

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variances and Site Plan Review
BZZ-5814

Date: October 29, 2012

Applicant: Jared Schenk, GEM Realty Capital

Address of Property: 1313 5th Street SE

Project Name: UTEC Mixed-Use

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

Planning Staff and Phone: Kimberly Holien, (612) 673-2402

Date Application Deemed Complete: October 5, 2012

End of 60-Day Decision Period: December 4, 2012

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

Existing Zoning: C2, Neighborhood Corridor Commercial District, 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 development with 317 dwelling units and 44,255 square feet of ground floor commercial space.

Concurrent Review:

Conditional use permit: for a planned unit development consisting of 317 dwelling units and 44,255 square feet of ground floor commercial space.

Variance: to increase the maximum floor area ratio from 2.44 to 2.80.

Variance: to reduce the off-street parking requirement from 415 stalls to 332 stalls. A total of 377 parking stalls will be located on site, 45 of which will be made available for public parking.

Site plan review.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX, Variances, specifically Section 525.520(6) “to vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces” and Section 525.520(3) “to vary the

CPED - Planning Division Report
BZZ-5814

gross floor area, floor area ratio and seating requirements of a structure of use”; Chapter 527, Planned Unit Development and Chapter 530, Site Plan Review.

Background: The development site is located on the east half of the block bounded by 5th Street SE, 14th Avenue SE, 6th Street SE and 12th Avenue SE. The site is currently occupied by UTEC, a multiple tenant building in the former John Marshall High School, and a large surface parking lot. The applicant is proposing to demolish the existing building and construct a mixed-use development that ranges from four stories to six stories. An Historic Review Letter was issued by Planning Division staff on May 29, 2012, indicating that the property does not meet the City’s thresholds for historical significance. The development will include 317 dwelling units, approximately 40,655 square feet of ground floor commercial space and 3,600 square feet of commercial space within a mezzanine level for a total of 44,255 square feet of commercial. The project also includes 70 parking spaces at grade level and 307 underground parking spaces.

This project was originally approved by the City Planning Commission at its meeting on August 27, 2012. The approvals at that time were for a conditional use permit for a Planned Unit Development with 326 dwelling units, 47,190 square feet of ground floor commercial space, 23 parking spaces at grade level and 426 underground parking spaces. Other applications included a conditional use permit for increased height, site plan review and preliminary plat. One of the conditions of approval attached to the site plan review application was that the “Applicant will work with staff, and in consultation with the neighborhood, to explore options for the creation of a publicly accessible pedestrian and bicycle path to directly connect 5th St SE and 6th St SE, generally within the vacated 13th Ave SE right-of-way.” One of the primary changes at this time is that the applicant has proposed a pedestrian connection through the center of the site, on the east side of the grade level parking. This pedestrian pathway will provide direct access through the site from 5th Street SE to 6th Street SE. This pedestrian connection will be access controlled and may be closed if security issues arise. There was testimony at the public hearing related to the reduction in public parking that would result with the redevelopment of the existing site. In response to those concerns, the plans have also been revised to increase the number of parking spaces at grade and make some of those spaces available for public parking. This results in a change to the size of the retail tenants along 5th Street SE. A fourth commercial tenant space has also been added along 14th Avenue SE, adjacent to the public plaza.

The commercial uses will be on the ground floor and front along 5th Street SE and 14th Avenue SE. The applicant is proposing three commercial tenant spaces facing 5th Street SE, including a 20,400 square foot space that will likely be a grocery store and two general retail uses. A 1,500 square foot retail space is proposed along 14th Avenue SE near the public plaza. Specific tenants for the retail spaces have not been identified at this time. Walk-up townhouse style units will front along 6th Street SE and wrap around to the west side of the site. Additional housing is located on the interior of the site, framing a large interior courtyard. The principal residential entrance is located in the center of the east elevation, adjacent to a plaza space. There is a second residential entrance in the center of the site facing 5th Street SE. Three of the retail uses will be oriented toward and accessed from 5th Street SE and the smallest space will be oriented to and accessed from 14th Avenue SE. The underground parking will have two access points; one from 6th Street SE and one from 14th Avenue SE. The ground level parking, which is intended to serve the commercial spaces and will also be made available for public parking, will be accessed from 5th Street SE. The ground level parking is lined with active uses along the street sides of the building.

CPED - Planning Division Report
BZZ-5814

The unit mix includes 6 studio units, 62 one-bedroom units, 75 two-bedroom units, 84 three-bedroom units and 90 four-bedroom units. Residential amenities include study rooms, a fitness center, an indoor pool, a plaza, a center courtyard, a media lounge, a computer lab and a community room. Other amenities are proposed as part of the planned unit development.

The site is essentially designed as five separate buildings with varying degrees of connections. The below grade parking covers the entire site with no interior separations. On the first floor, the walk-up units fronting along 6th Street SE are not connected to any other building on the site. The remaining buildings are continuous on the ground floor. On the second floor, the development begins to function as five separate buildings with skyway connections. Along 6th Street SE, the maximum height of the building is four stories. The remainder of the buildings have a maximum height of five stories, with the exception of the building on the southeast corner, which steps up to a maximum height of six stories, 76 feet. The first floor is over 20 feet in height making it two stories per the zoning code definition. Therefore, the building is technically a maximum of 7 stories. However, for purposes of this report, the building height will be referred to as it is designed to function.

In the C2 district, a PUD is a conditional use. Upon approval of a conditional use permit, the action must be recorded with Hennepin County as required by state law. A conditional use permit for a PUD was previously approved for this project. The requested exceptions and required amenities are not changing at this time. However, staff found that the proposed changes were substantial enough to warrant an amendment to the previously approved PUD.

The maximum floor area ratio (FAR) allowed in the C2 District is 1.7. The maximum FAR increases to 2.04 when all required parking is located underground. The applicant is requesting an additional 20 percent bonus as an alternative to the PUD, for a maximum FAR of 2.44. The project includes a 445,545 square foot building on a 159,386 square foot lot, resulting in a FAR of 2.80. Under the previous approvals, the site was eligible for a second bonus because the proposed commercial spaces comprised more than 50 percent of the ground floor. That second bonus would have increased the maximum FAR to 2.72. However, the overall size of the retail spaces has been reduced to make room for public parking at grade level and a variance to increase the maximum FAR from 2.44 to 2.80 has been requested. The actual bulk of the building is changing by approximately 12,000 square feet over the previous approvals.

The parking requirement for residential uses in the UA University Area Overlay District is one-half space per bedroom but not less than one space per dwelling unit. This project will include 317 dwelling units and 830 bedrooms, for a minimum parking requirement of 415 spaces. The commercial uses do not have a minimum parking requirement due to the site's location in the Dinkytown Pedestrian Oriented Overlay District. Therefore, the minimum vehicle parking requirement is 415 spaces and a total of 377 spaces are proposed. Of these, 307 will be located underground and 70 will be enclosed at grade. Of the 70 stalls at grade, 45 will be available for a fee to the public. As such, these 45 spaces are not being counted toward the minimum parking requirement and the variance being processed is to reduce the off-street vehicle parking requirement from 415 spaces to 332 spaces.

CPED - Planning Division Report
BZZ-5814

The applicant is proposing 317 new dwelling units and approximately 44,255 square feet of commercial space on the ground floor. Site plan review is required for any new use with 20,000 square feet of gross floor area and/or five or more dwelling units.

Staff received a letter from the Marcy-Holmes Neighborhood Association dated June 24, 2012, expressing support for the project. While the project has been modified since that date and the applicant has had additional meetings with the neighborhood association, updated correspondence had not been received as of the writing of this staff report. The June 24, 2012, letter has been attached for review.

CONDITIONAL USE PERMIT: to allow a planned unit development with 317 dwelling units and 44,255 square feet of ground floor commercial space.

Findings as Required by the Minneapolis Zoning Code for Conditional Use Permits:

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 a planned unit development with 317 dwelling units and approximately 44,255 square feet of ground floor commercial space 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. The site is located within an activity center and there are other high-density residential and commercial uses in the immediate 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 project will not be injurious to the use and enjoyment of other property in the vicinity. The surrounding area is fully developed with a range of commercial uses and residential uses of varying densities. The only property that the site directly abuts is a church (Newman Center) to the west. Residential uses on adjacent blocks include single family homes, rooming houses with up to 12 dwelling units and multiple-family residential buildings with up to 128 dwelling units. There are several commercial uses along 5th Street SE to the south of the site. The scale and massing of the proposed development is compatible with other commercial and multi-family residential buildings in the immediate area. The proposed development will be designed to give the appearance of several smaller buildings and will provide a variety of unit types, including walk-up units where the area transitions to more low-density residential uses to the north. Existing and future development in the area should not be negatively affected by the development.

