

**Department of Community Planning and Economic Development**  
Rezoning, Conditional Use Permits, Variances and Site Plan Review  
BZZ-5981

**Date:** April 8, 2013

**Applicant:** CPM Development LLC

**Address of Property:** 700 Washington Avenue Southeast a.k.a. 301 Walnut Street Southeast

**Project Name:** 301 Walnut Mixed Use Project

**Contact Person and Phone:** Carol Lansing, Faegre Baker Daniels LLP, (612) 766-7005

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

**Date Application Deemed Complete:** March 12, 2013

**End of 60-Day Decision Period:** May 11, 2013

**End of 120-Day Decision Period:** On March 26, 2013, staff sent a letter to the applicant extending the 60-day decision period to July 10, 2013.

**Ward:** 2      **Neighborhood Organization:** University

**Existing Zoning:** C1 Neighborhood Commercial District, PO Pedestrian Oriented Overlay District (Stadium Village Transit Station Area), UA University Area Overlay District, and MR Mississippi River Critical Area Overlay District

**Proposed Zoning:** C3A Community Activity Center District

**Zoning Plate Number:** 22

**Legal Description:** The following land situated in the County of Hennepin and State of Minnesota:

Parcel 1: The North 44 feet of the West 110 feet of Lot 6, Block 32, St. Anthony City.

Parcel 2: That part of Lots 6 and 7 lying East of the West 110 feet thereof except the West 5 feet of the South 44 feet of said part of Lot7, Block 32, St. Anthony City.

Parcel 3: The West 110 feet of that part of Lot 6 lying South of the North 44 feet of Lot 6;  
The West 115 feet of the South 44 feet of Lot 7;  
The West 110 feet of that part of Lot 7 lying North of the South 44 feet of Lot 7  
All in Block 32, St. Anthony City.

**Proposed Use:** 6-story, mixed-use building with 98 dwelling units and ground floor commercial uses.

**Concurrent Review:**

- Petition to rezone from C1 Neighborhood Commercial District to C3A Community Activity Center District.
- Conditional use permit to increase the maximum building height from 4 stories, 56 feet to 6 stories, 81 feet.
- Variance to reduce the minimum lot area requirement by 12.3 percent.
- Variance to increase the maximum floor area ratio from 4.32 to 4.77.
- Variance to reduce the front yard requirement adjacent to Walnut Street from 15 feet (for the first 40 feet from the south lot line) to 2 feet to allow the building and a transformer.
- Variance to reduce the interior side yard requirement adjacent to the south lot line from 15 feet to 0 feet to allow the building.
- Variance to reduce the rear yard requirement adjacent to the east lot line from 15 feet to 9.3 feet to allow walls with residential windows.
- Variance of the PO Pedestrian Oriented Overlay District building placement standard to allow the first floor of the building to be set back more than 8 feet from a lot line adjacent to a street where a greater yard is not required.
- Variance to reduce the minimum vehicle parking requirement from 88 to 49 spaces (0.5 spaces per dwelling unit and 0.31 spaces per bedroom are proposed).
- Site plan review for a mixed-use building with 98 dwelling units.

**Applicable zoning code provisions:** Chapter 525, Article VI, Zoning Amendments; Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX, Variances, specifically section 525.520 (1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations,” (2) “to vary the lot area or lot width requirements up to 30 percent,” (3) “to vary the gross floor area, floor area ratio and seating requirements of a structure or use,” (6) “to vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces,” and (20) “to vary the standards of any overlay district, other than the SH Shoreland Overlay District or the FP Floodplain Overlay District;” and Chapter 530 Site Plan Review.

**Background:** The applicant is proposing to construct a new 6-story, mixed use development located at the southeast corner of the intersection of Washington Avenue Southeast and Walnut Street Southeast. The existing structure would be demolished to make way for the new building with 98 dwelling units, approximately 11,000 square feet of ground floor commercial space, and one level of below-grade parking.

The site is zoned C1. The applicant is requesting to rezone the site to C3A. In the C3A district, the maximum height is limited to 4 stories or 56 feet, whichever is less. The proposed building height is 6 stories, 81 feet. A conditional use permit is required to increase the maximum height. Site plan review is required for any new mixed use building and for any new use with 5 or more dwelling units. The applicant is requesting several variances for the project as well:

- The minimum lot area requirement in the C3A district is 400 square feet per dwelling unit. The development qualifies for bonuses to increase the number of dwelling units by enclosing all residential parking and with more than 50 percent of the ground floor occupied by commercial uses. This reduces the required lot area per dwelling unit to 253.3 square feet. For 98 dwelling

Department of Community Planning and Economic Development  
BZZ-5981

units, the minimum lot area requirement is 24,820 square feet. The proposed lot area is 21,781 square feet or 222.2 square feet per dwelling unit. A variance is required to reduce the minimum lot area requirement by 12.3 percent.

- The maximum floor area ratio allowed in the C3A District with the PO overlay district is 4.32 when all of the residential parking is provided within the building and more than 50 percent of the ground floor is occupied by commercial uses. The proposed gross floor area is 103,811 square feet, which is a FAR of 4.77. A variance is required to increase the maximum FAR.
- 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 for commercial purposes, 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 south, fronting on Walnut Street, is zoned R6 and the front yard setback requirement in the R6 district is 15 feet. No residential structures are established on said lot. Therefore, a minimum front yard setback requirement of 15 feet applies for the first 40 feet of the subject site, as measured from the south lot line. The building and a transformer would be located in the required front yard. A variance is required to reduce this yard requirement.
- When an interior side lot line abuts a side or rear lot line of a residence or office residence district, or a structure used for permitted or conditional residential purposes, a yard equal to the minimum side yard that would be required on the abutting residential lot shall be provided. The south interior side lot line abuts a side lot line of a residence district. The minimum interior side yard requirement is equal to  $5+2x$ , where  $x$  is equal to the number of stories above the first floor. Therefore, the south building wall is subject to a minimum yard requirement of 15 feet. Parts of the building would be less than 15 feet from and within 0 feet of the interior side lot line. A variance is required to reduce this yard requirement to allow the building.
- Where residential uses containing windows face a rear yard, a rear yard of at least five feet plus two feet for each story above the first floor, but not to exceed 15 feet if no other yard requirements apply, is required. Five stories of the residential use would contain windows facing the rear lot line located on the east side of the property. For a 6-story building, the minimum rear yard requirement is 15 feet. Where the residential use would contain windows facing the rear lot line, the walls would be set back 9.3 feet. A variance is required to reduce this yard requirement.
- In the PO Pedestrian Oriented Overlay District, the first floor of the building must be located within eight feet of a lot line adjacent to a street unless a greater yard is required. A minimum front yard setback requirement of 15 feet applies for the first 40 feet of the subject site, as measured from the south lot line. Outside of the required front yard, the first floor building walls would be located within 8 feet of the lot lines adjacent to Walnut Street and Washington Avenue with two exceptions. A small part of the transformer alcove is located outside of the required front yard. The wall would be set back 10 feet in that area. Adjacent to Washington Avenue, part of the first floor wall would be set back 31 feet where a courtyard is proposed. A variance of this overlay district standard is required to allow the proposed setbacks.

