Department of Community Planning and Economic Development
Rezoning, Conditional Use Permit, Variances and Site Plan Review
BZZ-6020

Date: May 20, 2013

Applicant: Blake Bonjean

Address of Property: 815 14th Avenue SE

Project Name: N/A

Contact Person and Phone: Paula Merrigan, DJR Architecture, (612) 676-2730

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

Date Application Deemed Complete: April 17, 2013

End of 60-Day Decision Period: June 16, 2013

End of 120-Day Decision Period: On May 10, 2013 staff sent a letter to the applicant extending the 60-day decision period to August 15, 2013.

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

Existing Zoning: I1. Light Industrial district; UA, University Area Overlay district

Proposed Zoning: R5, Multiple-family Residence district

Zoning Plate Number: 15

Lot area: 21,083 square feet

Legal Description: Block 001, Thwings Addition to Minneapolis, Hennepin County, Minnesota.

Proposed Use: Construction of a 5-story, mixed-use building with 36 dwelling units.

Concurrent Review:

- Rezoning from the I1, Light Industrial district to the R5, Multiple-family Residence district
- Conditional use permit to increase height in the R5 district from four stories or 56 feet to five stories, 60.5 feet.
- Variance to reduce the south side yard setback from 13 feet to zero.
- Variance to reduce the north side yard setback from 13 feet to nine feet.
- Variance to reduce the front yard setback from 15 feet to 5'4".

- Variance to reduce the vehicle parking requirement from 50 spaces to 34 spaces.
- Variance to increase the floor area ratio in the R5 district from 2.4 to 2.6.
- Variance to increase the maximum lot coverage in the R5 district from 70 percent to 70.6 percent.
- Site plan review.

Applicable zoning code provisions: Chapter 525: Article VII Conditional Use Permits, 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," Section 525.520(1) "to vary the gross floor area, floor area ratio and seating requirements of a structure or use," Section 525.520 (6) "to vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces," Section 525.520 (15) "to vary the maximum lot coverage and impervious surface coverage requirements and Chapter 530 Site Plan Review.

Background: The development site is located at the intersection of 13th Avenue SE and the Burlington Northern Railway tracks. The east side of the site is bordered by the pedestrian bridge at the end of 14th Avenue SE. The subject site currently contains a single-story light industrial building and a large surface parking lot. The applicant proposes to demolish the existing structure and construct a new 5-story, 36-unit residential building with 100 bedrooms. Parking is provided within the building on the first floor. The property is zoned I1, Light Industrial district and is located in the University Area Overlay district. The applicant is requesting rezoning (base zoning) to the R5, Multiple-family Residence district.

The principal residential entrance to the building will be located along 13th Avenue SE and will open into a lobby. The front elevation of the building is activated with other amenities including a fitness room, club room and study room. Secondary entrances are located along the south property line, facing the alley, and the east property line, facing the pedestrian bridge. The unit mix for the residential component is eight two-bedroom units and 28 three-bedroom units. The parking is located on the ground floor and will be accessed from the center of the alley on the south side of the site.

The maximum height permitted in the R5, Multiple-family district is four stories, 56 feet. The proposed building has a maximum height of five stories, 60.5 feet. A conditional use permit for increased height has been requested accordingly.

Residential uses in the R5 district have a minimum front yard setback requirement of 15 feet. The applicant is proposing a front yard setback of 5'4". A variance has been requested accordingly. Residential uses in the R5 district have a minimum side yard setback requirement of 5+2x, but not more than 15 feet. The applicant is proposing a five story building, requiring a minimum side yard setback of 13 feet. Along the north property line, adjacent to the railroad tracks, the building setback is proposed at ten feet with a one foot overhang. Along the south property line, adjacent to the alley, the building is proposed to be located right on the property line. Variances to the side yard setbacks have been requested accordingly.

The minimum vehicle parking requirement for the residential use is .5 spaces per bedroom, but not less than one space per dwelling unit. In this case, there are 36 dwelling units and 100 bedrooms, equating to a minimum vehicle parking requirement of 50 stalls. The applicant is providing 34 parking stalls within the development, a ratio of .34 parking spaces per bedroom. A variance to reduce the minimum vehicle parking requirement from 50 spaces to 34 spaces has been requested.

The maximum floor area ratio (FAR) in the R5, Multiple-family District is 2.0. The site qualifies for a 20 percent bonus by enclosing all of the parking. This bonus increases the maximum floor area ratio to 2.4. The applicant is proposing a 55,123 square foot building on a lot that is 21,083 square feet in area, equating to a floor area ratio of 2.6. A variance to increase the maximum FAR from 2.4 to 2.6 has been requested.

The maximum lot coverage in the R5, Multiple-family district is 70 percent. The site is 21,083 square feet in area and the proposed building footprint is 14,890 square feet, or 70.6 percent of the site. The public hearing notice for the project listed the lot coverage as 71.7 percent. However, the building footprint was modified after the public hearing notices were prepared. A variance to increase the maximum lot coverage from 70 percent to 70.6 percent has been requested accordingly.

Staff received a letter from the Marcy Holmes Neighborhood Association dated April 18, 2013, recommending approval of the applications. The neighborhood did note a preference for more brick on the alley elevation. The full letter has been attached for reference.