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

The site is served by existing infrastructure. The Public Works Department reviewed the project as part of the Preliminary Development Review (PDR) process 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. The PDR report has been attached for review.

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

While the applicant is requesting a parking variance, the use is not expected to contribute to traffic congestion in the public streets. The parking requirement for residential uses in the UA University Area Overlay District is one-half space per bedroom but not less than one space per dwelling unit. This project will include 317 dwelling units and 830 bedrooms, for a minimum parking requirement of 415 spaces. The commercial uses do not have a minimum parking requirement due to the site's location in the Dinkytown Pedestrian Oriented Overlay District. Therefore, the minimum vehicle parking requirement is 415 spaces and a total of 377 spaces are proposed. Of these, 307 will be underground and 70 will be enclosed at grade. Of the 70 stalls at grade, 45 will be available for a fee to the public. As such, these 45 spaces are not being counted toward the minimum parking requirement and the variance being processed is to reduce the off-street vehicle parking requirement from 415 spaces to 332 spaces. The applicant has stated that some of the grade level stalls will be made available to residents if the demand for on-site parking exceeds the number of spaces provided in the below-grade parking structure.

The site is within a Pedestrian Oriented Overlay District and other modes of transportation are available for residents. The minimum bicycle parking requirement of one space per bedroom will be met and there is regular, midday bus service available in the immediate area. The bicycle parking requirement for general retail sales and services uses is one space for each 5,000 square feet of gross floor area or a minimum of three spaces, whichever is greater. For the 44,255 square feet of commercial space proposed, the minimum bicycle parking requirement is eight spaces. An additional eight short-term spaces will be required as a condition of approval

Access into the underground parking structure will be from 14th Avenue SE and from 6th Street SE. Access into the grade level parking will be from 5th Street SE. The loading requirement for general retail sales and service uses up to 50,000 square feet is one small (12' x 25') loading space. One small loading space has been provided on the north side of the westernmost commercial space, with access from 5th Street SE. The loading requirement for the grocery store is high and requires one large (12' x 50') loading space. The loading requirement for residential uses with 250 dwelling units or more is two small (12' x 25') loading spaces or one large (12' x 50') loading space. One large shared loading space has been provided on the north side of the easternmost commercial space with access from 14th Avenue SE. The applicant has provided an exhibit showing turning movements for delivery vehicles.

The applicant submitted a Travel Demand Management Plan (TDMP) that evaluates traffic generated by the proposed use and potential for congestion in the adjacent public streets. The use is expected to generate 325 peak hour trips in the morning hours and 1,922 trips daily. The Traffic Impact Study performed for the proposed project found that the transportation network near the development site

operates acceptably and most intersections studied will continue to operate acceptably after the project is completed and fully operational.

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

The site is designated as Urban Neighborhood on the future land use map in *The Minneapolis Plan for Sustainable Growth* and is within the boundaries of an Activity Center. The site is one block west of the 15th Avenue SE Community Corridor and one block north of the 4th Street SE Community Corridor. The Urban Neighborhood designation is due to the fact that the site contains a former school building. The following policies of the Comprehensive Plan apply to the site:

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

- 1.1.3 Encourage the use of flexible regulatory options that promote high quality development, such as the Planned Unit Development (PUD) tool.
- 1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Land Use Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

- 1.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.

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

- 1.3.1 Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings.
- 1.3.2 Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.

Land Use 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.

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

Land Use 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.

- 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.
- 1.12.3 Encourage active uses on the ground floor of buildings in Activity Centers.
- 1.12.4 Discourage uses that diminish the transit and pedestrian character of Activity Centers, such as automobile services, surface parking lots, and drive-through facilities.
- 1.12.5 Encourage a height of at least two stories for new buildings in Activity Centers, in keeping with neighborhood character.
- 1.12.6 Encourage the development of high- to very-high density housing within the boundaries of Activity Centers.
- 1.12.9 Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces in Activity Centers.
- 1.12.10 Encourage developments to incorporate climate sensitive site and building design practices.

Housing Policy 3.1: Grow by increasing the supply of housing.

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

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

- 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.

Housing Policy 3.6: Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.

- 3.6.1 Promote the development of housing suitable for people and households in all life stages that can be adapted to accommodate changing housing needs over time.

Urban Design Policy 10.6: New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level.

- 10.6.1 Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks.
- 10.6.4 Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces.
- 10.6.5 Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level.
- 10.6.6 Integrate transit facilities and bicycle parking amenities into the site design.

Urban Design Policy 10.5: Support the development of multi-family residential dwellings of appropriate form and scale.

10.5.2 Medium-scale, multi-family residential development is more appropriate along Commercial Corridors, Activity Centers, Transit Station Areas and Growth Centers outside of Downtown Minneapolis.

The applicant is proposing 317 dwelling units on a site that is 3.66 acres in size for a density of 86 dwelling units per acre. This is considered high-density residential development, which includes development with 50-120 dwelling units per acre. While the site is designated as urban neighborhood this level of density is appropriate in an Activity Center. The project includes active commercial uses on the ground floor and would also involve the elimination of a large surface parking lot, which are policy recommendations for Activity Centers.

The site is also within the study area of the *Marcy-Holmes Small Area Plan*. The policies of the small area plan are evaluated below in the Site Plan Review section of this report.

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 planned unit development with 317 dwelling units and 40,655 square feet of ground floor commercial space (44,255 square feet with mezzanine) will conform to the applicable regulations upon the approval of the conditional use permit, variances, and site plan review applications.

Findings Required for Planned Unit Developments:

- A. The planned unit development conforms to the applicable standards for alternatives and amenities. (See Section A Below for Evaluation)**
- B. Additional uses. (See Section B Below for Evaluation)**

C. The planned unit development conforms to the required findings for a planned unit development. (See Section C Below for Evaluation)

Section A: Authorized Alternatives and Amenities Provided

- All planned unit developments shall provide at least one (1) amenity or a combination of amenities that total at least ten (10) points, beyond those required for any alternative(s), and even if no alternative(s) is requested.
- For each alternative requested, an amenity or a combination of amenities totaling at least five (5) points, in addition to the amenity(ies) required in section 527.120(1), shall be provided. For multiple requests of the same alternative only one (1) amenity shall be required for those alternatives.
- Unless otherwise determined by the city planning commission, each phase of the planned unit development shall include the amenities provided for any alternatives in that phase, as a part of the construction of that phase.
- In no case shall any item be counted as an amenity for an alternative if it is utilized to qualify for a density bonus in any zoning district, a floor area ratio premium in the Downtown Districts, or any other amenity in Table 527-1, Amenities.
- Where an amenity is provided that meets the standards required in Table 527-1, Amenities, the full point value assigned to said amenity shall be obtained. Where the amenity does not meet all of the standards required in Table 527-1, Amenities, no points shall be awarded. Partial points for alternatives shall not be awarded, except as otherwise allowed in Table 527-1, Amenities.

Alternatives requested:

- **Placement and number of principal residential structures.**

Number of Principal Residential Structures – The applicant is proposing multiple residential structures on one lot. The site is essentially designed as five separate buildings with varying degrees of connections. The below grade parking covers the entire site with no interior separations. On the first floor, the walk-up units fronting along 6th Street SE are not connected to any other buildings on the site but the remaining buildings are continuous. On the second floor, the development begins to function as five separate buildings with skyway connections. The skyway connections are provided on each of the upper floors.

To allow alternatives to the building placement requirements in the PO Pedestrian Oriented Overlay District, except where to allow parking between the principal structure and the front or corner side lot line. – The maximum setback allowed in the PO Pedestrian Oriented Overlay District is eight feet except where a greater setback is required. In this case, a minimum front yard setback of 15 feet is required for the first 40 feet of the site starting at the west property line due to the adjacent residential zoning. However, the maximum eight foot setback applies to the remainder of the site along 5th Street SE, 14th Avenue SE and 6th Street SE. The site plan shows a maximum setback of 15 feet from the corner side lot line (14th Avenue SE) in the northeast corner of the site and a maximum setback of 15 feet from the front property line adjacent to 6th Street SE. The greater setback is requested to allow for walk-up units in this location and amenities such as landscaping and ground level patios. The applicant is also balancing the two setback requirements along 6th Street SE; the 15-foot minimum for the west 40 feet and the 8-foot maximum for the remainder of the frontage. The setback of the portion of the building west of the plaza space will also be greater than eight feet.

CPED - Planning Division Report
BZZ-5814

- **Bulk regulations.**

Maximum Floor Area – The maximum FAR allowed in the C2 District is 1.7. The maximum FAR increases to 2.04 when all required parking is located underground. The applicant is requesting an additional 20 percent bonus as an alternative to the PUD, for a maximum FAR of 2.44. The project includes a 445,545 square foot building on a 159,386 square foot lot, resulting in a FAR of 2.80. Under the previous approvals, the site was eligible for a second bonus because the proposed commercial spaces comprised more than 50 percent of the ground floor. That second bonus would have increased the maximum FAR to 2.72. However, the overall size of the retail spaces has been reduced to make room for public parking at grade level and a variance to increase the maximum FAR from 2.44 to 2.80 has been requested. The actual bulk of the building is changing by approximately 12,000 square feet over the previous approvals.