- The minimum vehicle parking requirement for the residential use is one space per dwelling unit. In the UA overlay district, 0.5 spaces per bedroom but not less than one space per dwelling unit is required. A total of 98 dwelling units and 157 bedrooms are proposed; therefore the one space per dwelling unit requirement applies. Because the site is located in the Stadium Village transit station area PO overlay district, parking equal to 90 percent of one space per dwelling unit is required. The minimum parking requirement for this use is 88 stalls. The applicant is providing 49 parking stalls in the below-grade parking garage. A variance is required to reduce the minimum parking requirement.

The site is located in the University neighborhood. Because this is not an active neighborhood group, the adjacent neighborhood group, the Prospect Park/East River Road Improvement Association (PPERRIA), has notified of the applications. As of writing this report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the Planning Commission meeting for consideration.

**REZONING:** Petition to rezone from C1 Neighborhood Commercial District to C3A Community Activity Center District.

**Findings as required by the Minneapolis Zoning Code:**

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

The proposed zoning would be consistent with the applicable policies of the comprehensive plans, *The Minneapolis Plan for Sustainable Growth*. In the plan, the future land use designation of this site is mixed use. The site is within the boundaries of the Stadium Village Activity Center and Transit Station Area and is near the University of Minnesota Growth Center. According to the principles and polices outlined in the comprehensive plan, the following apply to this proposal:

Land Use Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

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

1.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.

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.

Department of Community Planning and Economic Development  
BZZ-5981

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

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

- 1.13.1 Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations.
- 1.13.5 Concentrate highest densities and mixed use development adjacent to the transit station and along connecting corridors served by bus.

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

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

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.

In 2012, the City Council adopted the *Stadium Village University Avenue Station Area Plan*. The site is located in the Stadium Village Commercial Core subarea. Within this area, the following guidance is provided:

1. Encourage the development of multi-story mixed use development in the Stadium Village activity center, with active uses on the ground floor such as retail and services.
2. Support the diversification of retail and services available in the commercial area to meet needs of customers, while retaining the existing mix and character of current retail.
3. Encourage high density residential both within the commercial core areas on upper floors, and in surrounding areas, as designated on the future land use map.
4. Ensure that new development supports the pedestrian and transit oriented character of this area.

The C3A district allows for the development of major urban activity and entertainments centers with neighborhood scale retail sales and services as well as higher density housing than what is allowed in the C1 district. Mixed use development and very high residential density is appropriate within an activity center and transit station area and near a growth center, and is consistent with the policy guidance provided in the small area plan.

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

A rezoning to the C3A district would be considered in the interest of both the property owner and the public as it would allow for greater density and a more diverse set of commercial and cultural uses in an activity center and directly adjacent to the Central Corridor LRT line. This level of density is supported by adopted City policy and would support the comprehensive plan by supporting high density development near transit stations to encourage transit use and contribute to the vibrancy of the activity center.

**3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

The site is currently zoned C1. Properties located in the immediate area are zoned C1, C2, C3A, OR3 and R6. There is a mix of uses in the immediate area including the University of Minnesota, a hotel, offices, a hospital, restaurants, retail sales and services uses, and other high residential density projects that have been approved in recent years. The proposed C3A zoning would be appropriate in this location and compatible with existing uses of property in the general vicinity.

**4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.**

There are reasonable uses of the property permitted in the current C1 zoning classification. However, the uses allowed in the current zoning district would likely result in the underutilization of the subject site in regard to residential density due to the area in which the parcel is located. The proposed zoning is more compatible with adopted City policies and more reasonable for the site. An attachment to this report provides further details of the differences between the existing and proposed zoning classification for the site.

**5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

The subject site has been zoned C1 since 1999 when the City Council adopted a new zoning code. Prior to 1999, the subject site was zoned B3S-2 Community Service District, which is similar to the C2 Neighborhood Corridor Commercial District in the current zoning code. There has been an ongoing change in the character and trend of development within the general area due to the proximity of the site to the University of Minnesota and the construction of the Central Corridor LRT line. Several other high residential density projects have been approved in recent years, including the property directly to the west of the subject site.

**CONDITIONAL USE PERMIT:** to increase the maximum building height from 4 stories, 56 feet to 6 stories, 81 feet.

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

The Department of Community Planning and Economic Development 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 construction of a 6 story, 81 foot building would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

**2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The proposed increase in height should have little effect on surrounding properties. There is a mix of residential and commercial uses in the immediate area. The scale of surrounding buildings also varies in size from 2-story buildings to high-rises. The buildings closest to the subject site are 3 to 8 stories in height. The recent trend of development is larger in scale. Shadow studies submitted by the applicant show that the building would not completely shadow any other property throughout the day. Adopted City policies encourage both high and very high density mixed-use development in this location. In order to achieve the desired density in a sensitive manner, an increase in height above the district standards is appropriate.

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

The site is served by existing infrastructure and would be accessed from Walnut Street. The Public Works Department has reviewed the preliminary plans and will review the final plans for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant is required to work closely with the Public Works Department, the Construction Code Services Division of CPED, and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with City and other applicable requirements.

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

The additional height of the development should have no effect on the traffic congestion in the area. Once the Central Corridor LRT line is constructed, Washington Avenue Southeast will be closed to vehicular traffic west of Walnut Street. While the development requires a parking variance from 88 stalls to 49 stalls, the proximity to public transit and off-site parking facilities

should minimize any traffic congestion. Off-street parking for the proposed development is further analyzed below in the variance section of the staff report.

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

The proposed height would be consistent with the comprehensive plan to allow density appropriate to this location. In addition to the principles and policies in the rezoning section of this staff report, the following from the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*, apply to this proposal:

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 1.12: 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.

