

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permits, Variances, Site Plan Review
BZZ – 2757

Date: December 20, 2005

Applicant: University Lofts, LLC

Address of Property: 2600 University Avenue Southeast

Project Name: University Flats

Contact Person and Phone: Ken Nordby, (651) 487-3281

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

Date Application Deemed Complete: November 23, 2005

End of 60-Day Decision Period: January 22, 2006

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

Existing Zoning: C3A District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 22

Legal Description: Not applicable for this application

Proposed Use: Mixed use building with 79 dwelling units and three non-residential tenant spaces.

Concurrent Review:

Conditional use permit to allow 79 dwelling units.

Conditional use permit to increase the maximum allowed height was withdrawn by the applicant.

Variance to reduce the interior side yard requirement to allow residential windows was withdrawn by the applicant.

Variance to reduce the minimum parking requirement from 18 spaces to 3 spaces to allow a coffee shop.

Variance to reduce the minimum drive aisle width was withdrawn by the applicant.

Site plan review.

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Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances; and Chapter 530, Site Plan Review.

Background: The applicant proposes to develop the Northwest end of the block bound by University, 26th, and 27th Avenues Southeast and Delaware Street Southeast. A motel currently occupies the site. A multi-tenant commercial building occupies the rest of the block. The site is located a few blocks East of the University of Minnesota in an area with both residential and nonresidential uses. The proposal would consist of a four-story building with 79 dwelling units. Eight of the units are efficiency units. One level of below grade parking with 60 spaces is proposed. A 20-space parking lot is also proposed at the interior of the site. The garage and parking lot would be accessed from a shared curb cut off of Delaware Street Southeast. Also, three commercial tenant spaces would occupy the ground floor adjacent to University Avenue Southeast, each with their own entrance to the street. A common entrance to the residential part of the building faces the corner of University and 26th Avenues Southeast in addition to two entrances that face the interior of the site.

A conditional use permit and site plan review are required to allow more than four dwelling units in the C3A district. A variance is required to reduce the maximum number of required parking spaces.

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

CONDITIONAL USE PERMIT: to allow 79 dwelling units.

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

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

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

Construction of a multifamily residential building of four stories on the site would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards. The ramp entrance to the parking garage could affect public safety as proposed. It drops up to 6 feet below grade. Staff is recommending that a barrier, such as a fence, should be provided to prevent pedestrians from falling into the ramp. Barrier materials should be similar to other materials proposed in the development. The height of the barrier should not exceed 3 feet in height above the adjacent grade to allow views into the parking area.

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

The surrounding area is fully developed. The redevelopment of this corner for residential use should have a positive effect on surrounding properties.

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

The site is served by existing infrastructure. Vehicle access would be from Delaware Street Southeast. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way. The final plan must indicate all drainage patterns, including roof drains.

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

The number of spaces required for the dwelling units is 79 (one per unit). The development qualifies for a transit incentive to reduce the multiple family parking requirement by 10 percent because the development is located within 300 feet of a transit stop located on University Avenue Southeast with midday service headways of 30 minutes or less in both directions. This reduces the dwelling unit parking requirement to 71 spaces. The applicant would provide 80 parking spaces on site, of which 72 are available for the dwelling units. In addition to vehicle parking, the applicant is proposing bike spaces in the parking garage for the residents. The

applicant is reducing the number of curb cuts on the site. The existing parking lot has access from University Avenue and Delaware Street Southeast. Access for the new building would only be from Delaware Street Southeast. With the parking that would be available, encouraging use of alternative modes of transportation, and by reducing the number of curb cuts, the use should not contribute to traffic congestion in the area.

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

According to the *Minneapolis Plan*, University Avenue Southeast is designated as a community corridor. The area around the University of Minnesota, including the subject property, is designated as a growth center. The following policies are relevant to the conditional use permit:

3.3 Minneapolis will create a Growth Center plan for the University of Minnesota/ SEMI area, similar to the Downtown 2010 plan which would guide decisions and investment in the area, recognizing the contributions from existing plans and planning processes.

Implementation Steps

Promote moderate to high density housing of a variety of affordability levels and supporting commercial uses adjacent to the University of Minnesota.