<u>REZONING</u>: (from I1, Light Industrial district to R5, Multiple-family Residence district)

Findings as required by the Minneapolis Zoning Code:

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

The Minneapolis Plan for Sustainable Growth identifies this site as urban neighborhood on the future land use map. The site is also near a Growth Center (University of Minnesota). According to the principles and polices outlined in the comprehensive plan, the following apply to this proposal:

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

1.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.

1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

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

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

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

Land Use Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

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

Land Use Policy 1.15: 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.

The site is also within the study area of the *Marcy Holmes Master Plan*. The small area plan identifies the future land use of the site as multi-family residential. The master plan supplement from 2007 identifies the site as a potential redevelopment site with preferred future land use as multi-family residential. Rezoning to R5 is necessary to achieve multi-family development as called for in the small area plan. The applicant is proposing a 36-unit

multi-family development, consistent with the future land use designation of 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 R5, Multiple-family district would be considered in the interest of both the property owner and the public as it would allow for greater density on a site that is identified as being appropriate for multi-family development in the adopted small area plan. The applicant is proposing 36 units on a lot that is 21,083 square feet in size for a density of 74 dwelling units per acre. This level of density is considered high density per the Comprehensive Plan, which is identified as 50-120 dwelling units per acre. This level of density is supported by adopted City policy and would support the Comprehensive Plan by providing high density development in an appropriate location.

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 I1, Light Industrial district. The applicant is requesting rezoning to R5 to allow for a multi-family residential development with 36 dwelling units. The properties to the south of the site, fronting along 8th Street SE, are a series of three-unit buildings with surface parking. The property south of the site, fronting along 13th Avenue SE, is a multi-family residential building with six dwelling units. The property west of the site is a multi-family residential structure with 50 dwelling units. These properties are all zoned R5. The proposed R5 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.

The property is currently zoned I1, Light Industrial. While there are reasonable uses of the property allowed in the I1 district, this district does not allow residential uses. The site is identified as urban neighborhood on the future land use map in *The Minneapolis Plan for Sustainable Growth* which does not typically support industrial uses. The future land use designation in the *Marcy Holmes Small Area* calls for multi-family residential development. The proposed R5 zoning is more compatible with adopted City policies and more reasonable for the site as it would allow for multi-family residential development. The proposed development would also be more compatible with adjacent land uses. Staff has included an attachment to the staff report which further details 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.

Under the 1963 Zoning Code, the subject property were zoned M1-2 (Light Manufacturing District). 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. As stated above, the surrounding area is a mix of medium and high-density residential development. The properties south of the site on this block have been zoned R5 since 1963. Staff finds that the rezoning request from I1, Light Industrial to R5, Multi-family Residential is reasonable, appropriate and consistent with adopted policy.

<u>CONDITIONAL USE PERMIT</u> : (to increase the maximum height in the R5 district from 4 stories, 56 feet to 5 stories, 60 feet.)

Findings as Required by the Minneapolis Zoning Code:

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

1. Will be detrimental to or endanger the public health, safety, comfort or general welfare.

The maximum height in the R5 district is 4 stories or 56 feet. The applicant is proposing a building height of 60.5 feet. Staff finds that allowing a new 5-story structure with a maximum height of 60.5 feet would not be detrimental to or endanger the public health, safety, comfort or general welfare. The proposed project accommodates a multi-family residential development at a residential density that is desired near a Growth Center. The small area plan specifically states that relaxed building heights are appropriate near the railroad tracks. The applicant has provided shadow studies that illustrate the impact on surrounding properties, which would be minimal.

2. Will be injurious to the use and enjoyment of other property in the vicinity and will impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

This property is located in a fully developed area and allowing additional height is not expected to be injurious to the use and enjoyment of other property in the vicinity nor should it impede on possible future development. The subject development site is near a Growth Center. Adopted City policies encourage high density development in this location. The site is bordered by railroad tracks to the north and multi-family residential development to the south and west. A light-industrial use is located east of the site. The proposed use is

consistent with the development pattern in the area and the proposed height would have little impact on adjacent uses, as evaluated below.

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 access would be from the public alley on the south side of the site. 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 would be required to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development should the plan be approved. This would be required 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. Enclosed parking is proposed on the first floor of the building. While a parking variance has been requested, the site is well served by transit and ample bicycle parking is provided for the use. Access into the parking garage will be from the alley on the south side of the site. The access location is in the center of the block and will minimize conflicts with pedestrian traffic and other vehicle traffic in the public streets. Staff has evaluated potential traffic congestion further in the variance findings of this report and finds that adequate measures have been taken to minimize traffic congestion in the public streets.

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

The Minneapolis Plan for Sustainable Growth identifies the site as urban neighborhood on the future land use map. The site is also near a Growth Center (University of Minnesota). According to the principles and polices outlined in the comprehensive plan, the following apply to this proposal:

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

1.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.

1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

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

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

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

Land Use Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

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

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

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

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

3.1.2 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.