1.12.5 Encourage a height of at least two stories for new buildings in Activity Centers, in keeping with neighborhood character.

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.

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.

Further, the *Stadium Village University Avenue Station Area Plan* states “Due to [the Stadium Village Commercial Core subarea’s] central location and prominence, and at the same time being somewhat removed from residential cores, this is likely one of the best locations for higher density infill with significant height.”

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located.**

With the approval of the rezoning, conditional use permit, variances and site plan review, this development would be in conformance with the applicable regulations of the zoning code.

**ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT**

In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the maximum height:

**1. Access to light and air of surrounding properties.**

The increase in height would have little effect on the access to light and air of surrounding properties. Streets are located to the north and west of the site. A surface parking lot is located to the south of the site. A 3-story building is located to the east. There are some openings on the west side of the second and third floors of the adjacent building; however, floors two through six of the proposed building will be set back 9.3 feet from the shared property line to ensure adequate separation.

**2. Shadowing of residential properties, significant public spaces, or existing solar energy systems.**

A mixed use building with residences is under construction on the west side of Walnut Street opposite the site. Some shadowing of that property would occur during the morning hours. A large open space is located north of the site across Washington Avenue. Based on the shadow study provided, the proposed building would have some shadowing impacts on the south end this open space in the winter months. Staff is not aware of any existing solar energy systems that would be impacted by the proposed building.

**3. The scale and character of surrounding uses.**

The scale and character of the buildings in the surrounding area varies from 2-story buildings to high-rises. The buildings closest to the subject site are 3 to 8 stories in height. The recent trend of development is larger in scale. Uses in the immediate area also vary and include institutional, commercial and residential uses. The design and distribution of height on site would be compatible with the surrounding uses.

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

There are no landmark buildings, significant open spaces or water bodies near the development site that would be affected by the height of the proposed building.

**VARIANCE:** to reduce the minimum lot area requirement by 12.3 percent.

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

- 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 minimum lot area requirement in the C3A district is 400 square feet per dwelling unit. The development qualifies for bonuses to increase the number of dwelling units by enclosing all residential parking and with more than 50 percent of the ground floor occupied by commercial uses. This reduces the required lot area per dwelling unit to 253.3 square feet. For 98 dwelling units, the minimum lot area requirement is 24,820 square feet. The proposed lot area is 21,781 square feet or 222.2 square feet per dwelling unit.

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. Further, the site is located directly on the Central Corridor LRT line and in close proximity to a transit station. City policies call for high to very high density development in activity centers and near growth centers and high density development is encouraged adjacent to transit stations. These circumstances 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.**

Lot area requirements are established to ensure compatibility with surrounding uses. The surrounding area contains a mix of institutional, commercial, and residential uses. The 98 dwelling units proposed would be compatible with the surrounding area. The requested variance would result in a density of 196 dwelling units per acre which is considered very high density. Very high density is supported at this location by the comprehensive plan.

The applicant is proposing a mix of studio, one and two bedroom units. It would be possible for the building configuration to be modified to include larger units with the same number of bedrooms overall. However, larger units are generally not supported by the neighborhood group and modifying the floor plan would have little effect on the impact of the use. Allowing a reduction in the minimum lot area to accommodate this number of units is reasonable.

- 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 institutional, commercial, and residential uses. There are three high-density residential developments recently constructed or currently under construction within two blocks of the site. The 98 dwelling units proposed would be compatible with the surrounding area. As stated above, the site is located within an activity center, near a growth center and within a transit station area. City policies call for high to very high density development in activity centers and near growth centers and high density development is encouraged adjacent to transit stations. The proposed number of units would not be detrimental to the health, safety or welfare of the general public or those utilizing nearby properties.

**VARIANCE:** to increase the maximum floor area ratio from 4.32 to 4.77.

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

- 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 floor area ratio for properties in the C3A district is 2.7. The site qualifies for one 30 percent bonus by enclosing all of the vehicle parking and a second 30 percent bonus for providing commercial uses that occupy more than 50 percent of the first floor gross floor area. The bonuses increase the maximum allowable floor area ratio to 4.32. The applicant is proposing a 103,811 square foot building on a 21,781 square foot lot for a floor area ratio of 4.77. The square footage proposed is 9,717 square feet in excess of the maximum allotment.

As stated above, 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. Further, the site is located directly on the Central Corridor LRT line and in close proximity to a transit station. City policies call for high to very high density development in activity centers and near growth centers and high density development is encouraged adjacent to transit stations.

- 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.**

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 uses, including institutional, commercial and residential, 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, transit station areas 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 and is reasonable.

- 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 institutional, commercial, and residential uses. The scale of development also varies from smaller 2-story building to large high-rises, but with a generally higher density character. Allowing the proposed building at the requested floor area ratio would not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. Granting the variance would not be detrimental to the health, safety or welfare of the general public or those utilizing nearby properties.

**VARIANCE:** to reduce the front yard requirement adjacent to Walnut Street from 15 feet (for the first 40 feet from the south lot line) to 2 feet to allow the building and a transformer.

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

- 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.**

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 for commercial purposes, 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 south, fronting on Walnut Street, is zoned R6 and the front yard setback requirement in the R6 district is 15 feet. No residential structures are established on said lot. Therefore, a minimum front yard setback requirement of 15 feet applies for the first 40 feet of the subject site, as measured from the south lot line. The building will have a 2-foot setback from this front lot line. A semi-enclosed transformer would also encroach into the required front yard, but is not a permitted obstruction.

Practical difficulties exist in complying with the ordinance. There are two parcels on the same block face fronting on Walnut Street that are residentially zoned. The residential zoning on these two parcels results in the need for a setback variance along the front property line. Although residentially zoned, both parcels are occupied by nonresidential uses (a surface parking lot and a 6-story office building). The adjacent property with the surface parking lot is only 33 feet wide. This property is not likely to be developed for residential purposes due to the width of the lot. These circumstances are unique in that the residentially zoned parcels do not contain residential structures.

- 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.**

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The applicant is proposing to locate the building up to 2 feet from the front property line. The semi-enclosed transformer would be tucked into an alcove of the building. Although residentially zoned, both parcels to the south of the subject site are occupied by nonresidential uses (a surface parking lot and a 6-story office building). The adjacent property with the surface parking lot is only 33 feet wide. This property is not likely to be developed for residential purposes due to the width of the lot. The request is reasonable.