Building Height: No alternative requested. An application for a conditional use permit for increased height was approved as part of the previous application, BZZ-5675.

- **Lot area requirements.** – The minimum lot area requirement in the C2 district is 700 square feet per dwelling unit. The site is 159,386 square feet in area, which allows 227 units. The development qualifies for a 20 percent bonus, or 45 additional dwelling units, by enclosing all of the required residential parking. A second 20 percent bonus is requested as an alternative per the PUD. The number of dwelling units permitted with both bonuses is 317, requiring a minimum of 502.7 square feet of lot area per dwelling unit. A total of 317 dwelling units are proposed.
- **Yards.** – No alternative requested.
- **On-premise signs.** – No alternative requested.
- **Off-street parking and loading.** – No alternative requested.

Points required:

- Minimum required amenity(ies) – **10 points.**
- Placement and number of principal residential structures – **5 points.**
- Bulk regulations, maximum floor area – **5 points.**
- Lot area requirements – **5 points.**
- **Total – 25 points.**

Amenities provided: The applicant has provided a supplemental table (attached to this report) describing all of the amenities proposed. Staff believes 25 points worth of amenities are provided as described below.

Table 527-1 Amenities

The applicant proposes the following amenities from Table 527-1: Outdoor Open Space, Plaza, Pedestrian Improvements, Reflective Roof, Decorative Fencing, Enhanced Exterior Lighting, Water Feature and Recycling Storage Area. The applicant is also taking advantage of the opportunity to propose their own amenity in the form of a green roof that occupies 25 percent of the total roof area for a 5-point amenity, as opposed to the 50 percent required for a 10-point amenity.

Amenity Proposed by the Applicant: Recreational Green Roof - **The city planning commission may consider other amenities not listed in Table 527-1, Amenities, that are proportionally related to the alternative requested. The commission may assign one (1), five (5), or ten (10) points based on the proportionality.** The applicant is proposing a green roof equivalent to approximately 28,140 square feet, or 25 percent of the total roof area. In order to be considered for a 10-point amenity, the green roof area would need to be equivalent to 50 percent of the total roof area. Therefore, the applicant is proposing this as an alternative amenity and is requesting five points. The green roof area will be in two sections and would be accessible at the second level of the building. According to the statement prepared by the applicant, these green roof areas are intended to function as seating nooks, recreational lawns, grilling areas and/or courtyards. The green roof areas will be accessible and visible for residents. The green roofs will include a mixture of types. The spaces that face the street but are not accessible or intended for foot traffic will be shallow extensive or tray systems. The green roof areas that are accessible and intended for active use will be more intensive. This provision is worth 5 points.

Outdoor Open Space – The required standards for outdoor open space are:

- **Contiguous ground level outdoor open space that is related to and proportional with the bulk of the building and landscaped with trees and shrubs. Rain gardens, where appropriate, are encouraged.**

The outdoor open space will consist of a large interior courtyard that will function as an outdoor activity space for residents. The landscaping in this area includes turf grass, six ornamental trees and several shrubs and perennials.

- **Walkways and pathways shall be surfaced with pervious pavers, pervious concrete, decorative pavers, stamped concrete, colored concrete, brick or other decorative and durable materials.**

The walkways will be surfaced with decorative pavers and other decorative, durable materials.

- **A minimum of thirty (30) percent of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of fifty (50) percent of the provided open space shall be contiguous. The open space must be immediately accessible from the principal structure.**

The minimum required area to qualify for this amenity is 30 percent of the site not occupied by buildings. The net site area minus the building footprint is 40,631 square feet of which 30 percent, or 12,189 square feet must be green space. A minimum of 50 percent of this area must be contiguous. The total open space in the center of the site is 12,232 and is entirely contiguous.

- **Areas should be designed for winter use and relate to the built form with consideration given to elements such as providing shelter from wind, utilizing seasonally appropriate materials, maximizing access to sunlight and providing for snow and ice removal.**

The central courtyard will be sheltered from the elements as it will be surrounded by the building on all four sides. The north half of the space will have access to sunlight during the winter months, according to the shadow studies provided.

This provision is worth 5 points.

Plaza – **Plaza shall have a minimum area equivalent to 10 percent of the site not occupied by buildings, but not less than 2,000 square feet and shall comply with all provisions in Chapter 535, Regulations of General Applicability. Plazas for commercial or mixed-use development shall be open to the public during daylight hours.** The proposed plaza fronts along 14th Avenue SE, near the principal residential entrance. The plaza will be 4,600 square feet in area, equivalent to 11.3 percent of the site not occupied by buildings. The plaza will be directly connected to the public sidewalk and includes an unobstructed walkway with a minimum width of 10 feet that connects to the principal residential entrance. The design allows for pedestrian and bicycle access through and around the plaza. The plaza is unobstructed to the sky. In terms of seating, a minimum of 124 linear feet of seating is required, 25 feet of which must be fixed seating and 25 feet must include backs. The applicant is providing 146 linear feet of seating, 54 feet of which is fixed and 54 feet of which has backs. An additional 92 linear feet of backless seating is proposed. Seating types include benches with backs, game tables and backless benches. The minimum planting requirement for the plaza is one tree for each 1,000 square feet of plaza space, or six trees in this case. The plaza will contain eight trees and numerous other shrubs and perennials. For additional amenities, the plaza will also include a kiosk and game tables. The plaza will be surfaced with a combination of stone and asphalt pavers and flagstone stepping stones. It will also include some stone elements from the existing UTEC building. This provision is worth 5 points.

Pedestrian improvements – The required standards for pedestrian improvements are:

- **A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site that exceeds the requirements of Chapter 530, Site Plan Review.** The site occupies what was formerly the right-of-way for 13th Avenue SE. This street was vacated many years ago, cutting off through access from 5th Street SE to 6th Street SE. The site currently contains a surface parking lot in the location of former 13th Avenue SE, which allowed bicycle and pedestrian traffic to pass through this block. The proposed development will eliminate the surface parking lot. A pedestrian pathway will be provided along the west side of the site to allow pedestrian and bicyclists to cross through the block. The pedestrian connection will be a 8-foot wide concrete sidewalk that follows the west interior property line and will be open to the public. The entrance to this pedestrian connection will include a pocket park that fronts on 5th Street SE.

A second pedestrian connection is located in the center of the site, on the east side of the grade level parking. This pedestrian pathway is 8.5 feet in width and will provide more direct access through the site from 5th Street SE to 6th Street SE. This path may have limited hours, depending on management and security issues for the development. The pathway that meanders along the west property line will be accessible 24 hours per day.

- **The improvements shall use a combination of landscaping, decorative materials, access control and lighting to create a safe, clear and aesthetically pleasing access through and/or around the site that complies with the Americans with Disabilities Act accessibility requirements.** The pedestrian pathway on the west side of the site will be flanked by a significant amount of landscaping on both sides, including canopy trees, shrubs and perennials. The proposed landscaping includes canopy trees on the property to the west. Pedestrian scale lighting will be provided to create a safe access. Several units including walk-up entries that are accessed from this pedestrian pathway, will

CPED - Planning Division Report
BZZ-5814

enhance the pedestrian experience with activity. A 4-foot high decorative fence will be located between the pathway and the units to delineate between public and private spaces. The pedestrian pathway through the center of the site will be well lit with pedestrian scale lighting and separated from the parking area with curbing. This provision is worth 3 points.

Reflective roofs – **Utilize roofing materials for seventy-five (75) percent or more of the total roof surface having a Solar Reflectance Index (SRI) equal to or greater than the values as required by the US Green Building Council (USGBC) for low-sloped and steep-sloped roofs.** Reflective roofing materials with a Solar Reflectance Index equal to or greater than that required by the USGBC will be provided on all roof areas that are not covered with green roof, for a minimum of 75 percent of the total roof area.

This provision is worth 3 points.

Decorative fencing – **Install high-quality decorative metal fencing where visible from the public street, public sidewalk or public pathway. The point for decorative fencing may be obtained when it is included as part of another amenity if it is also provided in other areas on the site. In no case shall chain-link fencing be considered decorative fencing.** There will be a significant amount of fencing provided on site for access control to walk-up units and outdoor yards. This fencing will be made out of decorative, black metal and will be four feet in height.

This provision is worth 1 point.