The site is also within the study area of the *Marcy Holmes Master Plan*. The small area plan identifies the future land use of the site as multi-family residential. The master plan supplement from 2007 identifies the site as a potential redevelopment site with preferred future land use as multi-family residential. The Master Plan Guidance calls for a maximum height of three stories but goes on to say that relaxed building height next to the railroad tracks is appropriate. Adjacent blocks are also guided for relaxed building heights. The proposed height of five stories, 60.5 feet will allow for redevelopment of the site at a density that is appropriate in this area and consistent with the small area plan.

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

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

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.

This development would not be expected to have significant impacts on the amount of light and air that surrounding properties receive. The property that would be most affected by the additional height is the Burlington Northern Railroad property on the north side of the site which contains active railroad tracks. Properties on the south side of the site are separated from the proposed use by the public alley and would experience minimal effects based on the attached shadow survey.

2. Shadowing of residential properties or significant public spaces.

None of the residential properties immediately adjacent to the site would be significantly impacted by shadowing. Shadowing of the residential properties to the south would be limited to minimal impacts during the morning hours in the fall and spring. Due to their location on the south side of the site, no additional shadowing impacts are expected. The residential property west of the site would experience shadowing impacts only in the early morning hours during the winter. Van Cleve Park is located north of the site on the other side of the railroad tracks. The south edge of the park is approximately 150 feet away from the proposed development. Due to this significant separation, will the proposed five story building is not expected to shadow this public space.

3. The scale and character of surrounding uses.

The scale and character of the buildings as well as the architectural styles of the surrounding properties in this area are varied. Buildings in the immediate area are predominantly two and a half to three stories in height. The Bunge Grain Elevator, northwest of the site, is over 100 feet tall. The proposed five-story building would be complimentary to the scale and character of the surrounding uses, which are predominantly multi-family residential structures.

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

There are no significant open spaces or water bodies near the development site that would be affected by the height of the proposed building. As noted above, Van Cleve Park is located north of the site and is separated by the proposed building by approximately 150 feet. The Bunge Grain Elevator located northwest of the site, also across the railroad tracks, can be considered a landmark building. However, the grain elevator itself is approximately 100 feet tall and will not be impacted by the height of the proposed building.

VARIANCE: (to reduce the front yard setback from 15 feet to 5'4".)

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

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

Residential uses in the R5 district have a minimum front yard setback requirement of 15 feet. The applicant is proposing a front yard setback of 5'4". The building wall will be 5'4" from the property line with a one foot overhang. A variance has been requested accordingly. Practical difficulties exist in complying with the ordinance. The site is uniquely shaped and narrow significantly from west to east. The east end of the site is only 39 feet in width. In order to maximize the number of enclosed parking stalls on this narrow lot, the amenities for the building have been proposed at the front (west end). The proposed location of the amenities also activates the street. Furthermore, 13th Avenue SE dead-ends in front of the site. Due to this configuration, the green space in the right-of-way in front of the site is 24 feet in width. 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.

Granting this setback variance would be in keeping with the spirit and intent of the ordinance and 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 site plan review chapter also calls for active uses along the street to provide opportunities for natural surveillance and visibility. The north half of the building complies with the front yard setback and south half encroaches into the required yard. A patio in front of the building is also in the required yard. The portion of the building that requires a variance will have an actual setback of 6'4" from the property line with a one foot overhang. Due to the unique street configuration in front of the site, the green space in the right-of-way between 13th Avenue SE and the front lot line is 24 feet in width. Additional landscaping is proposed

between the building wall and the front lot line and the elevations show a significant amount of glass in this location to provide opportunities for residents to observe adjacent spaces. Therefore, this setback 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 residential uses and one light industrial use. The site currently has surface parking in the required front yard. The property south of the site, fronting along 13th Avenue SE, is approximately 12 feet from the front property line. The two other structures on this block face have front yard setbacks of five to ten feet. The proposed setback will maintain a more or less uniform street edge. As such, the proposed setback would not alter the character of the locality or be injurious to the use and enjoyment of adjacent properties. Likewise, the front yard setback would not be detrimental to the health, safety or welfare of the general public or those utilizing nearby properties.

VARIANCE: (to reduce the north side yard setback from 13 feet to 9 feet)

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

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

Residential uses in the R5 district have a minimum side yard setback requirement of 5+2x, but not more than 15 feet. The applicant is proposing a five story building, requiring a minimum side yard setback of 13 feet. Along the north property line, adjacent to the railroad tracks, the building setback is proposed at ten feet. The proposed setback is ten feet at the building wall and 9 feet with the overhang. A variance to this side yard setback has been requested accordingly. Practical difficulties exist in complying with the ordinance. The site is uniquely shaped, narrowing to just 39 feet in width along the east property line. The width of the proposed building is intended to maximize the number of enclosed parking spaces while allowing for an adequate separation between uses. 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.

Granting this setback variance would be in keeping with the spirit and intent of the ordinance and 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 closest structure to the north of the site is over 250 feet away. The site is separated from Van Cleve Park by railroad tracks creating a 150 foot separation between the proposed building and the south edge of the park. As such, the proposed setbacks would also allow for adequate access to light and air for the subject site and surrounding properties.

