

Department of Community Planning and Economic Development
Rezoning, Variances, and Site Plan Review
BZZ – 5996

Date: May 6, 2013

Applicant: Hupp Holdings LLC

Address of Property: 628 University Avenue Southeast

Project Name: 628 University

Contact Person and Phone: Aaron Roseth, ESG Architects (612) 339-5508

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

Date Application Deemed Complete: April 11, 2013

End of 60-Day Decision Period: June 10, 2013

End of 120-Day Decision Period: On April 25, 2013, staff sent a letter to the applicant extending the 60-day decision period to August 9, 2013.

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

Existing Zoning: R5 Multiple-Family Residence District, MR Mississippi Critical Area Overlay District and UA University Area Overlay District

Proposed Zoning: R6 Multiple-Family Residence District

Zoning Plate Number: 15

Legal Description: Lot 1, Block 33, St. Anthony Falls, Hennepin County, MN

Proposed Use: Multiple-family dwelling with 40 units.

Concurrent Review:

- Petition to rezone from R5 to R6.
- Variance to reduce the minimum lot area requirement by 20 percent.
- Variance to reduce the front yard requirement adjacent to University Avenue from 15 feet to 10 feet to allow the building and to allow larger obstructions (an awning, patio, and walkway) than allowed by the applicable regulations.
- Variance to reduce the corner side yard adjacent to 7th Avenue from 14 feet to 0 feet to allow the building.
- Variance to reduce the interior side yard requirement from 15 feet to 6 feet to allow the parking garage.

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- Variance to reduce the rear yard requirement from 11 feet to 1 foot to allow the parking garage.
- Variance to reduce the minimum vehicle parking requirement from 40 to 25 spaces (0.62 spaces per dwelling unit and 0.46 spaces per bedroom are proposed).
- Variance to increase the maximum lot coverage from 70 percent to 85.2 percent.
- Variance to increase the maximum allowed amount of impervious surface from 85 percent to 88.8 percent.
- Site plan review.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments; 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 thirty (30) percent,” (6) “To vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces,” and (15) “To vary the maximum lot coverage and impervious surface coverage requirements,” and Chapter 530, Site Plan Review.

Background: The applicant proposes to construct a new 4-story multiple-family dwelling with 40 units at the property of 628 University Avenue Southeast. All parking would be enclosed in the building. A residential structure currently occupies the site and will be demolished.

The following applications are required to allow the proposed development:

- The site is zoned R5 with the UA and MR overlay districts. The applicant is proposing to rezone the site from R5 to R6 to increase the maximum allowed density.
- The minimum lot area requirement in the R6 district is 400 square feet per dwelling unit, or 16,000 square feet for 40 units. The development qualifies for a 20 percent density bonus because all required parking would be located within the building. With the density bonus, the minimum lot size is 344.6 square feet per unit, or approximately 13,784 square feet for 40 units. Per dwelling unit, 275.7 square feet of lot area is proposed. A variance is required to reduce the lot area by 20 percent.
- A front yard is required adjacent to University Avenue. The minimum front yard requirement is 15 feet unless the setback of an adjacent structure is greater. The adjacent residential structure to the north is set back 10 feet from the front lot line as measured from the front porch. Therefore, a 15 foot front yard is required. The proposed building would be set back up to 10 feet from the front lot line. Walkways that do not exceed 6 feet in width, ground level patios not exceeding 50 square feet in area and projecting not more than 4 feet into the required yard, and awnings projecting not more than 2.5 feet into the yard are permitted obstructions in front yards. The size of the proposed patio, awning and walkway would exceed these allowances. A variance is required to reduce the front yard requirement to allow the building, awning, patio, and walkway.
- A corner side yard is required adjacent to 7th Avenue. The minimum corner side yard requirement is equal to $8+2x$, where x is equal to the number of stories above the first floor, but not to exceed 15 feet. A 4-story building is proposed; therefore the minimum requirement is 14 feet. The proposed building would be set back 0 feet. A variance is required to reduce the yard requirement.

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- An interior side yard is required along the north lot line. The minimum interior side yard requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor. A 4-story building is proposed; therefore the minimum requirement is 11 feet. Notwithstanding this requirement, a 15 foot interior side yard is required where a door faces an interior side lot line. A side facing door is proposed in the garage level. Floors one through four of the building would be set back 13 feet from the side lot line; however, the parking garage would extend above grade and would be located 6 feet from the side lot line. A variance is required to reduce the yard requirement to allow the parking garage and the side door.
- A rear yard is required along the west lot line. The minimum requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor. A 4-story building is proposed; therefore the minimum requirement is 11 feet. Floors one through four of the building would be set back 11.5 to 12.5 feet from the rear lot line; however, the parking garage would extend above grade and would be located one foot from the rear lot line. A variance is required to reduce the yard requirement.
- Generally, the minimum parking requirement is one space per 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 40 dwelling units and 54 bedrooms are proposed. Therefore, 40 spaces are required. In the below-grade parking garage, 25 spaces would be provided. A variance is required to reduce the minimum parking requirement.
- The maximum lot coverage allowed in the R6 district is 70 percent. For the proposed site, 7,718.9 square feet of coverage is allowed. The proposed footprint is approximately 9,400 square feet, which covers 85.2 percent of the site. A variance is required to increase the maximum lot coverage.
- The maximum impervious surface coverage allowed in the R6 district is 85 percent. For the proposed site, 9,373 square feet of coverage is allowed. The proposed amount of impervious surface is approximately 9,795 square feet, which covers 88.8 percent of the site. Impervious surface includes green roof area because it significantly prevents natural absorption of stormwater into the soil. A variance is required to increase the maximum impervious surface coverage.
- Site plan review is required for any development with five or more new dwelling units.