4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

Applicable Implementation Steps

Strengthen the residential character of Community Corridors by developing appropriate housing types that represent variety and a range of affordability levels.

Promote more intensive residential development along these corridors where appropriate.

4.9 Minneapolis will grow by increasing its supply of housing.

Applicable Implementation Steps

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

4.11 Minneapolis will improve the availability of housing options for its residents.

Applicable Implementation Steps

Increase the variety of housing styles and affordability levels available to prospective buyers and renters.

Provide and maintain moderate and high-density residential areas.

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

9.5 Minneapolis will support the development of residential dwellings of appropriate form and density.

Applicable Implementation Steps

Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.

Expand the understanding of the role that urban density plays in improving business markets, increasing the feasibility of urban transit systems and encouraging the development of pedestrian-oriented services and open spaces.

9.35 Minneapolis will establish priorities in the designation of future Growth Centers from the list of Potential Growth Centers in order to guide future changes in land use and development.

Applicable Implementation Steps

Design development of a form and intensity which utilizes land efficiently and maximizes the advantages of mixed land uses that incorporate the character of the surrounding area.

Staff comment: The proposed multifamily residential use would be appropriate with a location on a community corridor and within a growth center. The project would contribute to housing variety in the city and further increase the residential density around the University of Minnesota.

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

The use of the site for a multi-family residential dwelling will conform to the applicable regulations of the districts in which it is located upon the approval of the conditional use permit, variances and site plan review.

VARIANCE: to reduce the minimum parking requirement from 18 spaces to 3 spaces to allow a coffee shop.

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

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

The total number of spaces required for the dwelling units is 79 (one per unit). The development qualifies for a transit incentive to reduce the multiple family parking requirement by 10 percent because the development is located within 300 feet of a transit stop located on University Avenue Southeast with midday service headways of 30 minutes or less in both directions. Therefore the minimum parking requirement for the multifamily dwelling is 71 spaces. All of these spaces would be provided on-site. Three nonresidential tenant spaces are also proposed.

Two of the tenant spaces would be general retail sales and services uses with a minimum parking requirement of four spaces each. The other tenant space would be a coffee shop. The parking requirement for a coffee shop is based on the capacity of persons. The proposed 900 square foot seating and lobby requires 18 parking spaces. The total number of required parking spaces for the development is 97. The applicant would provide 80 spaces on site, eight of which would be designated for the commercial tenants. In addition to vehicle parking, the applicant is proposing bike spaces in the parking garage for the residents and 12 bike spaces in front of the building for the nonresidential uses. The zoning code allows four bike spaces to be provided in lieu of one automobile parking space per nonresidential use. With the bike spaces, the amount of parking provided on site would be equivalent to 83 parking spaces. With the proposed parking and alternative modes of transportation available, a mixed use building would be a reasonable use of the property.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The site has close proximity to the University of Minnesota with nearby transit options. It is an area appropriate for higher density housing and supporting commercial uses. These circumstances are unique to the parcel of land.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

The purpose of parking regulations is to provide for the parking needs of uses and structures and to enhance the compatibility between parking areas and their surroundings. The applicant expects that most patrons of the commercial uses will walk or bike to them because of the sites close proximity to the University of Minnesota. To accommodate bikers, the applicant would provide bike racks along University Avenue Southeast. Encouraging use of alternate modes of transportation is in keeping with the ordinance. The granting of the variance should have little affect on surrounding properties.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The applicant expects that most patrons of the commercial uses will walk or bike to them because of the sites close proximity to the University of Minnesota. To accommodate bikers, the applicant would provide bike racks along University Avenue Southeast. Because several options for transportation exist in the area, the variance should not increase congestion in the area. The Planning Department does not expect that granting the variance would affect public safety.

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 FAÇADE:

- 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:

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- 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 530.120 of the zoning code.

- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

Conformance with above requirements:

The building would contribute to a street wall along Delaware Street Southeast and 26th Avenue Southeast. The setback of the building along University Avenue would be at 15 feet, which is similar to the setback of the building next to it. Other buildings along University Avenue Southeast are located closer to the street. The building would not likely contribute to the street wall that is being established along University Avenue. Natural surveillance and pedestrian access to the building would be maximized through a common residential entrance at the corner of University and 26th Avenues Southeast. Two walkways would connect the sidewalk along University Avenue Southeast to the patio in front of the nonresidential spaces on the first level. Upper level residential units would also have balconies facing University and 26th Avenues Southeast.

The applicant proposes to set the building 15 feet back from the property line along University Avenue Southeast, 5 feet along 26th Avenue Southeast, and 3 feet along Delaware Street Southeast. A minimum yard setback is not required between the building and any of the property lines adjacent to a street. Alternative compliance would be required where the building is setback more than 8 feet from a lot line adjacent to a street. Staff is recommending that the building be set back no more than 8 feet from the lot line adjacent to a street.

Along University Avenue Southeast, an outdoor patio for the nonresidential uses and landscaping would be located between the building and the lot line. Along 26th Avenue and Delaware Street Southeast, landscaping would be located between the building and the lot lines.

A common residential entrance would be located at the corner of University and 26th Avenues Southeast. Individual entrances to the nonresidential spaces are also proposed along University Avenue.

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An enclosed level of parking with 60 spaces is proposed in the lower level of the building. A surface parking lot with 20 spaces is also proposed at the interior of the site.

The building would include sufficient architectural detail and amounts of windows to avoid large blank walls. The exception, however, is the East wall on the first floor adjacent to the interior side property line, which includes a length of wall 51 feet wide offering little or no visual interest or architectural relief. Staff is recommending that no blank or uninterrupted portion of the East wall shall exceed 25 feet in length.

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

The principal residential entrance would be clearly defined with a canopy and projection from the front wall at the corner of University and 26th Avenues Southeast.

Windows of the residential portions of the building would exceed 20 percent of the first floor walls facing the streets and parking lot. On the other floors facing the streets and parking lot, windows would exceed 10 percent. Windows of the nonresidential spaces would exceed 30 percent, except on the South wall facing the parking lot. On that elevation, 14.4 percent is proposed. Staff is recommending that the South wall on the first floor contain 20 percent windows to meet the requirement.

All windows would be vertical in proportion and evenly distributed.

A flat roof is proposed. Many buildings in the area also have flat roofs.

ACCESS AND CIRCULATION:

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

Conformance with above requirements:

Walkways are proposed from the public sidewalk to the principal entrances for both the multiple family dwelling and the nonresidential uses. A walkway also connects the surface parking area to two common entrances for the residences. A separate walkway connects the parking lot to a shared entrance for the nonresidential uses.

There are no transit shelters on or immediately adjacent to the site.

Vehicular access would take place through one curb cut along Delaware Street Southeast. It would also be located toward the middle of the block and would be 22 feet in width, minimizing conflicts between pedestrians and vehicles.

Traffic flow should not negatively affect residential properties in the area. There are no public alleys adjacent to the site.

The development would not increase the amount of impervious surface that currently exists on the site.

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 41,296 square feet. The building footprint would be approximately 21,589 square feet. The lot area minus the building footprints therefore consists of approximately 19,707 square feet. At least 20 percent of the net site area (3,941.4 square feet)

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must be landscaped. The applicant's landscape plan proposes to landscape 7,593 square feet, which far exceeds the minimum requirement.

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 8 and 40 respectively. The applicant is providing 7 trees and 52 shrubs on-site as well as other perennials. Staff is recommending that an additional tree be provided.

A 7-foot landscaped yard is required between the surface parking area and Delaware Street Southeast. A 9-foot wide yard is proposed between the entrance to the parking garage and the property line. Screening is required to be three feet tall and no less than 60 percent opaque. No screening is proposed. Staff is recommending that screening be provided.

All parking spaces are within 50 feet of an on-site tree, with the exception of the parking space located five feet away from the North side of the building. Staff is recommending that this requirement is met.

Turf will cover all areas that are not paved or landscaped.

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.
- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- 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:

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The proposed parking lot would be defined by 6 inch by 6 inch concrete curbing. On-site filtration of stormwater is not proposed for run-off from the parking lot. The landscaped area on the East side of the parking lot could provide an opportunity for on-site filtration. Staff is recommending use of discontinuous curbing along the East side of the parking lot.