- 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. Several other buildings in the immediate area are built from lot line to lot line with no setbacks. Some of the buildings, which are located in a residence or office residence district, are built up to the front lot lines as well. The proposed setback would not alter the character of the locality or be injurious to the use and enjoyment of adjacent properties. The proposed setback would not be detrimental to the health, safety or welfare of the general public or those utilizing nearby properties.

**VARIANCE:** to reduce the interior side yard requirement adjacent to the south lot line from 15 feet to 0 feet to allow the building.

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

- 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.**

When an interior side lot line abuts a side or rear lot line of a residence or office residence district, or a structure used for permitted or conditional residential purposes, a yard equal to the minimum side yard that would be required on the abutting residential lot shall be provided. The south interior side lot line abuts a side lot line of a residence district. The minimum interior side yard requirement is equal to  $5+2x$ , where  $x$  is equal to the number of stories above the first floor. Therefore, the south building wall is subject to a minimum yard requirement of 15 feet. Some of the building would be set back 0 to 3 feet 2 inches of the interior side lot line.

Practical difficulties exist in complying with the ordinance. The setback requirement is based on the windows proposed on this elevation and the adjacent residential zoning. As stated above, the portion of the lot to the south that is directly adjacent to the site is only 33 feet in width and is not likely to be redeveloped. While the height of the building is responsible, in part, for the degree of variance requested, the proposed height is not inappropriate given its location in an activity center and within a transit station area. Requiring the building to comply with the yard requirement along this property line would also create practical difficulties in complying with established policies for very high density development in this location. These circumstances are unique to the property 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.**

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The urban design policies of the

comprehensive plan also address this issue in calling for building placement to allow light and air into the site and surrounding properties. The building is designed in a manner that would allow for adequate access to light and air for the subject site and the adjacent property and would provide an adequate separation of uses. The difficulty in developing the parcel to the south due to its width helps to ensure long-term separation of uses and access to light and air. The portions of the building that would contain windows would be recessed a minimum of 3 feet 2 inches and up to 30 feet. The request is reasonable and in keeping with the spirit and intent of the ordinance and 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. The adjacent property to the south is occupied by a surface parking lot. Several buildings in the immediate area, which are located in a residence or office residence district, are built up to the side or rear lot lines. As such, the proposed setback would not alter the character of the locality or be injurious to the use and enjoyment of adjacent properties. The proposed setback would not be detrimental to the health, safety or welfare of the general public or those utilizing nearby properties provided the amount of glazing complies with the building code and fire separation requirements. It should be noted that if the adjacent property were redeveloped to include a building without windows facing the side lot line, said building could be constructed right up to the shared property line per the building code, which would impact those windows that are located closest to the property line.

**VARIANCE:** to reduce the rear yard requirement adjacent to the east lot line from 15 feet to 9.3 feet to allow walls with residential windows.

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

- 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.**

Where residential uses containing windows face a rear yard, a rear yard of at least five feet plus two feet for each story above the first floor, but not to exceed 15 feet if no other yard requirements apply, is required. Five stories of the residential use would contain windows facing the rear lot line located on the east side of the property. For a 6-story building, the minimum rear yard requirement is 15 feet. Where the residential use would contain windows facing the rear lot line, the walls would be set back 9.3 feet.

Practical difficulties exist in complying with the ordinance. If the windows were eliminated, the building could be built up to the property line. However, eliminating the windows would diminish the livability of any dwelling units proposed on this side of the building. While the height of the building is responsible, in part, for the degree of variance requested, the proposed height is not inappropriate given its location in an activity center and within a transit station area. Requiring the

building to comply with the setback requirements along this property line would also create practical difficulties in complying with established policies for very high density development in this location. These circumstances are unique to the property 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.**

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The urban design policies of the comprehensive plan also address this issue in calling for building placement to allow light and air into the site and surrounding properties. The building is designed in a manner that would allow for adequate access to light and air for the subject site and the adjacent property and would provide an adequate separation of uses. A 3-story building is located to the east of the subject site and is within close proximity to the shared lot line. The first floor of the proposed building would be located in close proximity to the west lot line, but would not have any windows. The upper floors will be recessed 9.3 feet to allow for residential windows. If a 3-story building were proposed on this site, only a 9 foot yard would be required. The request is reasonable and in keeping with the spirit and intent of the ordinance and 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. Several buildings in the immediate area, which are located in a residence or office residence district, are built up to the side or rear lot lines. A 3-story building is located to the east of the subject site and is within close proximity to the shared lot line. There are some openings on the west side of the second and third floors of the adjacent building; however, floors two through six of the proposed building will be set back 9.3 feet from the shared property line to ensure adequate separation (if a 3-story building were proposed, only a 9 foot yard would be required). As such, the proposed setback would not alter the character of the locality or be injurious to the use and enjoyment of adjacent properties. The proposed setback would not be detrimental to the health, safety or welfare of the general public or those utilizing nearby properties provided it complies with all building code and fire separation requirements.

**VARIANCE:** of the PO Pedestrian Oriented Overlay District building placement standard to allow the first floor of the building to be set back more than 8 feet from a lot line adjacent to a street where a greater yard is not required.

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

**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.**

In the PO Pedestrian Oriented Overlay District, the first floor of the building must be located within eight feet of a lot line adjacent to a street unless a greater yard is required. A minimum front yard setback requirement of 15 feet applies for the first 40 feet of the subject site, as measured from the south lot line. Outside of the required front yard, the first floor building walls would be located within 8 feet of the lot lines adjacent to Walnut Street and Washington Avenue with two exceptions. A small part of the transformer alcove is located outside of the required front yard. The wall would be set back 10 feet in that area. Adjacent to Washington Avenue, part of the first floor wall would be set back 31 feet where a courtyard is proposed. The courtyard will provide an outdoor dining area for one of the proposed restaurant tenant spaces.

