

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit, Variances, and Site Plan Review  
BZZ – 5523

**Date:** May 7, 2012

**Applicant:** Doran Development LLC

**Address of Property:** 1101 University Avenue Southeast

**Project Name:** 1101 University

**Contact Person and Phone:** Jim LaValle, Doran Development LLC (952) 288-2006

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

**Date Application Deemed Complete:** April 5, 2012

**End of 60-Day Decision Period:** June 4, 2012

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

**Existing Zoning:** R5 Multiple-Family Residence District and UA University Area Overlay District

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 15

**Legal Description:** Not applicable for this application

**Proposed Use:** Multiple-family dwelling with 95 units.

**Concurrent Review:**

- Conditional use permit to increase the maximum height from 4 to 5 stories and from 56 to 61.2 feet.
- Variance to increase the maximum floor area ratio (FAR) from 2.4 to 3.08.
- Variance to reduce the minimum lot area requirement by 23.2 percent.
- Variance to reduce the front yard requirement adjacent to University Avenue from the established setback of 29.5 feet to 15 feet to allow the building and to 0 feet to allow a plaza/walkway and stairs that exceed 6 feet in width and to allow awnings to extend more than 2.5 feet into the required yard.
- Variance to reduce the corner side yard requirement adjacent to 11<sup>th</sup> Avenue from 15 feet to 5.3 feet to allow the building and to allow awnings to extend more than 2.5 feet into the required yard.
- Variance to reduce the rear yard (adjacent to the north lot line) from 5 feet to 2 feet to allow a generator and transformer has been **withdrawn**.
- Site plan review.

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**Applicable zoning code provisions:** Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, specifically section 525.520 (1) “To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations,” (2) “To vary the lot area or lot width requirements up to thirty (30) percent, except for the following uses, where the maximum variance of thirty (30) percent shall not apply,” and (3) “To vary the gross floor area, floor area ratio and seating requirements of a structure or use;” and Chapter 530, Site Plan Review.

**Background:** The applicant proposes to construct a new 5-story multiple-family dwelling with 95 units at the property of 1101 University Avenue Southeast. All parking would be enclosed in the building below-grade. A place of assembly and a single-family dwelling currently occupy the site. These structures will be demolished. The buildings are not locally designated historic landmarks. The applicant has requested a Historic Review Letter from CPED in order to determine whether or not the structures are historic resources that may be eligible for local historic designation. As of the writing of this staff report, the review letter has not been completed.

For the proposed development, the following applications are required:

- The maximum height allowed in the R5 district is 4 stories or 56 feet, whichever is less. The height is determined by the vertical distance from the natural grade measured at a point 10 feet away from the front center of the building adjacent to University Avenue to the top of the highest point of the building, but excluding parapets that are less than 3 feet in height. The proposed height is 5 stories and 61.2 feet. The roof height is just under 56 feet. A conditional use permit is required to increase the maximum height of the building. Upon approval of the conditional use permit, the action must be recorded with Hennepin County as required by state law.
- The maximum FAR allowed in the R5 District is 2.0. The development qualifies for a 20 percent density bonus because all required parking would be located within the building. Therefore the maximum FAR increases to 2.4. The building would have a total of 133,430 square feet, which is an FAR of 3.08. A variance is required to increase the maximum FAR.
- The minimum lot area requirement in the R5 district is 700 square feet per dwelling unit, or 66,500 square feet for 95 units. The development qualifies for a 20 percent density bonus because all required parking would be located within the building. With the density bonus, the minimum lot size is 593.1 square feet per unit, or approximately 56,345 square feet for 95 units. Per dwelling unit, 455.7 square feet of lot area is proposed. A variance is required to reduce the lot area by 23.2 percent.
- A front yard is required adjacent to University Avenue. The minimum front yard requirement is 15 feet unless the setback of an adjacent structure is greater. The adjacent residential structure to the east is set back 29.5 feet from the front lot line as measured from the front porch. Therefore, a 29.5 foot front yard is required. The proposed building would be set back 15 feet. Walkways and stairs that do not exceed 6 feet in width, and awnings projecting not more than 2.5 feet into the yard are permitted obstructions in front yards. The main stairs and walkway (referred to as a plaza on the landscape plan) would exceed 6 feet in width. A variance is required to reduce the front yard requirement to allow the building, awnings, stairs, and plaza/walkway wider than 6 feet. Please note that the public hearing notice referenced reducing the front yard from 27 feet after which the applicant provided an updated survey showing the porch location at 29.5 feet.
- A corner side yard is required adjacent to 11<sup>th</sup> Avenue. The minimum corner side yard requirement is equal to  $8+2x$ , where  $x$  is equal to the number of stories above the first floor, but not to exceed