Enhanced exterior lighting – **Lighting plan that highlights significant areas of the site or architectural features of the building(s), subject to the standards of Chapter 535, Regulations of General Applicability.** The project will include individual unit entry lighting, decorative retail lighting and building lighting along 14th Avenue SE. Pedestrian scale lighting will be provided along the public pathway on the west side of the site and the public pathway in the center of the site. The lighting would comply with the standards of Chapter 535, Regulations of General Applicability, as shown on the attached photometric plan.

This provision is worth 1 point.

Recycling storage area – **Provide an easily accessible area that serves the entire building and is dedicated to the collection and storage of non-hazardous materials for recycling, including but not limited to paper, corrugated cardboard, glass, plastics and metals. The recycling storage area shall be located entirely below grade or entirely enclosed within the building.** Recycling areas will be provided within the building. The retail uses will each have their own recycling areas and the residential use will have a minimum of two recycling chutes within the building. The recycling chutes will be connected to two rooms within the parking garage where it will be stored and management will coordinate collection on pick-up day.

This provision is worth 1 point.

Water feature- **A water feature, including but not limited to a reflecting pond, a children's play feature or a drinking fountain shall be located where it is highly visible to and useable by the public.** The applicant is proposing a drinking fountain within the entry plaza. The fountain will be decorative and will either be designed in collaboration with an artist, or by finding a unique, sculptural pre-fabricated piece. This drinking fountain has not been counted as one of the additional amenities required for the plaza amenity.

CPED - Planning Division Report
BZZ-5814

This provision is worth 1 point.

Points Summary

<i>Amenity</i>	<i>Points Requested by Applicant</i>	<i>Points Recommended by Staff</i>
Amenity Proposed by the Applicant- 25 percent green roof	5	5
Outdoor Open Space	5	5
Plaza	5	5
Pedestrian Improvements	3	3
Reflective Roof	3	3
Enhanced Exterior Lighting	1	1
Decorative Fencing	1	1
Recycling Storage Areas	1	1
Water feature	1	1
Total	25	25

A total of 25 points are required for the requested alternatives and 25 points have been provided.

Phasing plan. – The development would not be phased. The entire project would be constructed at one time.

Section B: Additional Uses

- **In general.** The city planning commission may authorize additional uses in the zoning district in which the planned unit development is located as provided below and subject to section 527.210. An amenity is not required in order to allow an additional use.
- **Residence and OR1 Districts.** The city planning commission may authorize additional residential uses, small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics within a planned unit development located in the Residence and OR1 Districts. The additional small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics shall not exceed two thousand (2,000) square feet per use, unless otherwise allowed by the zoning district in which the use is located.
- **OR2 and OR3 Districts.** The city planning commission may authorize additional residential uses and retail sales and services uses as allowed in the C1 District within planned unit developments located in the OR2 and OR3 Districts. Notwithstanding section 547.30(f)(2) and (3), the city planning commission may authorize retail sales and services uses greater than two thousand (2,000) square feet, but not to exceed four thousand (4,000) square feet per use. The city planning commission may allow more than two (2) such retail sales and services uses per zoning lot.

Additional uses are not proposed.

Section C: Conformance with Required Planned Unit Development Findings

In addition to the conditional use permit standards contained in Chapter 525, Administration and Enforcement, before approval of a planned unit development the city planning commission also shall find:

1. That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:

a. The character of the uses in the proposed planned unit development, including in the case of residential uses, the variety of housing types and their relationship to other site elements and to surrounding development.

The proposed planned unit development will be in keeping with the character of the surrounding area and will include a mix of residential unit types and commercial uses. The residential portion of the building will include one, two, three and four bedroom units. Walk-up townhome style units will front along the west property line and the north property line. This style of unit along the north property line will help to transition into the lower density portion of the neighborhood to the north. A number of units will also open up onto central courtyard/green roof spaces and have front porch style entries where adjacent to these amenities. The neighborhood includes a mix of residential densities, the majority of which are student housing. There are multi-family buildings, rooming houses and a few single family homes in the immediate area.

The commercial spaces will front along 5th Street SE and 14th Avenue SE. Other uses along 5th Street SE include high density residential development, restaurants and other general retail sales and services uses. The site is within the boundaries of an Activity Center and is in a Pedestrian Oriented Overlay District. The uses proposed are appropriate in an Activity Center and the commercial uses have been appropriately located within the development.

b. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access, bicycle facilities and availability of transit alternatives.

While the applicant is requesting a parking variance, the use is not expected to contribute to traffic congestion in the public streets. The parking requirement for residential uses in the UA University Area Overlay District is one-half space per bedroom but not less than one space per dwelling unit. This project will include 317 dwelling units and 830 bedrooms, for a minimum parking requirement of 415 spaces. The commercial uses do not have a minimum parking requirement due to the site's location in the Dinkytown Pedestrian Oriented Overlay District. Therefore, the minimum vehicle parking requirement is 415 spaces and a total of 377 spaces are proposed. Of these, 307 will be underground and 70 will be enclosed at grade. Of the 70 stalls at grade, 45 will be available for a fee to the public. As such, these 45 spaces are not being counted toward the minimum parking requirement and the variance being processed is to reduce the off-street vehicle parking requirement from 415 spaces to 332 spaces.

The site is within a Pedestrian Oriented Overlay District and other modes of transportation are available for residents. The minimum bicycle parking requirement of one space per bedroom will be met and there is regular, midday bus service available in the immediate area. The bicycle parking requirement for general retail sales and services uses is one space for each 5,000 square feet of gross floor area or a minimum of three spaces, whichever is greater. For the 44,255

CPED - Planning Division Report
BZZ-5814

square of commercial space proposed, the minimum bicycle parking requirement is eight spaces. An additional eight short-term spaces will be required as a condition of approval

Access into the underground parking structure will be from 14th Avenue SE and from 6th Street SE. Access into the grade level parking will be from 5th Street SE. The loading requirement for general retail sales and service uses up to 50,000 square feet is one small (12' x 25') loading space. One small loading space has been provided on the north side of the westernmost commercial space, with access from 5th Street SE. The loading requirement for the grocery store is high and requires one large (12' x 50') loading space. The loading requirement for residential uses with 250 dwelling units or more is two small (12' x 25') loading spaces or one large (12' x 50') loading space. One large shared loading space has been provided on the north side of the easternmost commercial space with access from 14th Avenue SE. The applicant has provided an exhibit showing turning movements for delivery vehicles.

The applicant submitted a TDMP that evaluates traffic generated by the proposed use and potential for congestion in the adjacent public streets. The use is expected to generate 325 peak hour trips in the morning hours and 1,922 trips daily. The Traffic Impact Study performed for the proposed project found that the transportation network near the development site operates acceptably and most intersections studied will continue to operate acceptably after the project is completed and fully operational.

c. The site amenities of the proposed planned unit development, including the location and functions of open space, the preservation or restoration of the natural environment or historic features, sustainability and urban design.

From Table 527-1 of the zoning code, partial Green Roof, Outdoor Open Space, Plaza, Pedestrian Improvements, Reflective Roof, Decorative Fencing, Enhanced Exterior Lighting, a Recycling Storage Area and a Water Feature are proposed in this development. The open spaces will be functional, designed to encourage active use and located in a manner that will make them visible from a majority of the dwelling units within the development. The amenities proposed provide the 25 points required for the requested alternatives.

d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.

The site is essentially designed as five separate buildings with varying degrees of connections. The below grade parking covers the majority of the site with no interior separations. On the first floor, the walk-up units fronting along 6th Street SE are not connected to any other building on the site but the remaining buildings are continuous. On the second floor, the development begins to function as five separate buildings with skyway connections. Along 6th Street SE, the maximum height of the building is four stories. The remainder of the buildings have a maximum height of five stories, with the exception of the building on the southeast corner, which steps up to a maximum height of six stories, 76 feet. All building sections will be compatible with one another in appearance but will be broken up into smaller sections to provide relief.

CPED - Planning Division Report
BZZ-5814

The scale and massing of the proposed building is compatible with other multi-family residential buildings in the immediate area. The neighborhood includes a mix of residential densities, the majority of which are student housing. There are multi-family buildings, rooming houses and a few single family homes and duplexes in the immediate area. To the east/northeast of the site, building heights range from three to five stories. North of the site along 6th Street SE building heights are predominantly 2.5 stories. To the south there are several one and two story commercial buildings and an 18-story residential building. The building is not expected to have significant effects on access to light or air, create significant shadow effects, or impede any significant views. A significant amount of landscaping is proposed and all parking will be located underground or will be enclosed.