Lighting proposed for the development must comply with Chapter 535 and Chapter 541 of the zoning code including:

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

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

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from 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 from any permitted or conditional residential use.
- (4) Lighting shall not 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.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

There are no adjacent residential properties that would be affected by headlight glare.

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

The building should not significantly shadow the adjacent streets or properties.

Wind currents should not be major concern.

Fencing and landscaping would clearly delineate private versus public spaces. Walkways would lead to all common entrances.

The existing structure will be demolished. It is not historic or eligible for designation.

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 C3A. The C3A district requires a conditional use permit for multiple family dwellings with more than 4 units.

Parking: The number of spaces required for the dwelling units is 79 (one per unit). The development qualifies for a transit incentive to reduce the multiple family parking requirement by 10 percent because the development is located within 300 feet of a transit stop located on University Avenue Southeast with midday service headways of 30 minutes or less in both directions. This reduces the dwelling unit parking requirement to 71 spaces. Three nonresidential tenant spaces are proposed. Two of the tenant spaces would be general retail sales and services uses with a minimum parking requirement of four spaces each. The other tenant space would be a coffee shop. The parking requirement for a coffee shop is based on the capacity of persons. The proposed 900 square foot seating and lobby area requires 18 parking spaces. The total number of required parking spaces for the development is 97. The applicant would provide 80 parking spaces on site (72 spaces for the multifamily dwelling and 8 spaces for the nonresidential uses). In addition to vehicle parking, the applicant is proposing bike spaces in the parking garage for the residents and 12 bike spaces in front of the building for the nonresidential uses. The zoning code allows four bike spaces to be provided in lieu of one automobile parking space per nonresidential use. With the bike spaces, the amount of parking provided on site would be equivalent to 83 parking spaces.

Loading: The applicant is required to provide adequate shipping and receiving facilities accessible by motor vehicle off any service drive or open space on the same zoning lot for the nonresidential uses. A minimum size for a loading space does not apply due to the small size of each use. The applicant is proposing to locate a loading zone adjacent to the surface parking area. All maneuvers associated with loading are required to occur in the off-street loading/parking area. The proposal would not likely be able to comply with this requirement without backing in from the street or backing out onto the street to turn around. To meet compliance, staff is recommending that one of the parking spaces be designated for loading and that landscaping be installed where the loading zone was proposed. A designated loading space would not make the project nonconforming as to parking if the variance to reduce the parking requirement from 18 spaces to 3 spaces for the coffee shop is approved.

Signs: Signage plans are not finalized at this time. All new signage will require Zoning Office review, approval, and permits.

Maximum Floor Area: The lot area is 41,296 square feet. The maximum FAR allowed in the C3A District is 2.7. The building would have a total of 85,693 square feet, which is an FAR of 2.1.

Minimum Lot Area: As previously noted, the overall lot has 41,296 square feet. The C3A District requires not less than 400 square feet of lot area per dwelling unit. This would allow 103 dwelling units on the site. The building would have a total of 79 units. Thus the applicant proposes 522.7 square feet of lot area per dwelling unit.

Height: Building height in the C3A district is limited to four stories or 56 feet, whichever is less. The building would be four stories and 56 feet tall.

Yard Requirements: Section 548.140(c) of the zoning code requires that residential and hotel uses provide interior side and rear yard setbacks of five feet plus two feet for every story above the first where windows face those yards. Commercial uses are not subject to this requirement. For floors two through four, the applicant is required to provide an 11-foot setback from the interior side lot line. The building would comply with this requirement.

Specific Development Standards for a Coffee Shop: The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

Hours of Operation: Residential uses are not governed by maximum hours of operation. Hours open to the public of the nonresidential uses must comply with the district requirements:

548.60. Hours open to the public. (a) *In general.* All uses located in the commercial districts, except residential uses, religious institutions and hotels, shall comply with the regulations governing maximum hours open to the public as set forth in each district, except where the city planning commission further restricts such hours.