Correspondence from the neighborhood group, Marcy Holmes Neighborhood Association, was received and is attached to this report. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

REZONING: Petition to rezone from R5 to R6.

Findings as required by the Minneapolis Zoning Code for the rezoning petition:

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

The proposed R6 zoning is not as consistent with the comprehensive plan as the existing R5 zoning. In the *Minneapolis Plan for Sustainable Growth*, the future land use designation of the site is urban neighborhood. The plan designates University Avenue Southeast as a community corridor. The site is located 4 blocks from the closest extent of University of Minnesota campus, which is designated as a growth center.¹ The site is also located one block from the eastern most boundary of the East Hennepin Activity Center. According to the principles and policies outlined in the plan, the following apply to this proposal:

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

1.9.5 Encourage the development of low- to medium-density housing on Community Corridors to serve as a transition to surrounding low-density residential areas.

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

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.

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

1.12.7 Encourage the development of medium- to high-density housing immediately adjacent to Activity Centers to serve as a transition to surrounding residential areas.

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 3.2: 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.

¹ Growth Centers are busy, interesting and attractive places characterized by a concentration of business and employment activity and a wide range of complementary activities taking place throughout the day into the evening. These activities include residential, office, retail, entertainment and recreational uses.

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

10.5.1 Smaller-scale, multi-family residential development is more appropriate along Community Corridors and Neighborhood Commercial Nodes.

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

The comprehensive plan defines the residential density categories as follows:

- Low-density residential – Primarily single family and two family residential, with less than 20 dwelling units/acre
- Medium-density residential – Primarily smaller scale multi-family residential, with 20-50 units/acre
- High-density residential – Primarily higher intensity multi-family housing, with 50-120 units/acre
- Very-high density residential – Primarily very high intensity multi-family, with more than 120 units/acre

Master Plan for Marcy Holmes Neighborhood

Adopted by the City Council in 2003 and updated in 2007, the *Master Plan for Marcy Holmes Neighborhood* recommends multi-family residential development as the future land use of the site. The plan recommends a maximum height of 4 stories for the majority of the neighborhood; however, the plan supports taller buildings in the neighborhood between Main Street and University Avenue provided heights gradually increase from University Avenue to Main Street. The plan recognizes that “around the university, a variety of high-density, affordable housing is essential.” Exceptions to allow additional height and density are called out for specific redevelopment areas within the neighborhood, none of which include the subject site. However, one of the redevelopment areas is located directly across 7th Avenue from the site. In that area, the plan supports a height of 8 to 10 stories for buildings fronting 2nd Street.

Staff comment: The residence districts are established to preserve and enhance quality of living in residential neighborhoods, to regulate structures and uses which may affect the character or desirability of residential areas, to encourage a variety of dwelling types and locations and a range of population densities consistent with the comprehensive plan, and to ensure adequate light, air, privacy and open space. Both the R5 and R6 Multiple-family Districts are established to provide an environment of high density apartments, congregate living arrangements, and cluster developments, and some institutional and public uses and public services and utilities. The R5 district allows high density residential density (up to 120 units per acre with density bonuses and a lot area variance). The R6 district allows high to very high residential density including greater building height and gross floor area. The aforementioned policies clearly support high density residential density at this location. However, the comprehensive plan generally directs very high density to be located within activity centers and growth centers. Given that the site is not located within an activity center, is located four blocks from the University campus, and the small area plan does not specify that greater density than allowed by the R5 district is appropriate here, the amendment is not consistent with the comprehensive plan.

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

The subject site is located on a community corridor and is located in close proximity to an activity center and growth center. The existing R5 zoning would allow high residential density on this 11,027 square foot site (up to 29 dwelling units with two density bonuses and a variance to reduce the minimum lot area requirement by 30 percent). The comprehensive plan generally directs very high density to be located within activity centers and growth centers. The applicant has emphasized that the size of the dwelling units proposed for this project are small (2 bedrooms or less) and that the building would only be 4-stories in height. However, the overall gross floor area of the proposed building would require a variance to increase the maximum floor area ratio in the R5 district. Given that the site is not located within an activity center, is located four blocks from the University campus, and the small area plan does not specify that greater density than allowed by the R5 district is appropriate here, the amendment is not in the public interest and solely in the interest of the property owner.

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.

Uses closest to the subject property are primarily high density residential, commercial and industrial. The existing zoning in the immediate area includes R2B, R5, C3A, I1 and I2 (some of the industrially zoned properties include the IL overlay district). There is currently no R6 zoning within the boundaries of the Marcy Holmes Neighborhood. The subject property is surrounded by R5 to the north, east, and west with I1 zoning located to the south. As illustrated in the attached zoning district comparison spreadsheet, the R6 district would allow substantially more as-of-right dwelling units and building height and gross floor area to be built than the R5 district. Although this may not be of concern adjacent to where the small area plan calls for higher density and buildings taller than 4-stories in height, it could set a precedent for properties located outside of specifically identified redevelopment areas.

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.