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15 feet. A 5-story building is proposed; therefore the minimum requirement is 15 feet. The proposed building would be set back 5.3 feet. Awnings projecting not more than 2.5 feet into the yard are also permitted obstructions. The awnings would exceed these limitations. A variance is required to allow the building and awnings.

- Site plan review is required for any development with five or more new dwelling units.

During the review of the application, the applicant revised the plans by shifting the upper floors of the building over the entrance landing. The public hearing notice includes a variance to the front and corner side yard requirements for a landing exceeding 36 square feet in area. Because the landing is now covered, it is considered part of the building and the variance to allow a larger landing is not needed.

After the public hearing notices were sent, the applicant revised the landscaping/site plan. Two of the changes included:

- Relocating bicycle parking from the front yard adjacent to University Avenue to the 11<sup>th</sup> Avenue boulevard, and
- Setting back the generator and transformer 5 feet from the north lot line.

In the public right-of-way, the yard requirements do not apply. The minimum rear yard requirement for mechanical equipment is 5 feet. Therefore the yard variance requests for these obstructions are no longer needed as well. Other plans still show these obstructions within the required yards; however, the landscaping plan is showing the most current proposal.

As of the writing of 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 increase the maximum allowed height from 4 to 5 stories and from 56 to 61.2 feet.

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

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

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

Construction of a residential building with 5 stories and 61.2 feet at the tallest part of the building on this 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.

- 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 block where the project is proposed is occupied by residential properties with two to three story structures smaller in scale. Likewise, properties on the north side of 11<sup>th</sup> Avenue are residential structures two to three stories in height and smaller in scale. Sanford Hall, a dormitory on the University of Minnesota campus, is located on the opposite side of University Avenue. The part of Sanford Hall that is opposite the subject site is four stories in height and medium-scaled. Compared to the surrounding properties, the proposed building would be medium to high-scale. These adjacent residential properties would not be significantly affected by shadowing. Staff is recommending denial of the height conditional use permit, FAR variance and yard variances because they are not consistent with the comprehensive plan policies calling for scale and massing that is appropriate with the context of the surrounding area and using physical transitions to improve the compatibility between higher density and lower density residential uses. A 5-story building of a smaller scale that incorporates physical transitions to the adjacent residential uses could be appropriate on this site.

**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 11<sup>th</sup> Avenue. 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.

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

The proposed residential use will comply with all minimum vehicle and bicycle parking requirements. It is possible that the same number of dwelling units and bedrooms could be proposed in a four story building on this site. The increased height would not have an effect on congestion in the streets.

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

In *The Minneapolis Plan for Sustainable Growth*, the future land use designation of this site is urban neighborhood. The plan designates University Avenue Southeast as a community corridor. The University of Minnesota is designated as a growth center. The following principles and policies of the comprehensive plan apply to the proposal to increase the maximum height:

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

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

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

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

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

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

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

10.6.3 Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses.

Master Plan for Marcy Holmes Neighborhood

Adopted by the City Council in 2003, the *Master Plan for Marcy Holmes Neighborhood* recommends multi-family residential development with a height of up to 4 stories as the future land use of the site. The plan recommends a maximum height of 4 stories for the majority of the neighborhood. It does not specify a maximum height in feet. Exceptions to allow additional height and density are made for the area on the river side of University Avenue, properties near Central Avenue and an area north of Dinkytown between 14<sup>th</sup> Avenue and 15<sup>th</sup> Avenue, but none are made for this site.