(b) *Extension of hours open to the public.* The hours open to the public may be extended by conditional use permit, as provided in Chapter 525, Administration and Enforcement. In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the hours open to the public:

- (1) Proximity to permitted or conditional residential uses.
 - (2) Nature of the business and its impacts of noise, light and traffic.
 - (3) Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.
 - (4) History of complaints related to the use.
- (c) *Uses licensed to sell alcoholic beverages.* The hours open to the public for uses license to sell alcoholic beverages shall be those permitted by the liquor, wine or beer license and any special late hours entertainment license approved for the facility. Hours open to the public beyond those permitted by the license may be requested by applying for conditional use permit.

(d) *Operations not open to the public.* Operations incidental to and commonly associated with the use and performed during the hours the use is closed to the public, for example production or processing activities or the stocking of inventory, may occur.

548.360. General district regulations. The following conditions govern uses in the C3A district:

- (3) *Hours open to the public.* Hours open to the public shall be as follows:

Sunday through Saturday, from 6:00 a.m. to 1:00 a.m.

Refuse screening: Refuse would be stored inside the building for the residences. Refuse for the nonresidential uses would be located next to the surface parking lot. The following screening requirement applies:

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.

The applicant proposes six-foot high rock-faced concrete block walls on three sides of the enclosure. Gates to the enclosure would be chain-link with vinyl lattice. The zoning code prohibits slats in chain link. A material for the gate that complies with code requirements should be used.

MINNEAPOLIS PLAN: According to the *Minneapolis Plan*, University Avenue Southeast is designated as a community corridor. The area around the University of Minnesota, including the subject property, is designated as a growth center. In addition to the policies identified in finding number 5 under the conditional use permit section of this report, the following policies are relevant:

4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

Applicable Implementation Steps

Support the continued presence of small-scale retail sales and commercial services along Community Corridors.

Staff comment: The development would include three commercial tenant spaces on University Avenue Southeast.

9.12 Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.

Implementation Steps

Require the landscaping of parking lots.

Encourage parking strategies that reduce the need for parking in order to avoid spillover into neighboring residential areas, including residential parking permits and the joint use of available parking in mixed-use areas.

Establish reduced minimum and new maximum parking standards to discourage auto over-reliance.

Locate parking lots behind buildings or in the interior of a block to reduce the visual impact of the automobile in mixed-use areas.

Staff comment: The proposed surface parking lot would be located at the interior of the site and would only have access to Delaware Street Southeast. It would be landscaped in compliance with requirements of Ch. 530, Site Plan Review. Some parking spaces are provided for the commercial spaces in the surface parking lot. To reduce the reliance on automobiles, bike racks would also be provided. By providing the bike spaces, the applicant has reduced the number of off-street automobile spaces that are required to be provided by three.

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 requested by the applicant to meet the following standards:

- Location of the building within eight feet of a lot line adjacent to a street.

The building is set back 15 feet along University Avenue Southeast, which is similar to the setback of the building next to it. Other buildings along University Avenue Southeast are located closer to the street. The building would not likely contribute to the street wall that is being established along University Avenue. Between the building and the sidewalk, a patio and bike racks for the nonresidential uses and a handicap accessible ramp and raised entrance landing for the dwelling units would be provided for use by the multiple family dwelling. Moving the building within 8 feet of the front lot line would still allow these amenities. The applicant could also extend the patio to the area on the East side of the building. Shifting the building to the North could increase the setback adjacent to Delaware Street Southeast. Landscaping would be provided between the building and the street. Staff feels alternative compliance is not warranted and is recommending that the building wall adjacent to University Avenue Southeast and Delaware Street Southeast be located within 8 feet of the lot line.

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

On the first floor of the South wall adjacent to the East property line, a wall length of 51 feet does not meet this requirement. The coffee shop would occupy this side of the building. Although the second through fourth floors provide generous use of windows, meeting this requirement is not impractical because the commercial use is not subject to a yard requirement. Adding fenestration or other architectural elements would make them

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more compatible with the rest of the structure and the surrounding neighborhood. Staff does not feel alternative compliance is warranted and is recommending that architectural detail be added to comply with this requirement.