Reasonable use of the property is allowed under the existing zoning that is consistent with the policies of the comprehensive plan. The existing R5 zoning would allow high residential density on this 11,027 square foot site. The R6 district allows high to very high residential density including greater building height and gross floor area. As noted by the applicant, the same number of bedrooms that are proposed (54) could be established on the property with the R5 zoning district, but would result in larger units. However, constructing the proposed 30,420 square foot building in the R5 district would require a variance to increase the maximum floor area ratio by 13 percent. Without the FAR variance, fewer bedrooms can be established on the site. The table below outlines how many dwelling units and how much floor area is allowed on this site with the existing and proposed zoning.

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Density allowed	R5	R6	Difference
Base gross floor area (sq. ft.)	22,054	33,081	11,027
GFA with one density bonus (sq. ft.)	26,465	39,697	13,232
GFA with two density bonuses (sq. ft.)	30,876	46,313	15,437
Base dwelling units	15	27	12
Dwelling units with one density bonus	18	32	14
Dwelling units with two density bonuses	21	37	16
Dwelling units with one density bonus and maximum lot area variance	25	45	20
Dwelling units with two density bonuses and maximum lot area variance	29	52	23

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 property has been zoned R5 since 1963. There has been little change to the zoning classifications to residential properties in the surrounding area. However, former industrial properties have been rezoned to allow residential developments on properties closer to the river. Recent development trends have led to increased residential density.

VARIANCE: To reduce the minimum lot area requirement by 20 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.

Because the development qualifies for a density bonus, the minimum lot size requirement in the R6 district is 344.6 square feet per unit, or approximately 13,784 square feet for 40 units. The proposed lot area per dwelling unit is 275.7 square feet. The applicant is requesting the variance to allow 8 additional units. The proposed density is classified as very high density by the comprehensive plan. The site is located on a community corridor and is located in close proximity to an activity center and a growth center. The comprehensive plan generally directs very high density to be located within activity centers and growth centers. The small area plan also does not

provide any guidance to support very high density on this site as it does for other areas within the Marcy Holmes neighborhood. Because high density development is allowed on the site, practical difficulties do not exist in complying with the ordinance because of circumstances unique to the property. However, it should be noted that the zoning code does not take into account that the number of bedrooms is a factor in the density of a development. Establishing the same number of bedrooms in the R6 district without the lot area variance would be possible, but would result in some larger units with at least 3 bedrooms. 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.

- 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. Policies from the comprehensive plan and the small area plan support high density at this location, but not very high density. The applicant is proposing very high density. There are no other zoning districts adjacent to the subject property that would allow very high density. Granting the variance would result in density that has not been previously established in this area zoned R5. Because very high density is proposed, the request is not consistent with the comprehensive plan.

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

Residential uses in the immediate R5 area are primarily high density. Granting the variance would result in very high density that has not been previously established in this area zoned R5. A smaller scale development on this site that fits within the high density range of 50 to 120 units per acre would likely have little effect on the surrounding properties. Granting the variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

VARIANCE: To reduce the front yard requirement adjacent to University Avenue from 15 feet to 10 feet to allow the building and to allow larger obstructions (an awning, patio, and walkway) than allowed by the applicable regulations.

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.**

A 15 foot front yard is required adjacent to University Avenue. The proposed building would be set back up to 10 feet from the front lot line. Walkways that do not exceed 6 feet in width, ground level patios not exceeding 50 square feet in area and projecting not more than 4 feet into the required yard, and awnings projecting not more than 2.5 feet into the yard are permitted obstructions in front yards. The size of the proposed patio, awning and walkway would exceed

these allowances. The comprehensive plan and small area plan calls for high density residential development on this site. Establishing high density on this site without some reduction to the yard requirements is likely not possible. Allowing a reduction of the front yard requirement will have the smallest impact on the character of the immediate area because the setbacks of surrounding properties fronting University Avenue vary. The site has frontage on two streets. Providing a larger approach to the main entrance will emphasize its importance, which is called for in the site plan review standards from Chapter 530 of the zoning code. The sheltered patio will also add more active spaces to the street frontage as encouraged by the small area plan. Without approving the rezoning, this project cannot be built as proposed. Therefore, staff is also recommending denial of this variance.

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. Comprehensive plan policies call for setbacks that are appropriate with the context of the surrounding area, but also support pedestrian scale design features at the street level. The small area plan design guidelines encourage placing the ground floor of buildings close to pedestrian ways and providing indoor/outdoor living. Further, it opposes front yard setbacks that are unusable by tenants.

The building would be set back 10 to 14.5 feet from the front lot line. The front yard setbacks of properties along University Avenue between 5th Avenue and I-35W vary. It appears that the small to medium scale residential buildings are generally set back 15 feet or more. Whereas, it appears that larger residential buildings and storefront buildings are set back 15 feet or less. Shrubs and ornamental trees are proposed in the front yard to buffer the front dwelling on the first floor from the public sidewalk. Reducing the front yard requirement to allow the building should have little effect on surrounding properties and the proposed use. The applicant is also proposing a 7.5 foot wide walkway and approximately 250 square foot patio to connect the University Avenue sidewalk to the main entrance. The awning extends out over the 10 foot deep patio. The patio is buffered from the public sidewalk by 10 feet of landscaping. It is also located 40 feet from the adjacent residential property. Providing a larger approach to the main entrance emphasizes its location. The proposed size and location should ensure its functionality, without negatively affecting surrounding property. The request is reasonable and would be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

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

Granting the variance should not have adverse effects on the character of the area and would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The building would be set back 10 to 14.5 feet from the front lot line. The front yard setbacks of properties along University Avenue between 5th Avenue and I-35W vary. It

appears that the small to medium scale residential buildings are generally set back 15 feet or more. Whereas, it appears that larger residential buildings and storefront buildings are set back 15 feet or less. Comprehensive plan policies support pedestrian scale design features at the street level and the small area plan design guidelines encourage placing the ground floor of buildings close to pedestrian ways and providing indoor/outdoor living areas. The patio is buffered from the public sidewalk by 10 feet of landscaping. It is also located 40 feet from the adjacent residential property. Reducing the front yard requirement should have little effect on surrounding properties while increasing the amount of active spaces adjacent to University Avenue.