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 residential uses and one light industrial use. The existing building on the site is built from side lot line to side lot line with no setbacks. The proposed building will provide a more substantial north side yard setback than the existing structure and will not alter the character of the locality or be injurious to the use or enjoyment of other property in the vicinity. As noted above, properties to the north will be minimally impacted by the proposed setback due to the location of the railroad trench. The proposed side yard setback would not be detrimental to the health, safety or welfare of the general public or those utilizing nearby properties as it will allow for adequate access to light and air and minimize potential impacts on those utilizing nearby properties. It is worth noting, however, that the proposed setback will bring residents closer to an active rail corridor. The applicant is proposing a landscaped buffer and ornamental fencing between the building and the tracks.

VARIANCE: (to reduce the south side yard setback from 13 feet to 0.)

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

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

Residential uses in the R5 district have a minimum side yard setback requirement of 5+2x, but not more than 15 feet. The applicant is proposing a five story building, requiring a minimum side yard setback of 13 feet. The building will be located directly up to the south property line, adjacent to the alley. The setback from the south building wall to the centerline of the alley is 15 feet. A variance to this side yard setback has been requested accordingly. Practical difficulties exist in complying with the ordinance. As stated above, the site is uniquely shaped, tapering from a width of approximately 88 feet on the west end to just 39 feet on the east end. While the height of the building is partially responsible for the degree of variance requested, the proposed height will achieve a residential density that is called for in the small area plan. The width of the proposed building is intended to maximize the number

of enclosed parking spaces while allowing for an adequate separation between uses. 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.

Granting this setback variance would be in keeping with the spirit and intent of the ordinance and 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. While located directly up to the south property line, the building would have a setback of 15 feet from the centerline of the alley. The majority of the properties south of the site have surface parking along the alley. While the separation between uses will be a minimum of 38 feet, most of the buildings on the south side of the block will be 75 feet away from the south building wall. The proposed siting of the structure will allow for landscaping to be provided between the building and the paved portion of the alley and will allow adequate space for vehicle maneuvering in and out of the parking garage. The proposed setback would also allow for adequate access to light and air for the subject site and surrounding properties.

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 residential uses and one light industrial use. The existing building on the site is built from side lot line to side lot line with no setbacks. The proposed building will match the setback of the existing structure and therefore will not alter the character of the locality or be injurious to the use or enjoyment of other property in the vicinity. As noted above, the proposed building would be separated from the closest residential structure to the south by a minimum of 38 feet, with most structures 75 feet away. The proposed side yard setback would not be detrimental to the health, safety or welfare of the general public or those utilizing nearby properties as it will allow for adequate access to light and air and minimize potential impacts on those utilizing nearby properties.

VARIANCE: (to reduce the required number of off-street parking spaces from 50 to 34 spaces.)

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

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by

persons presently having an interest in the property and are not based on economic considerations alone.

The minimum vehicle parking requirement for residential uses is .5 spaces per bedroom, but not less than one space per dwelling unit. In this case, there are 36 dwelling units and 100 bedrooms, equating to a minimum vehicle parking requirement of 50 stalls. The applicant is providing 34 parking stalls within the development, a ratio of .34 parking spaces per bedroom. A variance to reduce the minimum vehicle parking requirement from 50 spaces to 34 spaces has been requested.

As noted above, practical difficulties exist in complying with the minimum parking requirement due to the unique shape of the lot. The site narrows significantly from west to east, tapering to a width of only 39 feet. The narrow width of the lot effectively prohibits below-grade parking because the site is not wide enough to accommodate a ramp and adequate drive aisles for parking. The applicant has maximized the number of parking stalls on the first floor while still providing active uses at the street and an adequate supply of bicycle parking. These circumstances are unique to the parcel and have not been created by the applicant.

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

The requested parking variance from 50 spaces to 34 spaces is reasonable due to the site's proximity to transit and alternative modes of transportation available in the immediate area. The site is one block west of 15th Avenue SE which includes midday Metro Transit bus service. The site is one block north of 8th Street SE which also includes midday Metro Transit bus service. On-street parking is available on 13th Avenue SE and 8th Street SE. The site is within walking distance of the University of Minnesota Campus and 8th Street SE is a signed bike route. The applicant is providing bicycle parking within the building at a ratio of one space per bedroom. Staff has reviewed summaries of other University area developments, provided by other developers, which assert the actual market demand for residential parking is only 0.25 spaces per bedroom. The parking provided equates to .34 spaces per bedroom. The amount of parking provided is not expected to contribute to traffic congestion in the area and therefore is in keeping with the spirit and intent of the ordinance and the comprehensive plan.

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

The 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. Other residential uses in the immediate area rely exclusively on surface parking. All of the parking provided for the use

will be located within the building. The number of spaces proposed is expected to meet the needs of the use as the area is walkable, bicycle infrastructure is immediately available and the site is well served by transit. 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, the adequate supply of bicycle parking and the close proximity to the core of the University of Minnesota, staff finds that the granting of the variance would have little impact on congestion of area streets.

VARIANCE: (to increase the maximum floor area ratio from 2.4 to 2.6.)