- e. **An appropriate transition area shall be provided between the planned unit development and adjacent residential uses or residential zoning that considers landscaping, screening, access to light and air, building massing, and applicable policies of the comprehensive plan and adopted small area plans.**

There are no residential uses directly abutting the site. Residential uses are located across 6th Street SE to the north and across 14th Avenue SE to the east. The residential uses to the north along 6th Street SE include rooming houses, duplexes and one single family home. Further to the north the neighborhood includes lower density residential development. The building will be a maximum of four stories along 6th Street SE to provide an appropriate transition to these uses. The building massing in this location includes walk-up, townhome style units to provide the perception of lower-density residential development and the setback along the north property line will range from ten feet to 15 feet. To the east, along 14th Avenue SE, residential development primarily includes multiple-family residential uses. The building height along this frontage will range from five to six stories, with the tallest portion of the building located at the corner of 14th Avenue SE and 5th Street SE.

To the west, the site is bordered by a church (Newman Center). Walk-up style units are also located along the west property line. The building setback in this location will be a minimum of 15 feet and landscaping and a pedestrian walkway will be located between the building wall and the property line. The commercial uses will be located along the south side of the site with entrances onto the public sidewalk adjacent to 5th Street SE which contains several other commercial uses. The proposed location of the commercial uses within the development is appropriate.

This development would not be expected to have significant impacts on the amount of light and air that surrounding properties receive. Staff would expect some minimal shadowing effects on the adjacent non-residential and residential uses according to the attached shadow survey.

- f. **The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.**

The project was reviewed by the Public Works Department as part of the PDR process in terms of its relationship to public facilities, stormwater, erosion control and other aspects. The PDR

CPED - Planning Division Report
BZZ-5814

report in its entirety has been attached for review. The applicant would be required to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development should the plan be approved.

- g. The consideration, where possible, of sustainable building practices during the construction phases and the use of deconstruction services and recycling of materials for the demolition phase.**

While the existing building does not meet the City's threshold for historical significance, the applicant is encouraged to use sustainable building practices during the construction phases of the project and potentially incorporate materials from the existing building into the new project. Some elements of the existing building will be salvaged and recycled into the project. Selected stone elements from the existing building will be used in the entrance plaza. The flooring from the school gymnasium will be used in the community room of the residential portion of the building and the school trophy case will be used in the residential lobby. The applicant has stated that the decorative wrought iron detail on the exterior of the existing building will be incorporated into the exterior green spaces. The proposed project will have study rooms in the residential portion of the building and classroom desks and chalkboards from the existing building will be placed in these study rooms. The applicant has also indicated that further items may be salvaged and repurposed during the construction process.

- 2. That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.**

An application for a preliminary plat was approved as part of the previous application, PL-267.

VARIANCE: to increase the maximum floor area ratio in the C2 district from 2.44 to 2.80.

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

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The maximum FAR allowed in the C2 District is 1.7. The maximum FAR increases to 2.04 when all required parking is located underground. The applicant is requesting an additional 20 percent bonus as an alternative to the PUD, for a maximum FAR of 2.44. The project includes a 445,545 square foot building on a 159,386 square foot lot, resulting in a FAR of 2.80. Under the previous approvals, the site was eligible for a second bonus because the proposed commercial spaces comprised more than 50 percent of the ground floor. That second bonus would have increased the maximum FAR to 2.72. However, the overall size of the retail spaces has been reduced to make room for public parking at grade level and a variance to increase the maximum floor area ratio from 2.44 to 2.80 has been requested. The actual bulk of the building is changing by approximately 12,000 square feet over the previous approvals. This increase in bulk is all interior to the site, including a 3,600 square foot mezzanine level above one of the retail spaces.

Practical difficulties exist in complying with the ordinance due to City policies that call for very high density development in this location. The circumstances could be considered unique to the parcel of land as geographically the site is located within a designated Activity Center and near the designated Growth Center related to the University of Minnesota. City policies call for high to very high density development in Activity Centers and near Growth Centers. Furthermore, if the square footage within the mezzanine level were counted as ground floor commercial space, the site would be eligible for an additional 20 percent bonus, resulting in a more marginal variance to the floor area ratio from 2.72 to 2.80.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Planning Division staff believes that the FAR proposed is reasonable based on the location of the site; specifically its proximity to the University of Minnesota campus, a designated Growth Center, and the fact that it is within the boundaries of an Activity Center. Each of these land use features is associated with policies for very high density development in *The Minneapolis Plan for Sustainable Growth*.

Building bulk regulations are established in order to assure that the scale and form of new development will occur in a manner most compatible with the surrounding area. The surrounding area is developed with various commercial uses and residential uses, many of which are on densely developed properties. As previously mentioned, adopted City policies and goals encourage this type of proposed development in Activity Centers and Growth Centers. Allowing the proposed floor area ratio would therefore be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

The surrounding area contains a mix of commercial and residential uses. Allowing the proposed building at the requested FAR would not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The proposed bulk would be compatible with the surrounding area. As stated above, the site is located within an Activity Center and near a Growth Center. City policies call for high to very high density development in Activity Centers and near Growth Centers.

VARIANCE: to reduce the minimum vehicle parking requirement from 415 stalls to 332 stalls.

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

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The parking requirement for residential uses in the UA University Area Overlay District is one-half space per bedroom but not less than one space per dwelling unit. This project will include 317 dwelling units and 830 bedrooms, for a minimum parking requirement of 415 spaces. The commercial uses do not have a minimum parking requirement due to the site's location in the Dinkytown Pedestrian Oriented Overlay District. Therefore, the minimum vehicle parking requirement is 415 spaces and a total of 377 spaces are proposed. Of these, 307 will be underground and 70 will be enclosed at grade. Of the 70 stalls at grade, 45 will be available for a fee to the public. As such, these 45 spaces are not being counted toward the minimum parking requirement and the variance being processed is to reduce the off-street vehicle parking requirement from 415 spaces to 332 spaces.

Practical difficulties exist in complying with the minimum parking requirement in this location. Public testimony from area business owners at the previous public hearing indicated that there is a need for public parking in the area. With the redevelopment of the site, a large surface parking lot that is currently being used as public parking will be eliminated. The applicant is proposing to provide 45 parking spaces at grade that will be available for public parking to serve this need. Furthermore, there are unique circumstances associated with the site that make it impractical to comply with the minimum parking requirement due to its location in a Pedestrian Oriented Overlay District and close proximity to transit. There are multiple bus lines in the immediate area that provide midday service. There are also shared vehicle programs within walking distance of the site and on-street parking is available. These circumstances are unique to the parcel and have not been created by the applicant.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The requested parking variance from 415 spaces to 332 spaces is reasonable due to the proximity to transit and alternative modes of transportation available in the immediate area. The parking provided is at a ratio of .4 spaces per bedroom and exceeds a ratio of one space per dwelling unit. This ratio is consistent with other projects that have been approved in this area. Furthermore, the Planning Division believes that the granting of the variance will be in keeping with the spirit and intent of the ordinance. The site is located near the University of Minnesota Campus and is within the boundaries of an Activity Center and is in a Pedestrian Oriented Overlay District. The Pedestrian Oriented Overlay District is established to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity. As evaluated above, the parking reduction is not expected to contribute to traffic congestion in the area.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

The reduction in parking will not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. A TDMP was completed for the project and found that no significant traffic-related impacts are anticipated with redevelopment of the site. As such, the proposed variance will not be detrimental to the public health, safety of welfare and will not result in significant congestion in the adjacent streets.

In part, the variance is requested to allow for additional public parking at grade level based on feedback received from area business owners during the previous public hearing. There are 45 spaces proposed at grade which are not being counted toward the minimum parking requirement. There are also several options for alternative modes of transportation in the area. There will be adequate bicycle parking provided on site for residents, there is an HourCar location within walking distance (901 15th Avenue SE) of the site and the site is in close proximity to the core of the University of Minnesota in a Pedestrian Oriented Overlay District. Therefore, the Planning Division finds that the granting of the variance would have little impact on congestion of area streets.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code for the Site Plan Review:

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

Section A: Conformance with Chapter 530 of the Zoning Code

BUILDING PLACEMENT AND DESIGN:

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

CPED - Planning Division Report
BZZ-5814

- 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, windows, and active functions:
 - 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 building wall will be located up to the property line along 5th Street SE except in the southwest corner, where there is a 15-foot setback requirement for the first 40 feet. Along 14th Avenue SE the majority of the building wall will be located up to the property line, stepping back to five feet at the principal residential entrance and to 15 feet at the corner of 14th Avenue SE and 6th Street SE. The building has been stepped back in this corner to allow for additional green space across from the residential uses to the north and east. Alternative compliance is requested to allow the greater setback. Along 6th Street SE the building setback ranges from 8 feet to 15 feet and in the northeast corner of the

CPED - Planning Division Report
BZZ-5814

site the building setback along 14th Avenue SE is 15 feet. The increased setback in this location is to allow for walk-up units. The westerly 40 feet of the north property line is subject to an increased setback of 15 feet due to the adjacent residential zoning. The area between the building walls and the public sidewalk will contain amenities such as ground level patios, sidewalks and a significant amount of landscaping.