- Thirty percent windows of the South wall on the first floor adjacent to the parking lot are not provided.

The amount of windows proposed is 14.4 percent. The common entrance for the nonresidential uses and the non-public spaces, i.e. kitchen, for the coffee shop are located on this side of the building. The coffee shop occupies most of this wall. The layout of the coffee shop limits where windows can be located making the requirement is somewhat impractical. Adding fenestration would make the wall more compatible with the rest of the structure, where a generous amount of windows are proposed on the second through fourth floors. Staff feels that alternative compliance is warranted for some of the requirement and is recommending that at least 20 percent fenestration be provided.

- One canopy tree for each 500 square feet of required landscaped area, or 8 trees.

The applicant is proposing 7 trees on-site. The applicant is proposing to install eight trees in the right-of-way interior boulevard along Delaware Street and 26th Avenue Southeast. Staff feels the boulevard trees would warrant alternative compliance; however, staff is recommending that the proposed loading zone be removed and replaced with landscaping including at least one tree to comply with other code requirements. By adding a tree in the proposed loading zone, alternative compliance for the number of trees on-site is not necessary.

- Screening that is 3 feet tall and at least 60 percent opaque between the surface parking lot and driveway of the garage entrance and Delaware Street Southeast.

No screening is proposed in this location. A 9-foot wide yard is proposed between the garage entrance and the lot line, therefore adding landscaping is feasible. The area of the site adjacent to Delaware Street Southeast includes few amenities. Landscaping or a screening wall should not affect traffic. Staff does not feel alternative compliance is warranted and is recommending that screening is added to comply with this requirement.

- Proximity of all parking spaces within 50 feet of a tree.

The parking space located five away from the North side of the parking lot does not meet this requirement. The design and landscaping of the area around the parking lot is not exceptional. One purpose of the requirement is to reduce reflection and urban heat island effects. An alternative is not proposed. Existing conditions around the site would not make the landscaping less necessary. To comply with other code requirements, staff is recommending that the proposed loading zone be removed and replaced with landscaping. Staff is recommending that at least one tree is installed in this area.

- Parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater unless on-site retention is not practical.

Continuous concrete curbing is proposed around the surface parking lot. The landscaping along the East property line could allow for some on-site filtration if discontinuous curbing

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is proposed. The topography slopes to the South, which should make on-site filtration possible. Staff is recommending that discontinuous curbing should be provided along the East side of the parking lot.

RECOMMENDATIONS

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow 79 dwelling units located at 2600 University Avenue Southeast, subject to the following condition:

- 1) A 3-foot high barrier, such as a fence, shall be provided on top of the retaining walls for the entrance ramp to the parking garage. Barrier materials shall be similar to other materials proposed in the development.

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

The application for a conditional use permit to increase the maximum allowed height has been **withdrawn**.

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

The application for a variance to reduce the interior side yard requirement to allow residential windows has been **withdrawn**.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the minimum parking requirement from 18 spaces to 3 spaces to allow a coffee shop located at 2600 University Avenue Southeast.

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

The application for a variance to reduce the minimum drive aisle width has been **withdrawn**.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan

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review to allow a four-story building with 79 dwelling units located at 2600 University Avenue Southeast, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by December 20, 2006, or the permit may be revoked for non-compliance.
3. All building walls adjacent to a street shall be within eight feet of the lot line.
4. Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed 25 feet in length on the East wall adjacent to the interior side property line.
5. The South wall of the first floor adjacent to the parking lot shall contain 20 percent windows.
6. Screening that is 3 feet tall and at least 60 percent opaque shall be provided between the driveway of the garage entrance and the lot line along Delaware Street Southeast.
7. Discontinuous curbing shall be provided along the East side of the parking lot.
8. One of the surface parking spaces shall be designated for off-street loading.
9. Landscaping, including at least one tree, shall be installed where the loading zone was proposed.
10. Chain-link with slats shall not be used to screen refuse containers as prohibited by Section 535.430 of the zoning code.

Attachments:

1. PDR comments
2. Zoning code information sheet
3. Statement of use
4. Findings
5. Correspondence
6. Zoning map
7. Plans
8. Photos