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

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

The maximum floor area ratio (FAR) in the R5, Multiple-family District is 2.0. The site qualifies for a 20 percent bonus by enclosing all of the parking. This bonus increases the maximum floor area ratio to 2.4. The applicant is proposing a 55,342 square foot building on a lot that is 21,083 square feet in area, equating to a floor area ratio of 2.6. A variance to increase the maximum FAR from 2.4 to 2.6 has been requested. Practical difficulties exist in complying with this bulk provision due to City policies that call for multi-family residential development and flexible height in this area. The circumstances could be considered unique to the parcel of land as geographically the site is located near the designated Growth Center related to the University of Minnesota. 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.

Staff finds that the FAR proposed is a reasonable request based on the location of the site, specifically its proximity to the University of Minnesota campus, and the fact that the site has been identified for redevelopment as multi-family housing. The proposed floor area ratio is also in keeping with the spirit and intent of the ordinance and the comprehensive plan due to policies that call for high density residential development near growth centers and on this site specifically. 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 multi-family residential uses and a light industrial use. The area has recently seen a trend of high-density residential development of five to six stories in height. The proposed five-story building would be compatible with the surrounding 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.

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. As stated above, the surrounding area contains a mix of residential uses, primarily multi-family residential. The proposed bulk would be compatible with the surrounding area. High-density development is encouraged near growth centers.

VARIANCE: (to increase the maximum lot coverage from 70 percent to 70.6 percent.)

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

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

The maximum lot coverage in the R5, Multiple-family district is 70 percent. The site is 21,083 square feet in area and the proposed building footprint is 14,890 square feet, or 70.6 percent of the site. A variance to increase the maximum lot coverage from 70 percent to 70.6 has been requested accordingly. As with the setback variances, practical difficulties exist in complying with the ordinance because of the unique shape of the lot. The lot is extremely narrow on the east end which makes below grade parking extremely difficult. All of the parking is proposed on the first floor and the increased lot coverage is requested to allow adequate width to maximize the number of vehicle and bicycle parking stalls. 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.

Staff finds that the lot coverage proposed is a reasonable request as the lot coverage only exceeds the maximum requirement by 132 square feet. The proposed floor area ratio is also in keeping with the spirit and intent of the ordinance and the comprehensive plan due to policies that call for high density residential development near growth centers and on this site specifically. 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 multi-family residential uses and a light industrial use. The area has recently seen a trend of high-density residential development of five to six stories in height. The proposed building footprint would be compatible with the surrounding 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.

Allowing the proposed building at the requested footprint would not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. As stated above, the lot coverage proposed only exceeds the maximum requirement by 132 square feet. This increased footprint is marginal and will have little impact on surrounding properties. The proposed amount of lot coverage would be compatible with the surrounding area.

SITE PLAN REVIEW

Required Findings for Site Plan Review

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

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

Section A: Conformance with Chapter 530 of Zoning Code
BUILDING PLACEMENT AND 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 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.**

The building will be located between six and 15 feet from the front lot line adjacent to 13th Avenue SE. The entrance, study room and fitness room extend within 6’4” of the property line and the north half of this elevation, where the community room is located, steps back to

15 feet. The minimum front yard setback requirement in the R5 district is 15 feet. A variance to extend a portion of the building closer to the front lot line has been requested. The area between the building wall and the front lot line will include a patio, landscaping and walkways. The siting of the building and the amount of glazing provided on the first floor will maximize natural surveillance and visibility. Walkways extend from the main entrance to the public sidewalk to facilitate pedestrian access and circulation. A secondary entrance is located on the south side of the building that is also connected to the public street via a sidewalk.

All of the parking proposed for the project would be completely enclosed on the first floor.

The building is broken into smaller, identifiable sections through the use of material changes, color changes and slight recesses on the upper floors.

Plain face concrete block is not proposed as an exterior material.

The primary exterior materials would be durable and include brick on the first floor of the east and west elevations, rockface CMU on the first floor of the north and south elevations, Nichiha fiber cement panels, cementitious siding and metal panels. While these materials are durable, *The Marcy Holmes Master Plan* calls for multi-family developments to use high quality primary materials such as brick, stucco, stone and decorative masonry. Staff recommends that the entire first floor be brick in lieu of the proposed combination of brick and rockface CMU accordingly.

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. The north elevation, facing the railroad tracks, is blank for the length of the building. Windows have not been provided at this level to allow for security and sound attenuation. Due to the limited visibility of this elevation and the amount of landscaping proposed, alternative compliance for the blank walls may be granted. Staff is also recommending that the material on this first elevation be brick in lieu of rockface CMU, consistent with the adopted small area plan.

The window requirement for the first floor of the building for this residential use is 20 percent for the street-facing elevations. The window requirement for the upper floors that face a public street, public sidewalk, public pathway, or on-site parking lot is 10 percent. Window requirements apply to the east and west elevations only. The west elevation contains glazing for 40.9 percent of the first floor and 27.2 percent of the upper floors. The east elevation contains glazing for 17 percent of the first floor and 17.9 percent of the upper floors. Additional glazing is provided on the first floor within an entry door and above doors. The glass above the doors does not count as the bottom of the window is more than four feet above grade. Staff does not recommend granting alternative compliance for this provision. The redevelopment guidance for this site in the *The Marcy Holmes Master Plan* states that "new development should provide 'eyes on' the Van Cleve pedestrian bridge." Additional glazing on this elevation would provide more opportunities for natural surveillance and

visibility and activate the building adjacent to this pedestrian feature. Windows are vertical in proportion and more or less evenly distributed.