The placement of the building and the building design will promote natural surveillance and visibility of the adjacent public spaces and private amenities. The principal residential entrance is located adjacent to the plaza along 14th Avenue SE and a second residential entrance is located in the center of the south elevation, facing 5th Street SE. The residential units that front along 6th Street SE will have individual walk-up entries. The principal residential entrance will be recessed and have a large metal canopy and a significant amount of glass coverage. Each of the commercial spaces has an entrance facing either 5th Street SE or 14th Avenue SE. The commercial entrances will be emphasized with signage, awnings and glass storefronts.

All of the parking proposed for the site would be enclosed or located underground.

The majority of the building is free of any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length. Multiple material changes, recesses and projections are provided, including balconies on all of the upper floors and recesses at entry points. However, on the south interior courtyard elevation there are multiple instances of blank walls that must be modified to include windows, entries, recesses, projections or other architectural elements. This includes portions of the first floor and the upper floors that are visible from 6th Street SE. There is also one section of blank wall on the fourth floor of the north end of the west elevation that will need to be modified.

The primary exterior materials would be durable and include brick, fiber cement panels (Hardie panel), metal panels, simulated wood panels (Trespia or similar) and glass. The first floor will be primarily face brick and glass with fiber cement panels and simulated wood panels on the upper floors. The metal panels will function as an accent material. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review. The distribution of materials for each exterior elevation is as follows:

	South Elevation	North Elevation	East Elevation	West Elevation
Glass	25 percent	25 percent	35 percent	25 percent
Metal	10 percent	10 percent	10 percent	10 percent
Wood	8 percent	5 percent	10 percent	8 percent
Brick	25 percent	30 percent	15 percent	25 percent
Fiber Cement	32 percent	30 percent	35 percent	32 percent

The distribution of materials for the elevations facing the interior of the site is as follows:

	Courtyard-South	Central Courtyard- West	Central Courtyard-east	East Courtyard-East	East Courtyard-West
Glass	23 percent	25 percent	30 percent	25 percent	25 percent
Metal	53 percent	15 percent	30 percent	10 percent	10 percent
Wood	6 percent	3 percent	6 percent	5 percent	-

CPED - Planning Division Report
BZZ-5814

Brick	-	25 percent	15 percent	-	5 percent
Fiber Cement	18 percent	42 percent	19 percent	50 percent	60 percent

This project is being proposed as a PUD, which allows for flexibility in the use of the land in order to obtain a higher quality of development. While the applicant is providing the required number of amenity points, staff believes that requiring a higher percentage of more durable materials would result in a more attractive, sustainable project consistent with the intent of the PUD chapter. As such, staff is recommending a condition of approval that limits the amount of fiber cement panels on each exterior elevation to 30 percent.

All sides of the building would be compatible to each other and similar in appearance.

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

Multiple entrances would be provided for the building. The primary residential entrance faces 14th Avenue SE. The residential units that front along 6th Street SE and the west property line will be walk-up units with individual entries. A second residential entrance opens onto the public sidewalk adjacent to 5th Street SE. The commercial spaces will each have an entrance that opens directly onto the public sidewalk adjacent to either 5th Street SE or 14th Avenue SE.

The window requirements for the commercial uses are 30 percent of the walls on the first floor and ten percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot. For the residential uses, the window requirement is 20 percent of the walls on the first floor and 10 percent on the upper floors. However, the entire site is located in the Pedestrian Oriented Overlay district, so the requirement on the first floor for all street-facing elevations is increased to 40 percent. On the first floor facing 5th Street SE, windows are provided for 59.7 percent of the total elevation. On the first floor of the north elevation, facing 6th Street SE, windows are provided for 44.8 percent of the elevation. The window percentage on the east elevation, facing 14th Avenue SE, is equivalent to 67 percent of the first floor elevation. All upper floors exceed the 10 percent minimum glazing requirement. The proposed windows are more or less evenly distributed and vertical in proportion. Tenants for the commercial spaces have not been identified and therefore detailed floor plans were not submitted as part of the application. As a condition of approval, shelving, mechanical equipment or other similar fixtures shall not be allowed to block views into and out of the building at eye level, or in the area between four (4) and seven (7) feet above the adjacent grade.

The first floor of the building contains active functions for more than 70 percent of each wall that fronts on a public street of public pathway.

The proposed roofline is primarily flat, consistent with other commercial and multi-family residential buildings in the area.

The underground parking will be entirely subterranean and will not be visible from the public streets. The ground floor parking will be enclosed and entirely screened by the proposed building.

ACCESS AND CIRCULATION:

CPED - Planning Division Report
BZZ-5814

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

Conformance with above requirements:

The primary building entrances for the residential uses will open directly onto the public sidewalk. One entrance opens onto the sidewalk adjacent to 5th Street SE and one opens onto the sidewalk adjacent to 14th Avenue SE. Several walk-up townhome units are also proposed within the development. The walk-up units that front along 6th Street SE will be connected to the public sidewalk with walkways that are a minimum of four feet in width. The walk-up style units along the west property line will be connected to the pedestrian pathway with 4-foot sidewalks. The commercial spaces will all open directly on to the public sidewalk. The ground level parking in the interior of the site will be connected to the public sidewalk with walkways that are a minimum of four feet in width. The underground parking garage will be accessible from the interior of the building.

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

Vehicle access into the site currently comes from 5th Street SE. This access point will be maintained and will provide access into the grade level parking. Access into the underground parking will be from 14th Avenue SE and 6th Street SE. The driveway from 14th Avenue SE will also provide access into the large loading space. The proposed access points and traffic circulation should minimize vehicular conflicts with pedestrians. Several pedestrian walkways have been incorporated into the site design to clearly direct pedestrian movements, including a pedestrian pathway along the west edge of the property and a pedestrian pathway through the center of the site to provide through-block access. The public sidewalk along the perimeter of the site will maintain a minimum width of 8 feet and the connection in the center of the site will be 8.5 feet in width.

The site is not directly adjacent to any residential uses and there are no alleys on the block.

All of the parking proposed for the site would be located underground or enclosed in the center of the site. Vehicle circulation for the underground parking will occur entirely within the structure and circulation for the grade level parking will occur in the center of the site within the parking area. The site plan has been designed to minimize the use of impervious surfaces with a significant amount of landscaping and green roofs.

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.**

CPED - Planning Division Report
BZZ-5814

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

Conformance with above requirements:

The zoning code requires that at least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 159,386 square feet. The building footprint is 118,755 square feet. The net lot area is 40,631 square feet, of which at least 20 percent (8,126 square feet) must be landscaped. The applicant is proposing a landscaped area of 22,400 square feet, or 55.1 of the net site area. The landscaped area includes a large center courtyard, landscaping around the perimeter of the site and within the plaza space.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 16 and 81 respectively. The applicant is proposing 10 canopy trees and 192 shrubs on site. The landscape plan also includes approximately 26 on-site ornamental trees. An additional 37 canopy trees are proposed within the right-of-way and seven are proposed on the west side of the pedestrian pathway on the church property. Alternative compliance is requested for the number of canopy trees. Staff recommends granting alternative compliance given the number of ornamental trees on site and the number of canopy trees proposed within the right-of-way.

All parking will be provided underground or enclosed within the building and no additional landscaping standards apply.

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.

CPED - Planning Division Report
BZZ-5814

- 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:

Continuous concrete curbing would be provided for the length of the driveways. Storm sewer for roof and site drainage will be piped to an on-site stormwater management system which connects to the city storm sewer system. Provisions for on-site retention of stormwater were reviewed by Public Works as part of the PDR process and that report is attached for review.

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

Staff would expect some minimal shadowing effects on the adjacent non-residential and residential uses according to the attached shadow survey. The building steps down on the north side of the site near the lower density residential uses. The highest point of the building is located in the southeast corner of the site closer to the core of the Activity Center. The site will be separated from adjacent residential uses with an 80-foot public right-of-way which limits the impact of any shadowing. No significant shadowing of public spaces is expected.

Wind currents should not be a major concern.

The development would include crime prevention through environmental design elements. The applicant has provided a significant amount of window coverage on all sides of the building to provide opportunities for tenants and commercial patrons to observe adjacent spaces. Enhanced lighting would be provided throughout the site and particularly along the pedestrian pathway on the west side of the property and the pedestrian pathway through the center of the site. Information submitted by the applicant indicates that lighting levels would enhance security without creating glare or excessive lighting. Walkways, landscaping and fencing would be provided to guide pedestrian movement in and around the site and to distinguish between public and private spaces. The applicant has indicated that the walkway through the center of the site will be access-controlled as deemed necessary by the building management to provide safety and security for residents.