*Staff comment:* Although the proposed building would have 5 stories, the proposed roof level would be within the 56 foot height limitation allowed by the existing zoning. Part of the proposed parapet walls and awnings would extend up to 5.5 feet above the roof line. Staff is recommending denial of the height conditional use permit, FAR variance and yard variances because they are not consistent with the policies calling for scale and massing that is appropriate with the context of the surrounding area and using physical transitions to improve the compatibility between higher density and lower density residential uses. A 5-story building of a smaller scale that incorporates physical transitions to the adjacent residential uses could be appropriate on this site.

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

The proposed development will conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permit, variances, and site plan review.

**ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT**

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

The increase in height should have little effect on the access to light and air of surrounding properties. The building would comply with the interior side and rear yard requirements. The building would be separated from all other properties by streets.

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

The applicant has provided shadow studies, which are attached to this report. The site is located in a primarily residential area. Residential properties on this block located to the east and north of the proposed building would be affected by shadowing of the building. The residential properties on the west side of 11<sup>th</sup> Avenue would also be affected by shadowing. These adjacent residential properties would not be significantly affected by shadowing. However, reducing the size of the building and incorporating physical transitions into the building would lessen the affects. There are not any existing significant public spaces directly adjacent to the site. Staff is not aware of any existing solar energy systems that would be affected by shadowing.

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

The block where the project is proposed is occupied by residential properties with two to three story structures smaller in scale. Likewise, properties on the north side of 11<sup>th</sup> Avenue are residential structures two to three stories in height and smaller in scale. Sanford Hall, a dormitory on the University of Minnesota campus, is located on the opposite side of University Avenue. The part of Sanford Hall that is opposite the subject site is four stories in height and medium-scaled. Compared to the surrounding properties, the proposed building would be medium to high-scale.

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

The building should not significantly block views of significant open spaces or bodies of water. The site is in close proximity to landmark buildings located in the University of Minnesota Greek Letter Chapter House Historic District. The property located directly north of the subject site is within the district. Two are located on 11<sup>th</sup> Avenue across from the site and two others front University Avenue. Locating the proposed five-story building 15 feet from the front lot line and 5.3 feet from the corner side lot line would reduce views to these landmark properties along University Avenue and 11<sup>th</sup> Avenue. If the proposed building were built to the required setbacks, views of these properties would be less significant.

**VARIANCE:** To increase the maximum floor area ratio from 2.4 to 3.08.

The maximum FAR allowed in the R5 District is 2.0. The development qualifies for a 20 percent density bonus because all required parking would be located within the building. Therefore the maximum FAR increases to 2.4. The building would have a total of 133,430 square feet (not including enclosed parking or below-grade levels), which is an FAR of 3.08.

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

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

The applicant is requesting a variance to increase the maximum FAR by 22 percent. The difference between the allowed and proposed FAR is approximately 29,517 square feet. The subject site is a developable site nearly an acre in size that is over 190 feet wide and 220 feet deep. It is larger than all other properties located north of University Avenue between I-35W and the west boundary of the Dinkytown activity center except two (one occupied by a church and the

other occupied by eight multiple-family buildings). The applicant is also requesting variances to reduce the required front and corner side yards to allow the greater building bulk. Practical difficulties and unique circumstances of the property do not exist to allow the increase requested.

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

Building bulk regulations are established in order to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area. Comprehensive plan policies call for the scale and massing of new multi-family developments to be appropriate with the context of the surrounding area and to use physical transitions to improve the compatibility between higher density and lower density residential uses. The site is not located in an activity center. It is located one block from the nearest activity center boundary. The *Master Plan for Marcy Holmes Neighborhood* states the following:

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

The plan includes exceptions to allow additional height and density for the area on the river side of University Avenue, properties near Central Avenue and an area north of Dinkytown between 14<sup>th</sup> Avenue and 15<sup>th</sup> Avenue, but none are made for this site.

The proposed building would be much larger than the surrounding residential structures primarily two to three stories in height. Several of these buildings are located in the University of Minnesota Greek Letter Chapter House Historic District and are likely to remain for a long time because of their historic significance. The other surrounding sites are smaller in size. Any redevelopment of these sites or even consolidating several properties for redevelopment would likely result in smaller scale development as well. The shape of the building also conforms to the below-grade parking footprint with little relief. Building within the allowed FAR would allow for the use of more physical transitions to improve the compatibility between the proposed development and surrounding properties. The request is not reasonable and is not 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.**

Increasing the maximum FAR by 22 percent for a development of this size would affect the character of the area. The proposed building would be much larger than the surrounding residential structures primarily two to three stories in height. Several of these buildings are located in the University of Minnesota Greek Letter Chapter House Historic District and are likely to remain for a long time because of their historic significance. The other surrounding sites are smaller in size.