Practical difficulties exist in complying with this requirement due to the fact that the Central Corridor LRT line will be located directly in front of the property in this location, the site has two street frontages, and the site is not adjacent to an alley. With the sites location in an activity center, outdoor dining is a desired amenity to encourage an active streetscape. The Washington Avenue sidewalk is only 9.5 feet wide and cannot be widened with the space constraints needed to accommodate other surrounding transportation infrastructure. The sidewalk width is not sufficient to accommodate high volumes of pedestrian traffic and space for outdoor dining. With frontage on two streets and no public alley access, there are limited locations where mechanical equipment can be located. The transformer is proposed to be tucked into an alcove of the building fronting Walnut Street. To accommodate screening and required clearances around the transformer, part of the first floor wall would be set back more than 8 feet outside of the required front yard. 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 PO Pedestrian Oriented Overlay District is established to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and accessory parking facilities, and by prohibiting certain high impact and automobile-oriented uses. The standard pertaining to the placement of buildings is intended to reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation. In general, policies of the comprehensive plan also support the intent of this ordinance. The first floor building walls would be located within 8 feet of the lot lines adjacent to each street, except where a greater yard is required and the courtyard and transformer are proposed to be located. With the sites location in an activity center, outdoor dining is a desired amenity to encourage an active streetscape. Providing an on-site outdoor dining area prevents obstructing high volumes of pedestrian traffic on the Washington Avenue sidewalk. To the extent practical, the proposed transformer location will minimize its effect on the pedestrian character. The request is reasonable and in keeping with the spirit and intent of the ordinance and 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 proposed setbacks for the courtyard and transformer will not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity, nor would the proposed variance will be detrimental to the public health, safety of welfare. The majority of the building walls will maintain a maximum setback of eight feet to reinforce the street wall.

**VARIANCE:** to reduce the required number of off-street parking spaces from 88 to 49.

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

- 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 minimum vehicle parking requirement for the residential use is one space per dwelling unit. In the UA overlay district, 0.5 spaces per bedroom but not less than one space per dwelling unit is required. A total of 98 dwelling units and 157 bedrooms are proposed; therefore the one space per dwelling unit requirement applies. Because the site is located in the Stadium Village transit station area PO overlay district, parking equal to 90 percent of one space per dwelling unit is required. The minimum parking requirement for this use is 88 stalls. The applicant is providing 49 parking stalls in the below-grade parking garage.

Practical difficulties exist in complying with the minimum parking requirement in this location. The statement submitted by the applicant cites that the water table is high in this location which presents difficulties in providing a second level of underground parking. Furthermore, there are unique circumstances associated with the site that make it impractical to comply with the minimum parking requirement due to its close proximity to transit. The site is located within a transit station area as it is less than one half mile from transit stations associated with the Central Corridor LRT line. The closest station will be located two blocks west of the site at Washington Avenue and Union Street. A second transit station, the Stadium Village LRT station, will be located approximately four blocks east of the site at University Avenue and Huron Boulevard. 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.**

Parking regulations are established to recognize the parking needs of uses and structures, to enhance the compatibility between parking areas and their surroundings, and to regulate the number, design, maintenance, use and location of off-street parking spaces and the driveways and aisles that provide access and maneuvering space. The regulations promote flexibility and recognize that excessive off-street parking conflicts with the City's policies related to

transportation, land use, urban design, and sustainability. The requested parking variance from 88 spaces to 49 spaces is reasonable due to the proximity to transit and alternative modes of transportation available in the immediate area. The applicant has provided an analysis based on leased parking for other projects in the area and maintains that the amount of parking provided will be adequate to serve the use. The site is located near the University of Minnesota Campus and is within the boundaries of an activity center and a transit station area. *The Minneapolis Plan for Sustainable Growth* states that development in transit station areas is designed with the pedestrian, bicyclist, and/or transit user in mind and development in these areas serves individuals who are more likely to use transit. The site also contains the Pedestrian Oriented Overlay District which is established to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity. As evaluated below, 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 Travel Demand Management Plan (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. Because of the proximity to transit, an adequate supply of bicycle parking, and the close proximity to the core of the University of Minnesota and public parking facilities, granting of the variance would have little impact on congestion of area streets.

In addition to the Central Corridor LRT line, there are five bus lines and the University's campus shuttles that serve the immediate area. For short-term parking, there are two University of Minnesota public parking ramps located within two blocks of the site. The Oak Street Ramp is located at the corner of Oak Street and Delaware Street, to the southeast, and the Washington Avenue Ramp is located north of Washington Avenue and west of Harvard Street. A total of 875 public parking spaces are available between the two ramps. For additional short-term parking, a study of the immediate area found that meter parking is available in sufficient quantity to supply the proposed retail spaces. Residents will also have the option of utilizing car sharing services in the area. The nearest shared cars (two vehicles) are located less than three blocks away from the site, just west of the intersection of Oak Street and Essex Street.

## **SITE PLAN REVIEW**

### **Findings as Required by the Minneapolis Zoning Code:**

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**

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

**Section A: Conformance with Chapter 530 of Zoning Code**

**BUILDING PLACEMENT AND DESIGN:**

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

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

    - a. Windows shall be vertical in proportion.
    - b. Windows shall be distributed in a more or less even manner.
  - Nonresidential uses:

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

    - a. Windows shall be vertical in proportion.
    - b. Windows shall be distributed in a more or less even manner.
    - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
    - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
    - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the

Department of Community Planning and Economic Development  
BZZ-5981

area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.

- f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

Minimum window area shall be measured as indicated in section 531.20 of the zoning code.

- **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. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

***Conformance with the above requirements:***

- The building is located on a corner lot. A minimum front yard setback requirement of 15 feet applies for the first 40 feet of the subject site, as measured from the south lot line. The applicant is requesting a variance to reduce the front yard requirement to 2 feet to allow the building. Staff is recommending approval of the variance. Outside of the required front yard, the first floor building walls would be located within 8 feet of the lot lines adjacent to streets, except where the transformer and courtyard are proposed. Alternative compliance is requested to allow the building to be set back more than 8 feet from lot lines adjacent to a street.
- A courtyard would be located between the building and Washington Avenue.
- Principal entrances would face each street.
- All parking would be enclosed within the building.
- The building would include recesses and projections and windows on all sides to divide the building into smaller identifiable sections.
- There would not be any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length on all sides of the building, except on floors 2 through 6 on the south elevation. On each end of these floors, it appears that the walls would contain insufficient architectural detail to meet this requirement. The applicant is requesting alternative compliance.
- The primary exterior materials would be durable and include metal panels, brick masonry, glass and burnished masonry (adjacent to an existing building). Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.
- All sides of the building would be similar to and compatible with each other.
- Plain face concrete block would not be used as a primary exterior building material on a wall fronting a street.
- The principal entrances would be recessed, surrounded by windows, and sheltered to emphasize their importance.
- The first floor walls facing Washington Avenue and Walnut Street are subject to the minimum window requirements. Measured between 2 and 10 feet above the adjacent grade, 20 percent of the walls adjacent to residential spaces are required to be windows and 30 percent of the walls adjacent to nonresidential spaces are required to be windows. Each wall would have at least 30 percent windows, except where the residential garage door is located. The applicant is requesting

alternative compliance for this requirement. All windows would be vertical in proportion and distributed in a more or less even manner and within four feet of the adjacent grade. The glass will be clear or lightly tinted with a visible light transmittance of 0.6 or greater. Because tenants are not known at this time, floor plans showing tenant layout is not available. Individual tenants will need to not block required windows with shelving, mechanical equipment or other similar fixtures between the height of four and seven feet above the adjacent grade.