VARIANCE: To reduce the corner side yard adjacent to 7th Avenue from 14 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.**

A 14-foot wide corner side yard is required adjacent to 7th Avenue for a 4-story building. The proposed building would be set back 0 feet. The comprehensive plan and small area plan calls for high density residential development on this site. Establishing high density on this site without some reduction to the yard requirements is likely not possible. Allowing a reduction of the corner side yard requirement will have the smallest impact on surrounding properties because it is adjacent to a wide interior street boulevard and shares a block face with a nonresidential building that is also built up to the street along 7th Avenue. Requiring the building to comply with the corner side yard requirement would likely require a variance to be obtained to reduce the interior side yard requirement for the upper floors of the building, which would affect the adjacent residential property's access to light and air.

- 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. Comprehensive plan policies call for setbacks that are appropriate with the context of the surrounding area. A reduction of the corner side yard requirement will have little effect on the orderly development of this area, surrounding uses and the proposed use. The width of 7th Avenue at 80 feet is wider than typical residential streets. The distance between the corner side lot line and the street curb is approximately 20 feet. The Public Works Department has requested that a 5.5 foot boulevard and 6 foot wide sidewalk be provided. This leaves an approximately 8.5 foot wide interior boulevard between the sidewalk and proposed building. Further, the existing change in grade will result in greater separation between the sidewalk and the first floor units. The nonresidential building located to the west of the subject site is built up to 7th Avenue. Although these factors warrant a reduction of the yard requirement, this building elevation should contain larger recesses to divide the building into smaller identifiable sections. Segments of the 4-story tall, 145 foot long 7th

Avenue façade would be inset one foot from the corner side lot line and the rest of the façade would be built up to the lot line. The *Master Plan for Marcy Holmes Neighborhood* design guidelines discourage long, uninterrupted building facades and state the following:

The neighborhood is generally opposed to....actions that would hurt the preservation of the small town character of the neighborhood [such as] construction that is too big for a site. This means new buildings that are out of scale and proportion with existing buildings. They may be taller, have straight facades that ignore the architectural rhythm created by existing buildings, or occupy most of the site because of underground parking.

The proposed University Avenue elevation reflects the architectural rhythm created by existing buildings by incorporating a 9 foot wide by 5 foot deep notch. If this variance is approved, staff recommends that the planning commission require greater undulation on this facade similar to what is proposed on the University Avenue building elevation.

- 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.**

Primarily high density residential uses are located in the immediate area. Industrial and nonresidential uses are located to the west of the site. The setbacks of surrounding buildings vary. The adjacent nonresidential building is built up to the street along 7th Avenue. Granting the variance would have little effect on surrounding properties, but could affect the small town character of the area that the small area plan is trying to retain. Greater undulation on the 7th Avenue building elevation along with the proposed changes in materials would make it consistent with the guidance from the small area plan, and a variance of the corner side yard requirement could be supported. The variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

VARIANCES: 1) To reduce the interior side yard requirement from 15 feet to 6 feet to allow the parking garage; and 2) To reduce the rear yard requirement from 11 feet to 1 foot to allow the parking garage.

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.**

An 11-foot interior side yard is required along the north lot line for a 4-story building. Notwithstanding this requirement, a 15 foot interior side yard is required where a door faces an interior side lot line. A side facing door is proposed in the garage level. Floors one through four of the building would be set back 13 feet from the side lot line; however, the parking garage would extend above grade and would be located 6 feet from the side lot line.

An 11-foot rear yard is required along the west lot line. Floors one through four of the building would be set back 11.5 to 12.5 feet from the rear lot line; however, the parking garage would extend above grade and would be located one foot from the rear lot line.

The slope of the site provides an opportunity for a lower level of enclosed parking to be provided, which is supported by urban design policies of the comprehensive plan. However, the slope also results in exposing some of the garage above grade. Without these variances, approximately half of the parking would need to be eliminated. The comprehensive plan and small area plan calls for high density residential development on this site. The ability to establish high density development is dependent on being able to provide adequate parking. The side door is needed as a second means of egress from the parking garage as required by the building code. These circumstances have not been created by the applicant. Without approving the rezoning, this project cannot be built as proposed. Therefore, staff is also recommending denial of these variances.

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. Comprehensive plan policies call for setbacks that are appropriate with the context of the surrounding area.