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Any redevelopment of these sites or even consolidating several properties for redevelopment would likely result in smaller scale development as well.

Staff is not aware of any FAR variances that were granted for new multiple-family dwellings or mixed use buildings that were located outside of an activity center, transit station area, or downtown. Granting an increase to the FAR of this size outside of these land use features and without additional support from small area plans for exceeding density allowances could set precedence for future variance requests both in this neighborhood and City wide.

The granting of the variance should not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

**VARIANCE:** To reduce the minimum lot area requirement by 23.2 percent.

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

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

Because the development qualifies for a density bonus, the minimum lot size requirement is 593.1 square feet per unit, or approximately 56,345 square feet for 95 units. The proposed lot area per dwelling unit is 455.7 square feet. The applicant is requesting the variance to allow 22 additional units. The subject site is located on a community corridor next to the University of Minnesota, which is designated as a growth center by the comprehensive plan. Generally, the comprehensive plan supports low to medium-density (up to 50 dwelling units per acre) on community corridors. However, more intense residential development can be supported along community corridors when it's compatible with the surrounding area. High density (up to 120 dwelling units per acre) would be appropriate on this site because of its proximity to the University of Minnesota. The proposed density is 95.6 dwelling units per acre. Because staff is recommending denial of the other variances, staff is recommending denial of this variance as well.

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

Lot area requirements are established to ensure compatibility with surrounding uses. Policies from the comprehensive plan and the small area plan support high density at this location. The applicant will provide the required vehicle and bicycle parking. The proposed number of dwelling units is reasonable and is in keeping with the spirit and intent of the ordinance and the comprehensive plan. However, the proposed development is out of scale and character with the surrounding area when coupled with the FAR and yard variances.

- 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.**

Uses in the immediate area are primarily residential. A smaller scale residential development with 95 dwelling units on this site than the one proposed would likely have little effect on the surrounding properties. Granting the variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

**VARIANCE:** To reduce the front yard requirement adjacent to University Avenue from the established setback of 29.5 feet to 15 feet to allow the building and to 0 feet to allow a plaza/walkway and stairs that exceed 6 feet in width and to allow awnings to extend more than 2.5 feet into the required yard.

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

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

*Building:* In the residence districts, the required front yard is required to be increased where the established front yard of the closest principal building originally designed for residential purposes located on the same block face on either side of the property exceeds the front yard required by the zoning district. In such case, the required front yard cannot be less than such established front yard, provided that where there are principal buildings originally designed for residential purposes on both sides of the property, the required front yard shall be not less than that established by a line joining the nearest front corners of both buildings.

The residential building directly to the east determines the established front yard setback for this site. The front wall of the adjacent building is set back 36.5 feet from the front lot line. However, a covered front porch attached to the front of the building extends 7 feet into the required front yard. Because the porch is part of the building and not a permitted obstruction, the front of the porch is where the front yard requirement is established at 29.5 feet. Per the definition in the zoning code, a building has a roof. The raised patio that extends 15 feet from the front of the building does not determine the established setback because it does not have a roof.

On this block, there are only three properties, including the subject site, facing University Avenue. The setbacks of the two adjacent properties to the east are greater than the average for the properties located on the north side of University Avenue between I-35W and 13<sup>th</sup> Avenue Southeast (the western boundary of the Dinkytown activity center). The average setback for these properties appears to be approximately 20 feet from the front lot line.

The subject site is a developable site nearly an acre in size that is over 190 feet wide and 220 feet deep. It is larger than all other properties located north of University Avenue between I-35W and the west boundary of the Dinkytown activity center except two (one occupied by a church and the other occupied by eight multiple-family buildings). The applicant is also requesting a variance to increase the maximum FAR. The circumstances for the requested variances have been created by the applicant. If a smaller scale building is proposed for the site, some reduction of the established front yard requirement could possibly be supported.