- Each wall above the first floor facing Washington Avenue and Walnut Street is subject to the 10 percent window requirement. The amount of windows proposed on each of the walls subject to the window requirements would be nearly 20 percent. Windows on these levels would be vertical in proportion and distributed in a more or less even manner.
- More than 70 percent of the linear frontage of the ground floor building wall facing Washington Avenue would accommodate spaces with active functions. Parking, storage and mechanical space would occupy 32.3 percent of the wall facing Walnut Street. The applicant is requesting alternative compliance.
- A flat roof is proposed on the building. Buildings in the immediate area also have flat roofs.

#### **ACCESS AND CIRCULATION:**

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

#### ***Conformance with the above requirements:***

- Well-lit walkways 4 feet in width or greater would connect the public sidewalk to the main entrances.
- Transit shelters are not proposed as part of the development.
- Vehicle access would be from a 20-foot wide curb cut on Walnut Street located at the interior of the block. Circulation would occur on-site in the below-grade parking area. The site is not adjacent to any residential properties. The access is located where it will have the least amount of conflict with pedestrian traffic.
- The site is not adjacent to a public alley.
- All parking would be enclosed in the building. The amount of impervious surface proposed for parking areas and driveways is not excessive.

#### **LANDSCAPING AND SCREENING**

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
  - Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year.
- Screening shall be satisfied by one or a combination of the following:
  - A decorative fence.

Department of Community Planning and Economic Development  
BZZ-5981

- 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 a least 20 percent of the site not occupied by buildings be landscaped. The building, including the below-grade parking garage, would occupy the entire site.

**ADDITIONAL STANDARDS**

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
  - Natural surveillance and visibility
  - Lighting levels
  - Territorial reinforcement and space delineation
  - Natural access control
- To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

***Conformance with above requirements:***

- All parking and driveways would be covered and/or enclosed.
- The building should not impede any views of important elements of the city.
- Shadow studies submitted by the applicant show that the building would not completely shadow any other property throughout the day. A mixed use building with residences is under construction on the west side of Walnut Street opposite the site. Some shadowing of that property would occur during the morning hours. A large open space is located north of the site across Washington

Avenue. Based on the shadow study provided, the proposed building would have some shadowing impacts on the south end this open space in the winter months.

- Wind currents should not be a major concern.
- The development would include crime prevention through environmental design. The applicant has provided a significant amount of window coverage facing each street to provide opportunities for residents, tenants and patrons to observe adjacent spaces. Walkways and pedestrian level lighting are provided to guide pedestrian movement in and around the site.
- The existing building is not locally designated. The applicant obtained a Historic Review Letter from CPED, which determined that the existing structure does not meet the Minneapolis Code of Ordinances definition of a historic resource.

**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 C1. The applicant is requesting to rezone the site to C3A. In the C3A district, a multiple-family dwelling with 5 or more units and general retail sales and services are permitted uses. A sit down restaurant is also a permitted use provided it complies with the applicable development standards found in Chapter 536 of the zoning code. Sally’s Saloon & Eatery, an existing restaurant located on the site, is legally nonconforming to the requirement that not less than sixty (60) percent of total gross sales revenue shall be from the sale of food and beverages not containing alcohol, and the use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter. This use can be reestablished on the subject site, but only as allowed by section 531.40(b)(2) of the zoning code. There are no standards of the MR overlay district that apply to this property.

**Off-Street Parking and Loading:**

*Minimum automobile parking requirement:* The minimum vehicle parking requirement for the residential use is one space per dwelling unit. In the UA overlay district, 0.5 spaces per bedroom but not less than one space per dwelling unit is required. A total of 98 dwelling units and 157 bedrooms are proposed; therefore the one space per dwelling unit requirement applies. Because the site is located in the Stadium Village transit station area PO overlay district, parking equal to 90 percent of one space per dwelling unit is required. The minimum parking requirement for this use is 88 stalls. The applicant is providing 49 parking stalls in the below-grade parking garage. A variance is required to reduce the minimum parking requirement. Of the spaces provided, not more than 25 percent, or 12, can be compact spaces. Twelve compact spaces are proposed. A minimum of two accessible spaces must also be provided. Two accessible spaces are proposed.

Because the site is located in the Stadium Village transit station area PO overlay district, no parking is required for nonresidential uses. No nonresidential parking is proposed.

*Maximum automobile parking requirement:* There is no maximum parking requirement for dwellings except for parking that is not enclosed. All parking proposed for the project will be enclosed.

*Bicycle parking requirement:* In general, the minimum bicycle parking requirement for a multiple-family dwelling is equal to one space per two dwelling units. In the UA overlay district, one bicycle or one scooter parking space is required per bedroom. Not less than 90 percent of the required bicycle

Department of Community Planning and Economic Development  
BZZ-5981

parking must meet the standards for long term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, required long-term bicycle parking spaces must be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. In the UA overlay district, the required spaces cannot be located between the building and a street. The total minimum requirement is 157 spaces, of which at least 141 must meet the long-term parking requirements. The applicant would provide a total of 164 long-term spaces in the below-grade parking garage.

The minimum bicycle parking requirements for the commercial uses are 3 spaces for each use. Not less than 50 percent of the required bicycle parking must meet the standards for short-term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, short term spaces must be located in a convenient and visible area within 50 feet of a principal entrance and must permit the locking of the bicycle frame and one wheel to the rack and must support a bicycle in a stable position without damage to the wheels, frames or components. A minimum of 9 bicycle spaces are required, of which at least 5 must be short-term. Nine short-term bicycle parking spaces are proposed.

*Loading:* No loading space is required for a multiple-family dwelling with less than 100 dwelling units. For restaurants and general retail sales and services uses with collectively less than 20,000 square feet of gross floor area, adequate shipping and receiving facilities, accessible by motor vehicle off any adjacent alley, service drive or open space on the same zoning lot is required.