Floors one through four of the building would comply with the interior side and rear yard setback requirements. Visibility of the parking garage on the lower level is limited from the adjacent residential property because it is tucked into the slope on the site. The side door is needed as a second means of egress from the parking garage and is not intended to be used as a principal entrance. A parking lot for a nonresidential use located in an industrial district abuts the rear lot line where most of the garage level would be visible. The request is reasonable and would be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

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

Granting the variances would have little effect on surrounding properties and would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. A multiple-family dwelling with a side door needed for egress is located adjacent to the interior side lot line. A parking lot is located to the rear of the adjacent residential structure where most of the garage wall would be exposed. The side door is needed as a second means of egress from the parking garage and is not intended to be used as a principal entrance. A parking lot for a nonresidential use located in an industrial district is located adjacent to the rear lot line. The applicant is proposing to plant ivy at the base along the rear wall to soften its exposure.

VARIANCE: To reduce the minimum vehicle parking requirement from 40 to 25 spaces (0.62 spaces per dwelling unit and 0.46 spaces per bedroom are proposed).

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.**

Generally, the minimum parking requirement is one space per 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 40 dwelling units and 54 bedrooms are proposed. Therefore, 40 spaces are required. In the below-grade parking garage, 25 spaces would be provided. There are circumstances unique to the parcel and have not been created by the applicant. Without approving the rezoning, this project cannot be built as proposed. Therefore, staff is also recommending denial of this variance.

The zoning code authorizes a transit incentive to reduce the minimum parking requirement by 10 percent when the proposed use is located within 300 feet of a transit stop with midday service headways of 30 minutes or less in each direction. Because 4th Street and University Avenue are one-way streets, the site is not within 300 feet of transit stops providing service in both directions. Therefore they cannot qualify for this incentive. The closest transit stop is directly in front of the property. The closest transit stop providing service in the other direction is approximately 550 feet, as the crow flies, from the subject site. Together they provide midday service headways of 30 minutes or less in each direction.

The slope of the site provides an opportunity for a lower level of enclosed parking to be provided, which is supported by urban design policies of the comprehensive plan because it allows active uses to be provided on the first floor. The size of the site however does not allow another level of below-grade parking to be provided. Locating additional parking on the first floor would eliminate active first floor uses and require a second curb cut.

- 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 40 spaces to 25 spaces is reasonable due to the proximity to transit and alternative modes of transportation available in the immediate area. The ratio of parking is similar to leased parking demand for other projects in the area. The site is located within walking and biking distance of the University of Minnesota Campus and other amenities and convenience uses. 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 the parking requirement will not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity nor be detrimental to the public health, safety of welfare and will not result in significant congestion in the adjacent streets. The variance request is comparable to other variances recently granted for other projects within the Marcy Holmes neighborhood. Because of the proximity to transit, an adequate supply of bicycle parking, and the proximity to the University of Minnesota and other amenities and convenience uses, granting of the variance would have little impact on congestion of area streets.

VARIANCES: 1) To increase the maximum lot coverage from 70 percent to 85.2 percent; and 2) To increase the maximum allowed amount of impervious surface from 85 percent to 88.8 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 maximum lot coverage allowed in the R6 district is 70 percent. For the proposed site, 7,718.9 square feet of coverage is allowed. The proposed footprint is approximately 9,400 square feet, which covers 85.2 percent of the site. The parking garage is included in the footprint because it extends above grade.

The maximum impervious surface coverage allowed in the R6 district is 85 percent. For the proposed site, 9,373 square feet of coverage is allowed. The proposed amount of impervious surface is approximately 9,795 square feet, which covers 88.8 percent of the site. Impervious surface includes green roof area because it significantly prevents natural absorption of stormwater into the soil.

If the parking garage footprint did not need to be included in both the lot coverage and impervious surface calculations, the development would comply with these requirements. The slope of the site provides an opportunity for a lower level of enclosed parking to be provided, which is supported by urban design policies of the comprehensive plan. However, the slope also results in exposing some of the garage above grade. Without these variances, approximately half of the parking would need to be eliminated. The comprehensive plan and small area plan calls for high density residential development on this site. The ability to establish high density development is dependent on being able to provide adequate parking. These circumstances have not been created by the applicant. Without approving the rezoning, this project cannot be built as proposed. Therefore, staff is also recommending denial of these variances.

- 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 maximum lot coverage requirements are established to preserve open space in residential and office residential districts. The maximum impervious surface requirements are established to provide benefits from landscaping including buffers between uses, on-site retention of stormwater, and preserving the residential character of an area. If the parking garage footprint did not need to be included in both the lot coverage and impervious surface calculations, the development would comply with these requirements. The garage level would be tucked into the slope of the site and would not be visible from University Avenue. Where the garage roof is exposed, it will contain a green roof. Although the green roof will not allow natural absorption of stormwater into the soil, it reduces stormwater runoff rates. Without these variances, approximately half of the parking would need to be eliminated. The comprehensive plan and small area plan calls for high density residential development on this site. The ability to establish high density development is dependent on being able to provide adequate parking. The requests are reasonable and consistent with 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.**

Granting the variances would have little effect on surrounding properties and would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. Most of the impervious surface is attributed to the proposed building footprint, which includes the entire parking garage level. The footprint of the upper floors covers approximately 67 percent of the lot area. The garage level would be tucked into the slope of the site and would not be visible from University Avenue. A green roof will be installed on the garage roof to reduce the amount of stormwater runoff from the building. There are other examples of residential and storefront buildings in the immediate area whose footprints occupy more than 70 percent of the lot area.

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the site plan review:

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

Section A: Conformance with Chapter 530 of the Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.