Plaza/walkway, stairs and awnings: The site has frontage on two streets and is nearly an acre in size. The main entrance of the building would be oriented to the intersection of University Avenue and 11<sup>th</sup> Avenue. The applicant is proposing a wider walkway and stairs than allowed in order to emphasize it as the main entrance location. The *Master Plan for Marcy Holmes Neighborhood* design guidelines support “accentuat[ing] entries and ground floor with complementary design” and “us[ing] ramps, stairs, and other grade separation techniques to distinguish between public and private space.” The plan also includes guidelines for rooflines, including the following:

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

The awnings would extend 4 to 4.5 feet into the required yard. They create visual interest that is in keeping with these guidelines. These circumstances are unique to the property and have not been created by the applicant. If a smaller scale building is proposed for the site, the variance to allow these obstructions could be supported.

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

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. Comprehensive plan policies call for setbacks that are appropriate with the context of the surrounding area and to use physical transitions to improve the compatibility between higher density and lower density residential uses. The *Master Plan for Marcy Holmes Neighborhood* states the following:

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

Building: The buildings on the properties located on the north side of University Avenue between I-35W and 13<sup>th</sup> Avenue Southeast (the western boundary of the Dinkytown activity center) are smaller in scale and two to three stories in height. Sanford Hall is a building larger in scale compared to the buildings on the north side of University Avenue, but its varied and larger setbacks (30 feet or more) from the street minimize the affects of its massing. These physical transitions work to fit the building in with the lower density context that is prevalent in the immediate area.

The proposed setback would not be in keeping with the context of the surrounding area. The shape of the building conforms to the below-grade parking footprint with little relief. The width of the proposed building facing University Avenue is approximately 170 feet wide. Over 145 feet of the building wall would be setback 15 to 16.5 feet from the front lot line on the first through fourth floors. On the fifth floor, 124 feet of the wall would be setback 15 to 16.5 feet from the front lot line.

Varied and larger setbacks from the front lot line would reduce the affects of massing of a larger-scaled building on this site. Proposing a building design that breaks up the building façades more, such as an “L” or “H” shaped building with narrower facades, would be more in keeping with the character of the area.

*Plaza/walkway, stairs and awnings:* Site plan review standards require that principal entrances are clearly defined and emphasized by architectural features. Comprehensive plan policies also support elements that create visual interest in site and building design. The site has frontage on two streets. The main entrance would face the intersection of University Avenue and 11<sup>th</sup> Avenue. The site has over 190 feet of frontage on University Avenue and over 220 feet of frontage on 11<sup>th</sup> Avenue. Providing a larger approach to the main entrance emphasizes its location. The proposed main entrance location and awnings would be adequately separated from surrounding properties. The request is reasonable and would be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

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

*Building:* Most of the setbacks of the buildings in the immediate area exceed the district front yard requirements (15 feet in the R5 and OR3 districts). The average setback for the properties located on the north side of University Avenue between I-35W and 13<sup>th</sup> Avenue Southeast (the western boundary of the Dinkytown activity center) appears to be approximately 20 feet from the front lot line. The structures on these residential properties are occupied by two to three story structures smaller in scale. The width of the proposed building facing University Avenue is approximately 170 feet wide. Over 145 feet of the building wall would be setback 15 to 16.5 feet from the front lot line on the first four floors. On the fifth floor, 124 feet of the wall would be setback 15 to 16.5 feet from the front lot line. Some recesses and projections (approximately 1.5 feet deep) would also be provided. These small recesses and projections will not be very discernable on a long, 5-story high wall. The proposed size and setback of the proposed building would be out of character with the context of the immediate area.

Sanford Hall, a dormitory on the University of Minnesota campus, is located on the south side of University Avenue. The part of Sanford Hall that is opposite the subject site is four stories in height and medium-scaled. Sanford Hall is a building larger in scale compared to the buildings on the north side of University Avenue, but its varied and larger setbacks (at least 30 feet and more) from the lot line adjacent to the street minimizes the affects of its massing. These physical transitions work to fit the building in with the lower density context that is prevalent in the immediate area. Proposing a building design that breaks up the building façades more, such as an “L” or “H” shaped building with narrower facades, would be more in keeping with the character of the area.

