the zoning code requires one off-street parking space per three beds. The applicant proposes to provide 56 parking spaces in a surface parking lot for the proposed development which exceeds the requirement, as only 15 off-street parking spaces would be required.

Signs: Signs are being proposed at this time. All new signage is required to meet the requirements of the code. No signage is being approved as part of this development. Permits are required from the Zoning Office for any signage for the propose development.

Maximum Floor Area: The maximum F.A.R. for a hospitality residence in the OR2 district is the gross floor area of the building which is 31,500 square feet divided by the area of the lot which is 55,454 square feet. The outcome is .56 which is less than the maximum of 2.5 that is permitted in the OR2 District.

Minimum Lot Area: The project would meet the minimum lot width and area requirements of the OR2 District. Hospitality residences in the OR2 District require 10,000 square feet of lot area or 700 square feet per rooming unit, whichever is greater. A total of 45 rooming units are being proposed which would require 31,500 square feet of lot area. The proposal meets the requirement as the subject lot is 55,454 square feet in size.

Height: Maximum building height for hospitality residences in the OR2 District is 4 stories, not to exceed 56 feet. The proposal would comply with this limitation as the proposed development is 3 stories or 32 feet.

Yard Requirements: The required yards are as follows:

Front (along University Avenue SE and Delaware Street): 15 feet

Corner side yard (25th Avenue SE): 12 feet

Interior side yards: 9 feet

Building coverage: The maximum building coverage in the OR2 District is 70 percent. Buildings would cover approximately 19 percent.

Impervious surface area: The maximum impervious surface coverage in the OR2 District is 85 percent. Impervious surfaces would cover approximately 74 percent of the site.

MINNEAPOLIS PLAN

See the above listed response to finding #1 in the rezoning application.

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

No small area plans for this area of Minneapolis have been adopted by the City Council.

ALTERNATIVE COMPLIANCE

The Planning Commission 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.**

As proposed the building would exceed the minimum required yard along 25th Avenue SE as 12 feet is required and 15 feet is being proposed which would require alternative compliance. Staff would recommend to the Planning Commission that the building be shifted 3 feet to be built up to the setback line along 25th Avenue SE.

The south elevation of the building facing Delaware Street does not have distribution of windows in a more or less even manner, and the façade is not meeting the 20% window requirement as approximately 18.5% of the façade is composed of windows or doors. Alternative compliance is necessary. Staff believes that there are additional opportunities for windows along the façade and will recommend that the Planning Commission require that the proposal meet the minimum requirement.

Along the south ground floor elevation of the building there appears to be a blank uninterrupted walls that exceed 25 feet in width. Alternative compliance is necessary. Staff believes that it is practical to require alterations to the facade as a condition of approval as that wall will be visible from the on-site parking lot and from Delaware Street despite the presence of a pergola.

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 rezoning petition to change the zoning classification of the property located at 2500 University Avenue SE from the C3A district to the OR2 district.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a hospitality residence with 45 units on property located at 2500 University Avenue SE.

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 to allow parking in the required front yard along Delaware Street for the proposed hospitality residence located at 2500 University Avenue SE.

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

The application to allow an increase in the maximum permitted fence height along University Avenue SE and 25th Avenue SE from 4 feet to 5 for property located at 2500 University Avenue SE has been **withdrawn**.

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 to allow ground level patios to encroach along 25th Avenue SE into the required yard and to exceed the allowable size in a required yard for the proposed hospitality residence on the property located at 2500 University Avenue SE.

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

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for a hospitality residence on the property located at 2500 University Avenue SE subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation, detailed lighting and landscaping plans.
2. All site improvements shall be completed by February 3, 2007 unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The use is subject to the specific development standards for a hospitality residence found in Section 536 of the Zoning Ordinance.
4. All ground level windows must be transparent (non-reflective) as required by section 530.120 of the zoning code.
5. Modification of the south elevation to meet the 20% window requirement and to incorporate windows, entries, recesses or projections, or other architectural elements to break up the blank wall as required by section 530.120 of the zoning code.
6. Compliance with the landscaping and screening standards between the parking lot and Delaware Street and 25th Avenue SE per Section 530.170.
7. Modification of the building location up to the setback line along 25th Avenue SE.

Attachments:

1. Statement of use and description of project
2. Findings for variances
3. Correspondence
4. Confirmation that site is within ½ mile of a hospital
5. Zoning map
6. Plans – site survey, site plan, floor plans, elevations, landscape plans, photos
7. PDR notes