The first floor of the building contains active functions for more than 70 percent of west elevation, facing 13th Avenue SE. The east side of the building, facing the pedestrian bridge and right-of-way for 14th Avenue SE does not contain any active functions on the first floor. Bicycle storage occupies much of the east elevation. Alternative compliance is required. Staff recommends granting alternative compliance due to the fact that windows are provided within the bicycle storage space and it will also serve as a work space for bike repairs that will provide some occasional active use. However, additional glazing will be required as noted above.

The proposed roofline is flat, consistent with other higher density buildings in the 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.**
- **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.**

The building entrances will open to walkways that are a minimum of five feet in width. The front entrance and south-facing entrance from the lobby are connected to the public sidewalk along 13th Avenue SE with walkways. On the east side of the building, the building entrance and bike storage entrance connect to the alley. Staff recommends that an additional walkway connection to the pedestrian bridge be provided along the north side of the alley to minimize conflicts between vehicle and pedestrian traffic.

No transit shelters are proposed or adjacent to the site.

Vehicles will access the parking garage via the alley. The proposed access location is designed to minimize conflicts with pedestrian traffic. Other multi-family residential uses on the block also use the alley for access. As noted above, walkways are provided to direct pedestrian movements to the public sidewalk. Staff is recommending that a walkway connection to the pedestrian bridge on the east side of the site be added as part of the project. This walkway may be located in the public right-of-way adjacent to the alley with the approval of Public Works.

All building entrances are connected to the public sidewalk directly or with walkways to clearly direct pedestrian movements.

All of the parking proposed for the site would be fully enclosed on the first floor. Vehicle circulation will primarily occur within the parking garage with access from the alley. Nearly all portions of the site that are not occupied by the building will be landscaped. The applicant is proposing to landscape 85 percent of the site not occupied by buildings, significantly exceeding the minimum requirement to reduce the amount of impervious surface.

LANDSCAPING AND SCREENING:

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

The zoning code requires that at least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 21,083 square feet. The building footprint is 14,890 square feet. The net lot area is 6,148 square feet, of which at least 20 percent (1,229 square feet) must be landscaped. 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 two and 12 respectively.

The site plan shows approximately 5,260 square feet of landscaping, equivelent to 85 percent of the site not occupied by buildings. The proposed landscaping is located on the north side of the building, the west side of the building and in a large green space on the east side of the building. Additional lanscaping is proposed between the south building wall and the edge of

the alley, within the public right-of-way. The landscaping plan proposes seven canopy and two evergreen trees on site with three canopy trees amd eight ornamental trees in the right-of-way. The plan also shows 58 shrubs on site and 33 shrubs in the right-of-way. Other plantings including perennials and ornamental grasses are also proposed.

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

ADDITIONAL STANDARDS:

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

The parking is all enclosed and no true driveways exist on site. A short connection from the alley to the parking garage is provided and no curbing is proposed. Stormwater on this side of the building will be directed to the alley. On the north side of the site, grades are intended to allow for on-site retention. Provisions for stormwater were reviewed by Public Works as part of the PDR process and that report is attached for review.

The building should not impede any views of important elements of the city. The height of the building has been evaluated in detail under the conditional use permit section above.

None of the residential properties immediately adjacent to the site would be significantly impacted by shadowing. Shadowing of the residential properties to the south would be limited to minimal impacts during the morning hours in the fall and spring. Due to their location on the south side of the site, no additional shadowing impacts are expected. The residential property west of the site would experience shadowing impacts only in the early morning hours during the winter. Van Cleve Park is located north of the site on the other side of the railroad tracks. The south edge of the park is approximately 150 feet away from the proposed development. Due to this significant separation, will the proposed five story building is not expected to shadow this public space.

Wind currents should not be a major concern.

The development would include crime prevention through environmental design. A three-foot fence is proposed along the north and east property lines, connecting to the east side of the building to provide access control and distinguish between public and private spaces. The applicant has provided a significant amount of window coverage facing 13th Avenue SE but, as noted above, staff is requesting additional glazing on the east elevation to provide opporunities for tenants and patrons to observe adjacent spaces. Recessed entrances are also provided to distinguish between public and private spaces.

The existing structure is not located locally designated and the site is not located within a Historic District.

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

ZONING CODE - The proposed 36-unit residential building is a permitted use in the R5 District.

Off-Street Parking and Loading:
Minimum automobile parking requirement: The minimum vehicle parking requirement for the residential component is .5 spaces per bedroom, but not less than one space per dwelling unit. In this case, there are 36 dwelling units and 100 bedrooms, equating to a minimum vehicle parking requirement of 50 stalls. The applicant is providing 34 parking stalls within the development, a ratio of .34 parking spaces per bedroom. A variance to reduce the minimum vehicle parking requirement from 50 spaces to 34 spaces has been requested.
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: The minimum bicycle parking requirement for a multiple-family dwelling is equal to one space per two dwelling units. However, that number is increased to one space per bedroom in the University Area Overlay District. Not less than 90 percent of the required bicycle parking must meet the standards for long term parking. The proposed building would have 100 bedrooms and 100 bicycle or scooter parking stalls are provided. Of these, all but ten are provided within the first floor of the building.