Although granting the variance would have adverse affects on the character of the area, it would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

*Plaza/walkway, stairs and awnings:* Several of the residences between I-35W and 12<sup>th</sup> Avenue on the north side of University Avenue have larger raised patios extending from the front of the building and at their main entrances. Granting the variance to allow a wider walkway and stairs and awnings would have little effect on surrounding properties. It would also not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

**VARIANCE:** To reduce the corner side yard requirement adjacent to 11<sup>th</sup> Avenue from 15 feet to 5.3 feet to allow the building and to allow awnings to extend more than 2.5 feet into the required yard.

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

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

*Building and awnings:* Practical difficulties do not exist in complying with the ordinance due to circumstances unique to the property. The subject site is a developable site nearly an acre in size that is over 190 feet wide and 220 feet deep, larger than each of the properties between University Avenue and 4<sup>th</sup> Street and I-35W and 13<sup>th</sup> Avenue. The applicant is also requesting a variance to increase the maximum FAR. The circumstances for the requested variances have been created by the applicant. If a smaller scale building is proposed for the site, the variance to allow the awnings could possibly be supported.

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

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. Comprehensive plan policies call for setbacks that are appropriate with the context of the surrounding area and to use physical transitions to improve the compatibility between higher density and lower density residential uses. The *Master Plan for Marcy Holmes Neighborhood* states the following:

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

*Building:* The site is primarily surrounded by lower density residential development. Most of these structures are not situated close to the adjacent streets. Several of these buildings are located in the University of Minnesota Greek Letter Chapter House Historic District and are likely to remain for a long time because of their historic significance. The other surrounding sites are smaller in size. Any redevelopment of these sites or even consolidating several properties for redevelopment would likely result in smaller scale development as well. They would also be subject to the same yard

requirements. The proposed building would be located closer to 11<sup>th</sup> Avenue than the other residential structures between 4<sup>th</sup> Street and University Avenue. Allowing the proposed building to be located closer to 11<sup>th</sup> Avenue than allowed will likely amplify the appearance of its large massing. Combined with the massing of the building, the request is not reasonable and is not consistent with the intent of the ordinance and the comprehensive plan.

*Awnings:* The awnings would extend 4 to 4.5 feet into the required yard. The *Master Plan for Marcy Holmes Neighborhood* design guidelines include the following:

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

The proposed awnings create visual interest that is in keeping with these guidelines. The proposed awnings would be adequately separated from surrounding properties. The request is reasonable and would be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

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

*Building:* Allowing the proposed building to be set back 5.3 feet from the corner side lot line would be out of character with the setbacks of other buildings on 11<sup>th</sup> Avenue between University Avenue and 4<sup>th</sup> Street. The 3-story residential building located to the north of the subject site, 1100 4<sup>th</sup> Street Southeast, is within the historic district and is located no closer than 11 feet (setback required for a 3-story building) to the 11<sup>th</sup> Avenue lot line. On the opposite side of 11<sup>th</sup> Avenue, the structure at the property of 1027 University Avenue Southeast is the closest to 11<sup>th</sup> Avenue with a setback of 12 feet (this information was obtained from a survey). The three other residential structures fronting 11<sup>th</sup> Avenue are set back more than 20 feet from the lot line. Although granting the variance would have adverse affects on the character of the area, it would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

*Awnings:* Granting the variance to allow larger awnings would have little effect on surrounding properties. It would also not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

## **SITE PLAN REVIEW**

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

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

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

**BUILDING PLACEMENT AND DESIGN:**

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

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

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

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

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

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Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

- **Ground floor active functions:**  
Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- The form and pitch of roof lines shall be similar to surrounding buildings.
- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

