

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit  
BZZ – 4635

**Date:** December 14, 2009

**Applicant:** University Lofts, LLC

**Address of Property:** 2600 University Avenue Southeast

**Project Name:** University Flats

**Contact Person and Phone:** Gregory Schlink, (651) 895-7453

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

**Date Application Deemed Complete:** November 19, 2009

**End of 60-Day Decision Period:** January 18, 2010

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

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

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

**Zoning Plate Number:** 22

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

**Proposed Use:** Multiple family dwelling with 82 dwelling units.

**Concurrent Review:** Conditional use permit amendment to increase the number of allowed dwelling units to 82.

**Applicable zoning code provisions:** Chapter 525, Article VII Conditional Use Permits.

**Background:** The planning commission approved the existing U Flats development in 2005 (see attached actions). The original proposal included 79 dwelling units and ground floor retail adjacent to University Avenue in a 4-story building including below-grade parking. When construction was completed, only 76 dwelling units were established. According to the applicant, leasing or selling the retail spaces has been unsuccessful. Therefore, they are proposing to convert the retail space to six dwelling units resulting in a total of 82 dwelling units on the site. Three of the units would be efficiencies and the other three would be one bedroom units.

CPED Planning Division Report  
BZZ – 4635

A multiple family dwelling with 5 or more units is a conditional use in the C3A district. An amendment to the conditional use permit is required to increase the number of units. Upon approval of a conditional use permit, the action must be recorded with Hennepin County as required by state law.

Some exterior modifications are proposed as part of the conversion. The retail entry doors facing University Avenue will be replaced with windows. Lower windows of several units facing University would be filled in with insulated panels. The site will remain in compliance with the site plan review standards previously approved, therefore an amendment to the site plan review application is not required. Revised plans showing the proposed changes will need to be approved by planning staff before building permits are issued.

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

**CONDITIONAL USE PERMIT:** to allow 82 dwelling units.

**Findings as required by the Minneapolis Zoning Code for the conditional use permit:**

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

Increasing the number of dwelling units should not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

- 2. Will 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.**

A mix of residential and nonresidential uses are located in the immediate area. The property is also near the University of Minnesota where higher density is appropriate. Staff is not aware of any negative impacts from the existing residences. Increasing the number of units by six should have little effect on surrounding properties.

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

The site is served by existing infrastructure. Vehicle access is from Delaware Street Southeast. The Public Works Department has reviewed the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

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

In general, the number of automobile parking spaces required for a multiple family dwelling is one per unit. The development qualifies for a transit incentive to reduce the multiple family parking requirement by 10 percent because the development is located within 300 feet of a transit stop located on University Avenue Southeast with midday service headways of 30 minutes or less in both directions. The development was approved with 80 parking spaces on site, of which 72 were available for the dwelling units and 8 were available for the retail. Since the project was approved, the UA overlay district was added to the site. The UA overlay requires that 0.5 spaces are provided for each bedroom, but not less than one space per dwelling unit. There are a total of six bedrooms being added. The eight spaces originally proposed for the retail will provide parking for the new units. The parking provided will exceed the minimum parking requirements for the new and existing units.

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 must be accessible to intended users. Required long-term bicycle parking for residential uses can 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 shall not be located in any required yard or between the principal dwelling and the street. Therefore the minimum requirement for the new units is 6 spaces, all of which must meet the long-term parking requirements. Eighteen bicycle spaces were installed in the below-grade parking garage for the existing residences. Twelve outdoor bicycle spaces were provided as required for the retail spaces; however, these spaces do not meet the long term standards for the residential parking. Because the existing bicycle parking does not exceed the requirements for the existing use, the applicant is required to provide 6 additional spaces meeting the standards for long-term parking.

No changes are proposed to the access from Delaware Street Southeast. With the existing amount of automobile parking, the close proximity to public transportation, and providing the required amount of bicycle parking for the new units, the additional units should not contribute to traffic congestion in the area.

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

In the *The Minneapolis Plan for Sustainable Growth*, the site is located in the University of Minnesota growth center, the 29<sup>th</sup> Street and University Avenue transit station area, and the Stadium Village activity center. University Avenue Southeast, adjacent to the site, is designated as a commercial corridor. The proposed future land use designation of and around the site is mixed use. The following policies are relevant to the conditional use permit:

Policy 1.3: Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.

Applicable Implementation Step:

- 1.3.2 Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.

Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

Applicable Implementation Step:

- 1.10.5 Encourage the development of high-density housing on Commercial Corridors.

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 Step:

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

Policy 1.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

Applicable Implementation Step:

- 1.13.5 Concentrate highest densities and mixed use development adjacent to the transit station and along connecting corridors served by bus.

The site is also located within the boundaries for the *University Avenue SE & 29<sup>th</sup> Avenue SE Development Objectives and Design Guidelines* adopted by the City Council in 2005. One of the objectives in the plan states, "Throughout the corridor, encourage residential ownership and rental, as well as a variety of unit and building types, to accommodate a wide variety of income levels, lifestyles and lifecycles."

*Staff comment:* The proposed density would be appropriately located on a commercial corridor and within a growth center, a transit station and an activity center. The additional units would contribute to housing variety in the city and further increase the residential density around the University of Minnesota. Providing additional bicycle parking will increase access to high quality facilities. The proposal is in compliance with the comprehensive plan and the small area plan.

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

The use of the site for a multi-family residential dwelling will conform to the applicable regulations of the districts in which it is located upon the approval of the conditional use permit. The minimum lot area requirement in the C3A district is 400 square feet of lot area per dwelling. The lot area per dwelling unit proposed is approximately 500 square feet.

**RECOMMENDATION**

**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 to amend the conditional use permit to increase the number of allowed dwelling units to 82 located at the property of 2600 University Avenue Southeast, subject to the following conditions:

- 1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
- 2) At least six bicycle parking spaces shall be provided for the new units that comply with the standards of section 541.180 of the zoning code for long-term parking.

**Attachments:**

1. Applicant statement of use and findings
2. Zoning map
3. Plans
4. Photos