Loading: The building is of a size that does have a minimum loading requirement. Loading for residential move-in and move-out functions can occur within the parking garage.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) 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. A trash room is included within the proposed structure. This room has a door that opens directly to the alley for pick-up.

Signs: Multi-family dwellings with five or more units on a lot of this size can have one, non-illuminated, flat wall sign up to 32 square feet in area. The maximum height is 14 feet. Separate permits are required from the Zoning Office for any signage on site.

Lighting: A photometric plan was not submitted as part of the application. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapter 535 of the zoning code and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

Maximum Floor Area: The maximum floor area ratio (FAR) in the R5, Multiple-family District is 2.0. The site qualifies for a 20 percent bonus by enclosing all of the parking. This bonus increases the maximum floor area ratio to 2.4. The applicant is proposing a 55,123 square foot building on a lot that is 21,083 square feet in area, equating to a floor area ratio of 2.6. A variance to increase the maximum FAR from 2.4 to 2.6 has been requested.

Minimum Lot Area: Multiple-family developments in the R5 District require 700 square feet per dwelling unit. The site qualifies for a 20 percent density bonus by enclosing all of the vehicle parking. This density bonus reduce the minimum lot area requirement to 585.6 square feet per dwelling unit which would allow for up to 36 dwelling units on site. The applicant is proposing 36 units on a 21,083 square foot lot, within the parameters allowed.

Dwelling Units per Acre: The applicant is proposing a 36-unit mixed use development on a lot that is .48 acres in size. The resulting density is approximately 74 dwelling units per acre. This level of density fits into the high density category per *The Minneapolis Plan for Sustainable Growth*, which identifies this density category as development with 50-120 dwelling units per acre. As noted above, this level of density is appropriate near a Growth Center and the small area plan calls for multi-family residential development on this specific site.

Height: The maximum height permitted in the R5, Multiple-family district is four stories, 56 feet. The proposed building has a maximum height of five stories, 60 feet. A conditional use permit for increased height has been requested accordingly.

Yard Requirements: Residential uses in the R5 district have a minimum front yard setback requirement of 15 feet. The applicant is proposing a front yard setback of 5’4”. A variance has been requested accordingly. Residential uses in the R5 district have a minimum side yard setback requirement of 5+2x, but not more than 15 feet. The applicant is proposing a five story building, requiring a minimum side yard setback of 13 feet. Along the north property line, adjacent to the railroad tracks, the building setback is proposed at ten feet. Along the south property line, adjacent to the alley, the building is proposed to be located right on the property line. Variances to the interior side yard setbacks have been requested accordingly.

The project complies with the rear yard setback requirement. The minimum rear yard setback is 13 feet and a setback of 52 feet is proposed.

Building coverage: The maximum lot coverage in the R5, Multiple-family district is 70 percent. The site is 21,083 square feet in area and the proposed building footprint is 14,890 square feet, or 70.6 percent of the site. The public hearing notice for the project listed the lot coverage as 71.7 percent. However, the building footprint was modified after the public hearing notices were prepared. A variance to increase the maximum lot coverage from 70 percent to 70.6 percent has been requested accordingly.

Impervious surface area: Properties in the R5 district are limited to an impervious surface maximum of 85 percent. The amount of impervious surface proposed on site is 15,526 square feet or 73.8 percent of the total site area.

MINNEAPOLIS PLAN

The Minneapolis Plan for Sustainable Growth identifies this site as urban neighborhood on the future land use map. The site is also near a Growth Center. As evaluated above, a 36-unit residential building is consistent with the applicable policies of the comprehensive plan.

SMALL AREA PLANS

The site is within the study area of the *Marcy Holmes Master Plan*. The future land use of the site in the small area plan is identified as multi-family residential. The site is specifically identified as a redevelopment site with the following guidance:

- **Redevelopment Study Area** - None
- **Single Family Housing Core** - No
- **Preferred Future Land Use** - Multi-family residential
- **Mixed Use** - Not desired
- **Owner Occupancy -** Development should increase percentage of owner-occupied housing
- **Height Limit -** 3 stories, but adjacent blocks guided for relaxed building heights
- **Heal the Street Grid-** Enhance connection to Van Cleve Park pedestrian bridge at 14th Ave and 8th St
- **Walkability-** Enhance path to Van Cleve Park pedestrian bridge
- **Safe Streets** - Doors to the sidewalk, eyes on the street
- **Green Streets** - Enhance path to pedestrian bridge
- **Parking** - At least 0.5 parking stalls per bedroom
- **Gateways** - From Van Cleve Park to Marcy-Holmes

Marcy-Holmes Master Plan Guidance

- New development should provide “eyes on” the Van Cleve pedestrian bridge

- Relaxed building height next to railroad tracks is appropriate

The applicant is proposing a 36-unit mixed use development with entrances facing both 13th Avenue SE and 14th Avenue SE, with the west entrance being the primary. The building height is proposed at five stories. As noted above, the plan states that relaxed building height next to the railroad tracks is appropriate. The plan also calls for eyes on the adjacent pedestrian bridge and enhanced connections to said pedestrian bridge. Staff is recommending additional glazing on the east elevation to enhance opportunities for natural surveillance and visibility facing the pedestrian bridge. Staff is also recommending that a sidewalk connection from the building to the pedestrian bridge be provided as called for in the plan.