**Lot area:** The lot area of the site 21,781 square feet.

**Maximum Floor Area Ratio:** The maximum FAR allowed in the C3A district with the PO overlay district is 4.32 when all of the residential parking is provided within the building and more than 50 percent of the ground floor is occupied by commercial uses. The proposed gross floor area is 103,811 square feet, which is a FAR of 4.77. A variance is required to increase the maximum FAR.

**Minimum Lot Area:** The minimum lot area requirement in the C3A district is 400 square feet per dwelling unit. The development qualifies for bonuses to increase the number of dwelling units by enclosing all residential parking and with more than 50 percent of the ground floor occupied by commercial uses. This reduces the required lot area per dwelling unit to 253.3 square feet. For 98 dwelling units, the minimum lot area requirement is 24,820 square feet. The proposed lot area is 21,781 square feet or 222.2 square feet per dwelling unit. A variance is required to reduce the minimum lot area requirement by 12.3 percent.

**Dwelling Units per Acre:** The proposed density is 196 dwelling units per acre. This is considered very high density per *The Minneapolis Plan for Sustainable Growth*. The site is within the boundaries of an activity center, near a growth center and in a transit station area. Very high density is appropriate for the subject site based on the adopted policies for these land use features.

**Height:** In the C3A district, the maximum height is limited to 4 stories or 56 feet, whichever is less. The proposed building height is 6 stories, 81 feet. A conditional use permit is required to increase the maximum height.

**Yard Requirements:**

*Front yard:* 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 for commercial purposes, 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 south, fronting on Walnut Street, is zoned R6 and the front yard setback requirement in the R6 district is 15 feet. No residential structures are established on said lot. Therefore, a minimum front yard setback requirement of 15 feet applies for the first 40 feet of the subject site, as measured from the south lot line. The building and a transformer would be located in the required front yard. A variance is required to reduce this yard requirement.

*Interior side yard:* When an interior side lot line abuts a side or rear lot line of a residence or office residence district, or a structure used for permitted or conditional residential purposes, a yard equal to the minimum side yard that would be required on the abutting residential lot shall be provided. The south interior side lot line abuts a side lot line of a residence district. The minimum interior side yard requirement is equal to  $5+2x$ , where  $x$  is equal to the number of stories above the first floor. Therefore, the south building wall is subject to a minimum yard requirement of 15 feet. Parts of the building would be less than 15 feet and within 0 feet of the interior side lot line. A variance is required to reduce this yard requirement to allow the building.

*Rear yard:* Where residential uses containing windows face a rear yard, a rear yard of at least five feet plus two feet for each story above the first floor, but not to exceed 15 feet if no other yard requirements apply, is required. Five stories of the residential use would contain windows facing the rear lot line located on the east side of the property. For a 6-story building, the minimum rear yard requirement is 15 feet. Where the residential use would contain windows facing the rear lot line, the walls would be set back 9.3 feet. A variance is required to reduce this yard requirement.

**Building Coverage:** Not applicable for this development.

**Impervious Surface Area:** Not applicable for this development.

**Specific Development Standards:** Development standards specific to the multiple-family dwelling are not applicable for this project. Restaurants are subject to the following development standards:

*Restaurant, sit down.*

- (1) Where alcoholic beverages are served, not less than sixty (60) percent of total gross sales

Department of Community Planning and Economic Development  
BZZ-5981

revenue shall be from the sale of food and beverages not containing alcohol, and the use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.

- (2) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

**PO Pedestrian Oriented Overlay District Standards:** The following standards apply to this development:

- Drive-through facilities, automobile convenience facilities, transportation uses, self-service storage, commercial parking lots (including the expansion of any existing commercial parking lot), and the conversion of any accessory parking lot to a commercial parking lot are prohibited. These uses are not proposed.
- The first floor of the building must be located within eight feet of a lot line adjacent to a street unless a greater yard is required. A minimum front yard setback requirement of 15 feet applies for the first 40 feet of the subject site, as measured from the south lot line. Outside of the required front yard, the first floor building walls would be located within 8 feet of the lot lines adjacent to Walnut Street and Washington Avenue with two exceptions. A small part of the transformer alcove is located outside of the required front yard. The wall would be set back 10 feet in that area. Adjacent to Washington Avenue, part of the first floor wall would be set back 31 feet where a courtyard is proposed. A variance of this overlay district is required to allow the proposed setbacks.
- Amenities are required between the building and lot lines adjacent to a street. A courtyard area would be located between the building and the streets.
- At least one principal entrance must face the street. Principle entrances would face each street.
- At least 40 percent of the first floor façade of any nonresidential use that faces a public street or sidewalk must be windows or doors of clear or lightly tinted glass that allows views into and out of the building at eye level. Windows must be distributed in a more or less even manner. Required windows are measured between 2 and 10 feet above the finished level of the floor. The facade of each nonresidential use would contain at least 40 percent windows as previously described.
- Awnings and canopies are encouraged, but backlit awnings and canopies are prohibited. No awnings or canopies are proposed.
- Pole signs, backlit awning and canopy signs, and backlit insertable panel projecting signs are prohibited. These types of signs are not proposed.
- Accessory parking is required to be located at the rear or interior of the site, within the building, or entirely below grade. All parking would be located in the building.

- The driveway width for all parking facilities cannot exceed 20 feet of street frontage. Driveway access would be from Walnut Street Southeast. A 20 foot wide driveway is proposed.
- In transit station areas, a minimum FAR of 1.0 is required for new development. The proposed FAR is 4.77.

**Dumpster screening:** Refuse storage containers are required to be enclosed on all four sides by screening compatible with the principal structure not less than two feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. Refuse containers would be stored in the building.

**Signs:** Signs are regulated by Chapter 543 On-Premise Signs in the zoning code. The applicant has indicated that no signage is proposed at this time, but signage will comply with the zoning requirements. Any proposed signage will require Zoning Office review, approval and permits.

**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.

A transformer is proposed adjacent to Walnut Street in a recessed alcove in the building. A metal screen would separate the transformer from the sidewalk; however, the opacity of the screening has not been indicated. Staff will work with the applicant to ensure the transformer is adequately screened.

**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 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.

**MINNEAPOLIS PLAN:** In addition to the principles and policies in the rezoning and conditional use permit sections of this staff report, the following from the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*, apply to this proposal:

Urban Design Policy 10.4: Support the development of residential dwellings that are of high quality design and compatible with surrounding development.

10.4.1 Maintain and strengthen the architectural character of the city's various residential neighborhoods.

10.4.2 Promote the development of new housing that is compatible with existing development in the area and the best of the city's existing housing stock.