The site contains a building that formerly housed the John Marshall High School. The site is not located in an historic district and the existing structure is not designated. A Historic Review Letter was issued by Planning Division staff on May 29, 2012, indicating that the property does not meet the City's thresholds for historical significance. As stated above, the applicant will be salvaging and repurposing some elements of the existing building.

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 C2, Neighborhood Corridor Commercial district. A PUD is a permitted conditional use in the C2 district.

Parking and Loading:

Minimum automobile parking requirement: The parking requirement for residential uses in the UA University Area Overlay District is one-half space per bedroom but not less than one space per dwelling unit. This project will include 317 dwelling units and 830 bedrooms, for a minimum parking requirement of 415 spaces. The commercial uses do not have a minimum parking requirement due to the site's location in the Dinkytown Pedestrian Oriented Overlay District. Therefore, the minimum vehicle parking requirement is 415 spaces and a total of 377 spaces are proposed. Of these, 307 will be underground and 70 will be enclosed at grade. Of the 70 stalls at grade, 45 will be available for a fee to the public. As such, these 45 spaces are not being counted toward the minimum parking requirement and the variance being processed is to reduce the off-street vehicle parking requirement from 415 spaces to 332 spaces. As a condition of approval, the 25 spaces at grade that will be reserved for residential parking will be required to be signed accordingly.

Maximum automobile parking requirement: There is no maximum parking requirement for dwellings except for parking that is not enclosed. All parking for the proposed development will be enclosed or underground. The commercial uses do not have a minimum parking requirement due to the site's location in the Dinkytown Pedestrian Oriented Overlay District.

Bicycle parking requirement: The bicycle parking requirement for multi-family residential uses in the UA University Area Overlay District is one space for every bedroom, or 830 spaces, of which 90 percent (747) must be fully enclosed and meet the definition for long-term parking. The applicant will be providing 790 long-term spaces within the underground parking garage and 40 within the right-of-way adjacent to the site. The bicycle parking requirement for general retail sales and services uses, including grocery stores, is one space for each 5,000 square feet of gross floor area or a minimum of three spaces, whichever is greater. For the 44,655 square of commercial space proposed, the minimum bicycle parking requirement is eight spaces. An additional eight short-term spaces will be required as a condition of approval.

Loading: The loading requirement for general retail sales and service uses up to 50,000 square feet is one small (12' x 25') loading space. One small loading space has been provided on the north side of the westernmost commercial space, with access from 5th Street SE. The loading requirement for the grocery store is high and requires one large (12' x 50') loading space. The loading requirement for residential uses with 250 dwelling units or more is two small (12' x 25') loading spaces or one large (12' x 50') loading space. One large shared loading space has been provided on the north side of the easternmost commercial space with access from 14th Avenue SE. The applicant has provided an exhibit showing turning movements for delivery vehicles.

Maximum Floor Area: The maximum FAR allowed in the C2 District is 1.7. The maximum FAR increases to 2.04 when all required parking is located underground. The applicant is requesting an

CPED - Planning Division Report
BZZ-5814

additional 20 percent bonus as an alternative to the PUD, for a maximum FAR of 2.44. The project includes a 445,545 square foot building on a 159,386 square foot lot, resulting in a FAR of 2.80. A variance has been requested and staff is recommending approval, as evaluated above.

Minimum Lot Area: The minimum lot area requirement in the C2 district is 700 square feet per dwelling unit. The site is 159,386 square feet in area, which allows 227 units. The development qualifies for a 20 percent bonus, or 45 additional dwelling units, by enclosing all of the required residential parking. A second 20 percent bonus is requested as an alternative per the PUD. The number of dwelling units permitted with both bonuses is 317, requiring a minimum of 502.7 square feet of lot area per dwelling unit. A total of 317 dwelling units are proposed.

Dwelling Units per Acre: The applicant is proposing 317 dwelling units on a site that is 3.66 acres in size for a density of 86 dwelling units per acre. This is considered high-density residential development, which includes development with 50-120 dwelling units per acre. This level of density is appropriate in an Activity Center.

Building Height: In the C2 district, the maximum height is limited to 4 stories or 56 feet, whichever is less. Building heights within the proposed development will range from four stories to a maximum of six stories, 76 feet. However, the height of the first floor exceeds 20 feet, making the building a maximum of seven stories per the zoning code definition. The applicant received approvals for a conditional use permit for increased height as part of the original land use application (BZZ-5675).

Yard Requirements: Where a street frontage includes a property zoned as a residence or office residence district or includes structures used for permitted or conditional residential purposes and property zoned as a commercial district, a front yard equal to the lesser of the front yard required by such residence or office residence district or the established front yard of a residential structure shall be provided in the commercial district for the first 40 feet from such residence or office residence district boundary. The parcel to the west is zoned R5 and the front yard setback requirement in the R5 district is 15 feet. Therefore, a minimum front yard setback requirement of 15 feet applies for the west 40 feet of the subject site along both the north and south property lines. The required setback has been provided in both locations.

Residential uses in the C2 district have a minimum side yard and rear yard setback requirement of $5+2x$, but not more than 15 feet, where the use contains windows facing an interior side yard or rear yard. This requirement applies along the west property line and the portion of the north property line that abuts the adjacent church property. A 15 foot setback has been provided in both locations.

Along the north, south and east property lines the site is subject to a maximum setback of eight feet per the PO Pedestrian Oriented Overlay District requirements, with the exception of those portions that are subject to a greater setback noted above. As part of the PUD, an alternative is requested to allow a setback greater than eight feet along the north property line and in the northeast corner of the site. Staff is recommending approval of this greater setback as it will allow for walk-up units and amenities between the building and the street and provide a greater transition between the site and the residential uses to the north.

Building Lot Coverage: There are no lot coverage limitations in the C2 district.

Impervious Surface: There are no impervious surface limitations in the C2 district.

Specific Development Standards: The specific development standards for PUDs are the requirements in Chapter 527 of the zoning code, which have been evaluated above.

Refuse Screening: Refuse storage containers would be stored in the buildings. Each of the commercial uses will have trash rooms on the north side of the tenant spaces, near the ground level parking. The residential uses will have trash and recycling chutes that connect to trash rooms in the below-grade parking. A minimum of two chutes will be provided for the residential use.

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.

Lighting: 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 arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property

CPED - Planning Division Report
BZZ-5814

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 source.

- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- (3) 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 to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (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.

The applicant has submitted lighting information that indicates the proposed lighting will comply with the above standards.

Fences: Fences are subject to the regulations found in Chapter 535, Article VI of the zoning code. The fencing proposed would primarily be ornamental black metal at a height of four feet and would comply with these requirements.

Signs: Only generic signage has been shown on the plans at this time, as tenants have not been identified for all of the commercial spaces. A revised elevation was submitted for the south elevation that shows a building identification sign at a height greater than 28 feet, which is the maximum allowed in the C2 district. The applicant has indicated that a master sign plan will be submitted at a later date. The master sign plan will require additional City approvals and if the height of the building identification sign exceeds 28 feet it would require an amendment to the PUD and an additional five amenity points. Any proposed signage must comply with the requirements of Chapter 543 of the zoning code and will require Zoning Office review, approval, and permits.

MINNEAPOLIS PLAN

Please refer to the conditional use permit section of this report.

SMALL AREA PLANS

The site is within the study area of the *Marcy Holmes Master Plan*. The future land use of the site in the small area plan is identified as institutional due to the presence of the existing school building. Further in the plan there is a recommendation for structured parking on the site due to the presence of the existing surface parking lot. The following policies of the small area plan apply:

***Housing Objective:** Housing construction to replace deteriorated units and provide for a balance of housing types.*

Applicable Policies:

CPED - Planning Division Report
BZZ-5814

- *The Marcy-Holmes neighborhood supports new multi-family housing construction on the fringe of the neighborhood in the following locations:*
 - *In the blocks between 14th and 15th Avenue SE outside of Dinkytown.*

Land Use Objective: *Focusing housing demand to acceptable areas on the edges of the neighborhood.*

Applicable Policies:

- *Land to the river side of 4th Street SE and the blocks between 14th and 15th Avenues from Dinkytown to the railroad tracks may be considered for higher density multi-family housing development.*
- *Residential building heights should not exceed four (4) stories in Dinkytown in order to preserve the historical character of the area.*

Staff comment: The site is bordered by 14th Avenue SE on the east and there are no specific recommendations for the use of the existing building. An application for a conditional use permit for increased height was approved as part of the previous application, BZZ-5675.