The following additional policies of the small area plan apply:

> ***Land Use Objective****: Focusing housing demand to acceptable areas on the edges of the neighborhood.*
>
> ***Housing Objective:*** *Housing construction to replace deteriorated units and provide for a balance of housing types.*
>
> ***Public Realm Objective:*** *Improved quality of neighborhood streets, in order to achieve a balance between pedestrian, bicycle, and vehicular uses.*
>
> ***Character and Design Objective****: A better visual appearance of the neighborhood.*
>
> - *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*

Staff comment: The proposed project is providing new multi-family housing on a site that is specifically identified for this use. Staff is recommending that brick be provided on the entire first floor in lieu of rockface CMU in support of the character and design objectives above.

ALTERNATIVE COMPLIANCE

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

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

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

Alternative compliance is requested to allow blank walls in excess of 25 feet on the north elevation. Due to the lack of visibility on this elevation and the amount of landscaping proposed, staff recommends granting alternative compliance. However, staff is recommending that brick be required in lieu of rockface CMU as a condition of approval.

Alternative compliance is requested for the window requirements on the first floor of the east elevation. The window requirement for the first floor of the building for this residential use is 20 percent for the street-facing elevations. The east elevation contains glazing for 17 percent of the first floor. Staff does not recommend granting alternative compliance for this provision. The redevelopment guidance for this site in the *The Marcy Holmes Master Plan* states that "new development should provide 'eyes on' the Van Cleve pedestrian bridge." Additional glazing on this elevation would provide more opportunities for natural surveillance and visibility and activate the building adjacent to this pedestrian feature.

Finally, alternative compliance is requested for the active functions provision on the east elevation. The east side of the building, facing the pedestrian bridge and right-of-way for 14th Avenue SE does not contain any active functions on the first floor. Bicycle storage occupies much of the east elevation. Staff recommends granting alternative compliance due to the fact that windows are provided within the bicycle storage space and it will also serve as a work space for bike repairs that will provide some occasional active use. However, additional glazing will be required as noted above.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development for the rezoning from the I1, Light Industrial district to the R5, Multiple-family Residence district:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application for Rezoning from the I1, Light Industrial district to the R5, Multiple-family Residence district for the property at 815 14th Ave SE.

Recommendation of the Department of Community Planning and Economic Development for the conditional use permit to allow an increase in height from 4 stories, 56 feet to 5 stories, 60 feet:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow an increase in height from 4 stories, 56 feet to 5 stories, 60 feet for the properties located at 815 14th Ave SE, 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 to reduce the front yard setback from 15 feet to 5'4":

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to the front yard setback from 15 feet to 5'4" for the property at 815 14th Avenue SE.

Recommendation of the Department of Community Planning and Economic Development for the variance to reduce the south side yard setback from 13 feet to zero:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the required south side yard setback from 13 feet to zero for the property 815 14th Ave SE.

Recommendation of the Department of Community Planning and Economic Development for the variance to reduce the north side yard setback from 13 feet to nine feet:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the north side yard setback from 13 feet to nine feet for the property at 815 14th Avenue SE.

Recommendation of the Department of Community Planning and Economic Development for the variance to reduce the minimum parking requirement from 50 spaces to 34 spaces:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the minimum vehicle parking requirement from 50 spaces to 34 spaces for the property located at 815 14th Avenue SE.

Recommendation of the Department of Community Planning and Economic Development for the variance to increase the floor area ratio in the R5 district from 2.4 to 2.6:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to increase the floor area ratio in the R5 district from 2.4 to 2.6.for the property at 815 14th Avenue SE.

Recommendation of the Department of Community Planning and Economic Development for the variance to increase the maximum floor area ratio in the R5 district from 70 percent to 70.7 percent:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to increase the maximum lot coverage in the R5 district from 70 percent to 70.6 percent for the property at 815 14th Avenue SE.

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 36-unit residential building for the property at 815 14th Avenue SE, subject to the following conditions:

1. All site improvements shall be completed by June 28, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

2. Planning Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.

3. The primary exterior material on the first floor shall be brick.

4. The minimum thickness of the Nichiha fiber cement panels shall be greater than one-half inch.

5. The east elevation shall include windows for 20 percent of the first floor in compliance with Section 530.120 of the zoning code.

6. A pedestrian connection a minimum of four feet in width shall be provided from the east side of the site to the Van Cleve pedestrian bridge.

7. A minimum of 100 bicycle parking spaces shall be provided on site with 90 percent of said stalls meeting the requirements for long-term bike parking, in compliance with Section 541.180 of the zoning code.

Attachments:

1. Statement of findings and project description
2. PDR Report
3. Zoning Map
4. Letters from the Marcy Holmes Neighborhood Association dated April 18, 2013 and March 21, 2013
5. Rezoning matrix
6. Site plan, floor plans and elevations
7. Shadow and context studies.
8. Photos