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.

10.6.4 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 10.9: Support urban design standards that emphasize traditional urban form with pedestrian scale design features at the street level in mixed-use and transit-oriented development.

10.9.4 Coordinate site designs and public right-of-way improvements to provide adequate sidewalk space for pedestrian movement, street trees, landscaping, street furniture, sidewalk cafes and other elements of active pedestrian areas.

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

10.10.1 Enhance the city's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality four season public spaces and infrastructure.

10.10.4 Orient new buildings to the street to foster safe and successful commercial nodes and corridors.

10.10.6 Require storefront window transparency to assure both natural surveillance and an inviting pedestrian experience.

Urban Design Policy 10.11: Seek new commercial development that is attractive, functional and adds value to the physical environment.

10.11.1 Require the location of new commercial development (office, research and development, and related light manufacturing) to take advantage of locational amenities and coexist with neighbors in mixed-use environments.

10.11.4 Maximize the year round potential for public transit, biking, and walking in new developments.

The *Stadium Village University Avenue Station Area Plan* also provides the following guidance that applies to this development:

- As the opportunities for infill development emerge, the new development should reinforce the urban pattern by extending the street grid and placing buildings to define the streets and enhance pedestrian walkability.
- Include provisions for bicycle facilities and improved infrastructure. This should be included at or near the Stadium Village and Prospect Park light rail stations. This may include bicycle racks, bicycle lockers, and/or other amenities to promote bicycle circulation to and from the light rail.
- Provide a minimum of 8 foot wide sidewalks throughout the corridor where feasible.
- Incorporate streetscape elements such as more street trees, planters, monuments, public art, kiosks and benches to create a more inviting and comfortable sidewalk environment and promote more sidewalk activity.

The proposed mixed use building with 98 dwelling units is consistent with the above policies of the comprehensive plan and guidelines from the small area plan.

## **ALTERNATIVE COMPLIANCE**

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

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements transit facilities, bicycle facilities, preservation of natural resources, restoration of

Department of Community Planning and Economic Development  
BZZ-5981

previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.

- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

Alternative compliance is requested by the applicant to meet the following standards:

Building wall within 8 feet of a street

The building is located on a corner lot. Outside of the required front yard, the first floor building walls would be located within 8 feet of the lot lines adjacent to streets, except where the transformer and courtyard are proposed. For the same reasons discussed in the findings for the variance of the PO Pedestrian Oriented Overlay District building placement standards, staff is recommending that the planning commission grant alternative compliance.

Blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length

There would not be any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length on all sides of the building, except on floors 2 through 6 on the south elevation. On each end of these floors, it appears that the walls would contain insufficient architectural detail to meet this requirement. These wall areas are 28.5 feet wide and would be located one foot from the interior side lot line. The building elevation plan shows that two metal panel types are proposed on these walls to create visual interest. Although a change of color would not generally meet the intent of this provision on larger blank walls, a change of color and/or material texture would be sufficient in this application. For these reasons, staff is recommending that the planning commission grant alternative compliance.

Twenty percent window requirement and ground floor active functions adjacent to Walnut Street

The first floor wall facing Walnut Street is subject to the minimum window requirements. Measured between 2 and 10 feet above the adjacent grade, 20 percent of the walls adjacent to residential spaces are required to be windows and 30 percent of the walls adjacent to nonresidential spaces are required to be windows. The ground level of buildings are required to be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than 30 percent of the linear building frontage along each wall facing a public street. No windows are proposed on the wall where the residential garage door is located. Parking, storage and mechanical space would occupy 32.3 percent of the wall facing Walnut Street. The site has frontage on two streets with no alley access. These circumstances limit where the garage and trash room access and transformer can be located. Overall, almost 37 percent of the first floor wall facing Walnut Street would be windows. For these reasons, staff is recommending that the planning commission grant alternative compliance.

**RECOMMENDATIONS:**

**Recommendation of the Department of Community Planning and Economic Development for the Rezoning:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the petition to rezone the property located at 700 Washington Avenue Southeast from C1 Neighborhood Commercial District to C3A Community Activity Center District.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit to allow an increase in height from 4 stories, 56 feet to 6 stories, 81 feet for the property located at 700 Washington Avenue Southeast, subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.

**Recommendation of the Department of Community Planning and Economic Development for the Variance:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the minimum lot area requirement by 12.3 percent for the property located at 700 Washington Avenue Southeast.

**Recommendation of the Department of Community Planning and Economic Development for the Variance:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the variance to increase the maximum floor area ratio from 4.32 to 4.77 for the property located at 700 Washington Avenue Southeast.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the variance of the PO Pedestrian Oriented Overlay District building placement standard to allow the first floor of the building to be set back more than 8 feet from a lot line adjacent to a street where a greater yard is not required for the property located at 700 Washington Avenue Southeast.

**Recommendation of the Department of Community Planning and Economic Development for the Variance:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the front yard requirement adjacent to Walnut Street from 15 feet (for the first 40 feet from the south lot line) to 2 feet to allow the building and a transformer for the property located at 700 Washington Avenue Southeast.

**Recommendation of the Department of Community Planning and Economic Development for the Variance:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the interior side yard requirement adjacent to the south lot line from 15 feet to 0 feet to allow the building for the property located at 700 Washington Avenue Southeast.

**Recommendation of the Department of Community Planning and Economic Development for the Variance:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the rear yard requirement adjacent to the east lot line from 15 feet to 9.3 feet to allow walls with residential windows for the property located at 700 Washington Avenue Southeast.

**Recommendation of the Department of Community Planning and Economic Development for the Variance:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the minimum vehicle parking requirement from 88 spaces to 49 spaces for the property located at 700 Washington Avenue Southeast.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission **approve** the site plan review application for a mixed-use development with 98 dwelling units on the properties 700 Washington Avenue Southeast, subject to the following conditions:

1. All site improvements shall be completed by May 10, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. CPED staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.

Department of Community Planning and Economic Development  
BZZ-5981

3. No shelving, signage, merchandise, newspaper racks or other similar fixtures shall be placed in front of the required ground level windows as required by section 530.120 of the zoning code.
4. Mechanical equipment shall be screened as required by section 535.70 of the zoning code.

**Attachments:**

1. PDR Report
2. Applicants project description and findings
3. Correspondence
4. Zoning district comparison matrix
5. Zoning map
6. Draft travel demand management plan (TDMP)
7. Plans and renderings
8. Shadow and context studies.
9. Photos