Economic Development Objective: *Attraction of additional commercial activities, primarily neighborhood retail.*

Applicable Policies:

- *The neighborhood will focus attention on Central Avenue, East Hennepin Avenue, and Dinkytown for core neighborhood services such as groceries, hardware, and pharmacies.*
- *Dinkytown will be primarily, though not exclusively, a pedestrian-oriented place for walk-in business from University students, faculty, employees, visitors to the University, and nearby residents.*
- *All businesses should have active, glass storefronts, with individual business entrances on the sidewalk.*
- *The neighborhood supports a diverse mix of businesses. The Dinkytown district should not be dominated by restaurants and drinking establishments.*

Staff comment: Four commercial spaces are proposed on the first floor. Each space will have a glass storefront with individual entrances onto the public sidewalk adjacent to either 5th Street SE or 14th Avenue SE. One of the commercial spaces will be a grocery store, providing a core neighborhood service as called for in the small area plan. Tenants for the other three spaces have not been identified at this time.

Public Realm Objective: *Improved quality of neighborhood streets, in order to achieve a balance between pedestrian, bicycle, and vehicular uses.*

Applicable Policies: *The neighborhood recognizes a hierarchy of streets. This hierarchy will be used to determine appropriate street character and streetscape treatments throughout the neighborhood, and includes the following designations:*

CPED - Planning Division Report
BZZ-5814

- *Greenway Corridors are designed for minimal traffic movement and high pedestrian amenity. In addition, they have a more intensively greened character than other neighborhood streets, and they provide immediate access to parks, trails, and bikeways.*
- *Greenway Corridor designation applies to 5th Street and Main Street, including the “missing link” parkway connection.*
- *Greenway Corridors should include planted boulevards and street trees, traffic calming measures such as curb bump-outs or variety in pavement, pedestrian-scale lighting, and sidewalks.*

Staff comment: 5th Street SE runs along the south side of the property and is a designated “greenway corridor” in the plan. The site plan shows 13 boulevard trees along 5th Street SE with landscaped beds in between. The sidewalk width in this location is a minimum of 13 feet.

Transit and Transportation Objective: *Parking solutions that avoid parking problems and increased traffic in the neighborhood.*

Applicable Policies:

- *The neighborhood also supports the concept of a Dinkytown parking ramp possibly on the site of the Tech Center parking lot or in the block bounded by 14th Avenue, 4th Street, 15th Avenue, and 5th Street.*

Staff comment: The subject site is specifically called out in this policy as being an appropriate location for a district parking ramp, due to the existing surface parking lot on the site. The applicant is to provide 45 parking stalls at grade that will be available for public parking. This is a change over the previously approved plan.

Character and Design Objective: *Preservation of the small town feel of the neighborhood.*

Applicable Policies:

- *The neighborhood is generally opposed to the following actions that would hurt the preservation of the small town character of the neighborhood:*
 - *New construction, generally. Rehabilitation is strongly encouraged over demolition and rebuilding.*
 - *Construction that is too big for a site. This means new buildings that are out of scale and proportion with existing buildings. They may be taller, have straight facades that ignore the architectural rhythm created by existing buildings, or occupy most of the site because of underground parking.*

Staff comment: The applicant is proposing to demolish the existing UTEC building as part of the project. As noted above, Planning Division staff has evaluated the existing building and determined that it does not meet the threshold for historical significance. The proposed project will be large but has been designed to give the appearance of several smaller buildings with skyway connections.

Character and Design Objective: *Preservation of the small town feel of the neighborhood.*

Applicable Policies:

CPED - Planning Division Report
BZZ-5814

- *The neighborhood is opposed to actions that would tend to destroy cultural landscapes. These include:*
 - *Neglecting the street trees and greenery in the neighborhood.*
 - *Development of apartment buildings that are located in the single family core of the neighborhood.*
 - *Large scale (large footprint) buildings or buildings taller than four (4) stories in Dinkytown that conflict with the existing character of the area.*

Staff comment: A total of 30 boulevard trees and a number of other plantings are proposed as part of the project to add greenery to the neighborhood. The subject site is not part of the single family core or the core of Dinkytown. The plan identifies building heights of four stories for the subject site and specifies that higher densities and building heights are appropriate on the east side of 14th Avenue SE, which borders the site to the east. The applicant is proposing four stories on the north side of the site, five stories on the west side and six stories on the east. The height has been supported by the Marcy Holmes Neighborhood. The project is also consistent with the multiple-family design guidelines of the plan, as follows:

- *Building Materials:*
 - *Use high quality primary materials: brick, stucco, stone, decorative masonry*
 - *Include complementary accent materials: stone, metal, glass, brick*
- *Rooflines:*
 - *Use varied rooflines, especially on long buildings*
 - *Step back or accent rooflines to create visual interest*
- *Ground Level Treatment:*
 - *Place buildings close to pedestrian ways*
 - *Accentuate entries and ground floor with complementary design*
 - *Consider ground floor retail opportunities*
 - *Use ramps, stairs, and other grade separation techniques to distinguish between public and private space*
- *Building Massing:*
 - *Buildings should not appear as high-rise structures*
 - *Long building facades should be broken up with green spaces, balconies, parking courts, pathways, or changes in material and design*

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.**

CPED - Planning Division Report
BZZ-5814

Alternative compliance is requested to allow a building setback greater than eight feet along 6th Street SE and in the northeast corner of the site adjacent to 14th Avenue SE. The building setback is also greater than eight feet west of the plaza space. Along 6th Street SE the building setback ranges from eight feet to 15 feet and in the northeast corner of the site the building setback along 14th Avenue SE is 15 feet. The increased setback in this location is to allow for walk-up units. The area between the building wall and the public sidewalk will contain amenities such as ground level patios, sidewalks and a significant amount of landscaping. Staff recommends granting alternative compliance.

Alternative compliance is requested to allow blank, uninterrupted walls in excess of 25 feet on the south interior courtyard elevation and on the fourth floor of the north end of the west elevation. Staff is not recommending granting alternative compliance as this interior courtyard space will function as an amenity for the development and will be an active space. The blank walls on the upper floors will also be visible from 6th Street SE. As a condition of approval, these blank walls will need to be broken up with entries, windows, recesses, projections or other architectural elements.

Alternative compliance is requested for the number of canopy trees. A minimum of 19 canopy trees are required and 10 are proposed on site. Staff recommends granting alternative compliance given the number of ornamental trees (26) on site and the number of canopy trees (37) proposed within the right-of-way.

RECOMMENDATIONS

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 conditional use permit to allow a planned unit development with 317 dwelling units and 44,655 square feet of ground floor commercial space located at the property of 1313 5th Street SE, 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) As required by section 527.120 of the zoning code, the development shall comply with the standards for some combination of the following amenities from Table 527-1, Amenities totaling a minimum of 25 points: Recreational Green Roofs equivalent to 25 percent of the total roof area, Outdoor Open Space, Plaza, Pedestrian Improvements, Reflective Roof, Decorative Fencing, Enhanced Exterior Lighting, Water Feature and Recycling Storage Area.
- 3) The applicant shall implement all amenities as required by section 527.120 of the zoning code by October 29, 2014.
- 4) The applicant shall make consideration for the salvage and reuse of existing building elements per Section 527.260 of the zoning code, including but not limited to stone elements, flooring

CPED - Planning Division Report
BZZ-5814

from the gymnasium, the trophy case, decorative wrought iron detailing from the building exterior, classroom desks and chalkboards.

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 increase the maximum floor area ratio from 2.44 to 2.80 for the property at 1313 5th Street 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 reduce the off-street parking requirement from 415 stalls to 332 stalls for the property at 1313 5th Street SE.

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 site plan review for the property located at 1313 5th Street SE, subject to the following conditions:

- 1) Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, floor, site, lighting and landscape plans.
- 2) Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by October 29, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
- 3) Blank walls in excess of 25 feet on the south interior courtyard elevation and the west elevation shall be modified to include windows, entries, recesses, projections or other architectural elements in compliance with Section 530.120 of the zoning code.
- 4) Cement board (Hardi) panels shall not exceed more than 30% coverage on any single exterior elevation of the proposed building.
- 5) 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, in compliance with Section 530.120 of the zoning code.
- 6) At least 40 percent of the first floor façade for each of the non-residential uses shall be windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level, in accordance with Section 551.120 of the zoning code.

CPED - Planning Division Report
BZZ-5814

- 7) A minimum of 790 long-term bicycle parking spaces shall be provided within the underground parking area and a minimum of 48 short-term bicycle parking spaces shall be provided, in compliance with Section 541.180 of the zoning code.
- 8) The 25 parking spaces within the grade level parking structure that are reserved for residents shall be signed accordingly.

Attachments:

- 1) Applicant's statement of proposed use, responses to findings and site amenities table
- 2) Zoning map
- 3) PDR Report
- 4) Letter from the Marcy-Holmes Neighborhood Association dated October 18, 2012
- 5) Correspondence
- 6) Plans
- 7) Shadow Studies
- 8) Color Renderings
- 9) Photos of the property and existing structures