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- 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, windows, and active functions:
 - Residential uses:

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

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

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

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.
 - g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.
- Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
- Ground floor active functions:

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

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

Conformance with above requirements:

- The minimum front yard requirement adjacent to University Avenue is 15 feet. The building would be set back 10 to 14.5 feet from the front lot line. The minimum corner side yard requirement adjacent to 7th Avenue is 14 feet. The building would be set back 0 feet from the corner side lot line. Variances are required to reduce these yard requirements.
- The area between the building and University Avenue would have a patio and would be landscaped.
- The main entrance would face University Avenue.
- All of the parking would be provided in the building below grade.
- The building design includes recesses, projections, changes in materials and windows on all sides of the building. However, there would be little undulation on the 145 foot long north and south building elevations. Providing small recesses and projections (approximately one foot deep) will not be very discernible. Emphasizing architectural elements to divide the building into smaller identifiable sections is discussed further in the alternative compliance section of this report.
- There would not be any blank, uninterrupted walls exceeding 25 feet in length.
- The primary exterior materials would include brick, fiber cement board, metal panels, glass and rock-faced block. It appears that fiber cement would be used on more than 30 percent of each façade. Brick and metal is considered more durable than fiber cement board. Alternative compliance is needed for the composition of materials. Other than reducing the amount of fiber cement board, 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 compatible to each other.
- Plain face concrete block would not be used as a primary exterior building material.
- The main entrance facing University Avenue would be recessed, sheltered and surrounded by windows to emphasize its importance.
- The walls facing University Avenue and 7th Avenue are subject to the window requirements. Measured between 2 and 10 feet above the adjacent grade, more than 20 percent of the first floor walls would be windows. The wall of each upper floor would contain more than 20 percent windows.
- All windows would be vertical in proportion and distributed in a more or less even manner.
- More than 70 percent of the linear frontage of the University Avenue ground floor building wall would accommodate spaces with active functions. On the 7th Avenue ground floor building wall, 70 percent of the linear frontage would accommodate spaces with active functions. Please note that these measurements were based on the grades shown on the grading plan and the parking garage level was only included where it would be exposed more than 6 feet above the proposed grade.
- A flat roof is proposed. There is a mix of flat and pitched roofs in the immediate area.

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.**

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- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.
- Site plans shall minimize the use of impervious surfaces.

Conformance with above requirements:

- The main entrance would be connected to the University Avenue public sidewalk with a well-lighted walkway that exceeds four feet in width.
- A transit shelter is not adjacent to the site.
- The below-grade parking garage would have access from 7th Avenue through a 21-foot wide curb cut. All circulation would occur within the building. The vehicle access and circulation should have minimal impact on pedestrians and surrounding residential properties.
- The site is not adjacent to an alley.
- The maximum impervious surface coverage allowed in the R6 district is 85 percent. For the proposed site, 9,373 square feet of coverage is allowed. The proposed amount of impervious surface is approximately 9,795 square feet, which covers 88.8 percent of the site. Impervious surface includes green roof area because it significantly prevents natural absorption of stormwater into the soil. The applicant is requesting a variance to this requirement. Although a variance is requested, most of the impervious area would be occupied by the building and a green roof is proposed where the garage roof is exposed.

LANDSCAPING AND SCREENING:

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

- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

Conformance with above requirements:

- The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 11,027 square feet. The building footprint, including the parking garage, would be approximately 9,400 square feet. The lot area minus the building footprint therefore consists of approximately 1,627 square feet. At least 20 percent of the net site area (325.4 square feet) must be landscaped. Approximately 1,232 square feet of the site would be landscaped. That is equal to 75.7 percent of the net lot area.
- The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 1 and 4 respectively. The applicant is not proposing to provide any deciduous canopy trees on-site. They would provide 78 shrubs, of which at least 4 would be on-site. Alternative compliance is required for the number of required on-site trees.
- The remainder of the landscaped area would be covered with sod and perennials.
- Installation and maintenance of all landscape materials will need to comply with the standards outlined in section 530.210.

ADDITIONAL STANDARDS:

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

Conformance with above requirements:

- The driveway is located in the public right-of-way. On-site filtration and retention of stormwater runoff from the driveway is not practical.
- The building should not impede any views of important elements of the City.
- The building should not significantly shadow the adjacent street or surrounding properties.
- Wind currents should not be major concern. The building would contain recesses and projections on all sides of the building and where possible, vertical landscaping will be provided around the building.
- The site includes crime prevention design elements. An abundant amount of windows would be provided on all sides of the building to allow natural surveillance. Walkways would be provided to guide people to, from and around the site. Landscaping would distinguish public areas from private areas.

- The existing building is not a locally designated historic landmark. The Heritage Preservation Commission found that the property was not a historic resource and approved the demolition on December 11, 2012.

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 R5 with the UA and MR overlay districts. A multiple-family dwelling with 5 or more units in the R5 district is a permitted use. The applicant is proposing to rezone the site to R6 to increase the maximum allowed density. There are no standards of the MR overlay district that apply to this property.

Parking and Loading:

Minimum automobile parking requirement: Generally, the minimum parking requirement is one space per 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 40 dwelling units and 54 bedrooms are proposed. Therefore, 40 spaces are required. In the below-grade parking garage, 25 spaces would be provided. A variance is required to reduce the minimum parking requirement. At least one accessible space is required. One accessible space would be provided. Not more than 25 percent of the required spaces can be compact spaces, which is equal to 10 spaces for this project. Ten compact spaces and 15 standard spaces are proposed.

Maximum automobile parking requirement: There is not a maximum parking requirement for dwellings except for parking that is not enclosed. All parking spaces would be enclosed.

Bicycle parking requirement: In general, the minimum bicycle parking requirement 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 parking spaces 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 also cannot be located in any required yard or between the principal building and the public street. The total minimum requirement is 54 spaces, of which at least 49 must meet the long-term parking requirements. The applicant would provide 54 long-term bicycle spaces in the parking garage.

Loading: No loading spaces are required for multiple-family dwellings with less than 100 units. No designated loading spaces are proposed on-site.

Proposed Lot Area: The proposed lot area is 11,027 square feet.

Maximum Floor Area: The maximum FAR allowed in the R6 District is 3.0. The development qualifies for a 20 percent density bonus because all required parking would be located within the

building. Therefore the maximum FAR increases to 3.6. The building would have a total of 30,420 square feet, which is an FAR of 2.76.

Minimum Floor Area: The minimum required gross floor area (GFA) of a dwelling unit, except efficiency units, is 500 square feet. The minimum required GFA of an efficiency unit is 350 square feet. As shown on the plans, the efficiency (studio) units would be less than 350 square feet in area. To reduce the minimum GFA, a variance is required. The applicant has indicated that the units will comply with the minimum size requirements and will be corrected prior to submitting for a building permit.

Minimum Lot Area: The minimum lot area requirement in the R6 district is 400 square feet per dwelling unit, or 16,000 square feet for 40 units. The development qualifies for a 20 percent density bonus because all required parking would be located within the building. With the density bonus, the minimum lot size is 344.6 square feet per unit, or approximately 13,784 square feet for 40 units. Per dwelling unit, 275.7 square feet of lot area is proposed. A variance is required to reduce the lot area by 20 percent.

Dwelling Units per Acre: The applicant proposes a density of 158 dwelling units per acre.

Building Height: The maximum height allowed in the R6 district is 6 stories or 84 feet, whichever is less. The height is determined by the vertical distance from the natural grade measured at a point 10 feet away from the front center of the building adjacent to University Avenue to the top of the highest point of the building, but excluding parapets that are less than 3 feet in height. The proposed height is 4 stories and 54 feet, 8 inches.

Yard Requirements: A front yard is required adjacent to University Avenue. The minimum front yard requirement is 15 feet unless the setback of an adjacent structure is greater. The adjacent residential structure to the north is set back 10 feet from the front lot line as measured from the front porch. Therefore, a 15 foot front yard is required. The proposed building would be set back up to 10 feet from the front lot line. Walkways that do not exceed 6 feet in width, ground level patios not exceeding 50 square feet in area and projecting not more than 4 feet into the required yard, and awnings projecting not more than 2.5 feet into the yard are permitted obstructions in front yards. The size of the proposed patio, awning and walkway would exceed these allowances. A variance is required to reduce the front yard requirement to allow the building, awning, patio, and walkway.

A corner side yard is required adjacent to 7th Avenue. The minimum corner side yard requirement is equal to $8+2x$, where x is equal to the number of stories above the first floor, but not to exceed 15 feet. A 4-story building is proposed; therefore the minimum requirement is 14 feet. The proposed building would be set back 0 feet. A variance is required to reduce the yard requirement.

An interior side yard is required along the north lot line. The minimum interior side yard requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor. A 4-story building is proposed; therefore the minimum requirement is 11 feet. Notwithstanding this requirement, a 15 foot interior side yard is required where a door faces an interior side lot line. A side facing door is proposed in the garage level. Floors one through four of the building would be set back 13 feet from the side lot line; however, the parking garage would extend above grade and would be located 6 feet from the side lot line. A variance is required to reduce the yard requirement to allow the parking

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garage with the side door. Walkways up to 6 feet in width are permitted obstructions. Stairs up to 4 feet in width are permitted obstructions. The proposed walkway and stairs are 4.5 feet in width. A variance of the yard requirement is required to allow wider stairs. To avoid the variance, the applicant has indicated that the width of the stairs will be reduced to 4 feet in width on final plans.

A rear yard is required along the west lot line. The minimum requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor. A 4-story building is proposed; therefore the minimum requirement is 11 feet. Floors one through four of the building would be set back 11.5 to 12.5 feet from the rear lot line; however, the parking garage would extend above grade and would be located one foot from the rear lot line. A variance is required to reduce the yard requirement.

Lot Coverage: The maximum lot coverage allowed in the R6 district is 70 percent. For the proposed site, 7,718.9 square feet of coverage is allowed. The proposed footprint is approximately 9,400 square feet, which covers 85.2 percent of the site. A variance is required to increase the maximum lot coverage.

Impervious Surface Coverage: The maximum impervious surface coverage allowed in the R6 district is 85 percent. For the proposed site, 9,373 square feet of coverage is allowed. The proposed amount of impervious surface is approximately 9,795 square feet, which covers 88.8 percent of the site. Impervious surface includes green roof area because it significantly prevents natural absorption of stormwater into the soil. A variance is required to increase the maximum impervious surface coverage.

Specific Development Standards: Not applicable for multiple-family dwellings located in the UA overlay district.

Signs: Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the R6 zoning district, one nonilluminated flat wall identification sign not exceeding 32 square feet in area with a maximum height of 14 feet or top of wall, whichever is less, is allowed. On a corner lot, two such signs per building are allowed. These provisions cannot be varied. Two signs are shown on the building elevation. The one facing 7th Avenue exceeds the maximum allowed height. It will need to be removed or lowered. Any new signage will require Zoning Office review, approval, and permits.

Refuse Screening: Refuse storage containers would be stored in the building.

Screening of Mechanical Equipment: All on-site mechanical equipment would be located in the building.

Lighting: Existing and proposed lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

535.590. Lighting. (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

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- (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.

COMPREHENSIVE PLAN: In addition to the principles and policies of the comprehensive plan found in the rezoning section of this report, the following apply:

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

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

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

1.3.1 Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings.

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

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.

10.6.1 Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks.

10.6.4 Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces.

10.6.5 Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level.

Master Plan for Marcy Holmes Neighborhood

One of the goals of the *Master Plan for Marcy Holmes Neighborhood* is to preserve the small town feel of the neighborhood. The plan states:

The neighborhood is generally opposed to...actions that would hurt the preservation of the small town character of the neighborhood [such as] construction that is too big for a site. This means new buildings that are out of scale and proportion with existing buildings. They may be taller, have straight facades that ignore the architectural rhythm created by existing buildings, or occupy most of the site because of underground parking.

The following design guidelines from the small area plan apply to this development:

Site Design

- Place buildings to preserve cohesive street character

Landscaping

- Use a combination of shrubs, perennials, and overstory and ornamental trees
- Include open space within building complexes
- Encourage indoor/outdoor living
- Accentuate, rather than screen, buildings

Building Materials

- Use high quality primary materials: brick, stucco, stone, decorative masonry
- Include complementary accent materials: stone, metal, glass, brick

Rooflines

- Use varied rooflines, especially on long buildings
- Step back or accent rooflines to create visual interest

Ground Level Treatment

- Place buildings close to pedestrian ways
- Accentuate entries and ground floor with complementary design
- Use ramps, stairs, and other grade separation techniques to distinguish between public and private space

Building Massing

- Buildings should not appear as high-rise structures
- Long building facades should be broken up with green spaces, balconies, parking courts, pathways, or changes in material and design

Staff comment: If the project is approved, staff is recommending that the planning commission require the applicant to limit the use fiber cement to not more than 30 percent of any building façade and to provide greater undulation on the 7th Avenue building elevation similar to what is proposed on the University Avenue building elevation to make the project consistent with adopted policies.

ALTERNATIVE COMPLIANCE:

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

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

Alternative compliance is needed to meet the following standards:

Emphasized architectural elements to divide the building into smaller identifiable sections

The building design includes recesses, projections, changes in materials and windows on all sides of the building. However, there would be little undulation on the 145 foot long north and south building elevations. Providing small recesses and projections (approximately one foot deep) will not be very discernible. The small area plan design guidelines also discourage long, uninterrupted building facades that ignore the architectural rhythm created by existing buildings. The proposed University Avenue elevation reflects the architectural rhythm of created by existing buildings by incorporating a 9 foot wide by 5 foot deep notch along with a change of materials. If this project is approved, staff recommends that the planning commission require greater undulation on the 7th Avenue building elevation similar to what is proposed on the University Avenue building elevation.

Durable materials

The primary exterior materials would include brick, fiber cement board, metal panels, glass and rock-faced block. It appears that fiber cement would be used on more than 30 percent of each façade. Brick and metal is considered more durable than fiber cement board. The small area plan design guidelines also encourage the use of high quality materials. If this project is approved, staff recommends that the use of fiber cement shall not exceed 30 percent of any façade.

Number of on-site canopy trees

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 1 and 4 respectively. The applicant is not proposing to provide any deciduous canopy trees on-site. They would provide 78 shrubs, of which at least 4 would be on-site. The applicant is proposing to plant 3 ornamental trees on-site as well. Currently there is not a landscaped boulevard between the public sidewalk and curb on 7th Avenue. The applicant is proposing to establish a boulevard with four canopy trees. 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 **deny** the petition to rezone the property of 628 University Avenue Southeast from the R5 district to the R6 district.

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 **deny** the variance to reduce the minimum lot area requirement by 20 percent for the property located at 628 University 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 **deny** the variance to reduce the front yard requirement adjacent to University Avenue from 15 feet to 10 feet to allow the building and to allow larger obstructions (an awning, patio, and walkway) than allowed by the applicable regulations for the property located at 628 University 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 **deny** the variance to reduce the corner side yard adjacent to 7th Avenue from 14 feet to 0 feet to allow the building for the property located at 628 University 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 **deny** the variance to reduce the interior side yard requirement from 15 feet to 6 feet to allow the parking garage for the property located at 628 University 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 **deny** the variance to reduce the rear yard

requirement from 11 feet to 1 foot to allow the parking garage for the property located at 628 University 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 **deny** the variance to reduce the minimum vehicle parking requirement from 40 to 25 spaces (0.62 spaces per dwelling unit and 0.46 spaces per bedroom are proposed) for the property located at 628 University 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 **deny** the variance to increase the maximum lot coverage from 70 percent to 85.2 percent for the property located at 628 University 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 **deny** the variance to increase the maximum allowed amount of impervious surface from 85 percent to 88.8 percent for the property located at 628 University Avenue Southeast.

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

The Community Planning and Economic Development Department recommends that the City Planning Commission adopt the above findings and **deny** the application for site plan review to allow a multiple-family dwelling with 40 units for the property located at 628 University Avenue Southeast.

Attachments:

1. PDR report
2. Applicants statement of use and findings
3. Zoning district comparison spreadsheet
4. Zoning map
5. Plans
6. Photos