***Conformance with above requirements:***

- The minimum front yard requirement adjacent to University Avenue is 29.5 feet. The building would be set back 15 feet from the front lot line. The minimum corner side yard requirement adjacent to 11<sup>th</sup> Avenue is 15 feet. The building would be set back 5.3 feet from the corner side lot line. Variances are required to reduce these yard requirements. The applicant is also requesting alternative compliance to allow the proposed building placement.
- The area between the building and the streets would be landscaped. There would also be a plaza-like entry at the street corner.
- The main entrance would face University Avenue.
- All of the parking would be provided in the building below grade.
- The building design includes recesses, projections, changes in materials and windows on all sides of the building. However, one of the reasons staff is recommending denial of the FAR and yard variances is because the bulk of the building does not reflect the surrounding context. Providing small recesses and projections (approximately 1.5 feet deep) will not be very discernable on multiple façades that are more than 140 feet in width. The applicant is requesting alternative compliance to not require emphasized architectural elements to divide the building into smaller identifiable sections.
- There would not be any blank, uninterrupted walls exceeding 25 feet in length, except on the first floor of the north elevation. This part of the wall would not contain architectural elements for 36 feet where it would then step back one foot to a wall without architectural elements for 26 feet. The applicant is requesting alternative compliance to allow a blank wall.
- The primary exterior materials would be durable and include brick, fiber cement panels, metal panels, and glass. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.
- All sides of the building would be compatible to each other.
- Plain face concrete block would not be used as a primary exterior building material.
- The main entrance facing University Avenue would be recessed, sheltered by a canopy and surrounded by windows to emphasize its importance.
- Twenty percent of the first floor walls facing University Avenue and 11<sup>th</sup> Avenue are required to be windows. Twenty percent of the first floor wall facing University Avenue measured between two and ten feet above the adjacent grade is 280 square feet. Approximately 47 percent of this wall would be windows. Twenty percent of the first floor wall facing 11<sup>th</sup> Avenue measured between two and ten feet above the adjacent grade is 314.4 square feet. Approximately 48 percent of this wall would be windows.
- Ten percent of the walls on each floor above the first floor facing University Avenue and 11<sup>th</sup> Avenue are required to be windows. Ten percent of each upper floor wall facing University

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Avenue is 180.8 square feet. More than 30 percent of each of these walls would be windows. Ten percent of each upper floor wall facing 11<sup>th</sup> Avenue is 203 square feet. More than 40 percent of each of these walls would be windows.

- All windows would be vertical in proportion and distributed in a more or less even manner.
- More than 70 percent of the linear frontage of each ground floor building wall facing a public street and public sidewalk would accommodate spaces with active functions.
- A flat roof is proposed. There is a mix of flat and pitched roofs in the immediate area.

**ACCESS AND CIRCULATION:**

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

*Conformance with above requirements:*

- The main entrance would be connected to the public sidewalks with a well-lighted walkway that exceeds four feet in width.
- A transit shelter is not adjacent to the site.
- The below-grade parking garage would have access from 11<sup>th</sup> Avenue through a 22 foot wide curb cut. All circulation would occur within the building. The vehicle access and circulation should have minimal impact on pedestrians and surrounding residential properties.
- The site is not adjacent to an alley.
- The maximum impervious surface coverage allowed in the R5 district is 85 percent. For the proposed site, 36,802 square feet of coverage is allowed. The proposed amount of impervious surface is approximately 36,250 square feet, which covers 83.7 percent of the site. Most of the impervious area would be occupied by the building. The amount of impervious surface for access and circulation would not be excessive.

**LANDSCAPING AND SCREENING:**

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

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- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.
- All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

*Conformance with above requirements:*

- The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 43,297 square feet. The building footprint, including the below grade parking, would be approximately 29,382 square feet. The lot area minus the building footprint therefore consists of approximately 13,915 square feet. At least 20 percent of the net site area (2,783 square feet) must be landscaped. Approximately 7,047 square feet of the site would be landscaped. That is equal to 50.6 percent of the net lot area.
- The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 6 and 28 respectively. The applicant is not proposing to provide any deciduous canopy trees on-site. They would provide 263 shrubs, of which at least 28 would be on-site. The attached landscape plan shows locations of plants generally. A final landscape plan will need to show specific locations, including how many shrubs will be provided on-site. Alternative compliance is required for the number of required on-site trees.
- The remainder of the landscaped area would be covered with sod and perennials.
- Installation and maintenance of all landscape materials will need to comply with the standards outlined in section 530.210.

**ADDITIONAL STANDARDS:**

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

***Conformance with above requirements:***

- Continuous concrete curbing would be provided along the driveway. Because only 5 feet of the driveway would be located on-site, on-site filtration and retention of stormwater would not be practical.
- The building should not impede any views of parks, greenways and water bodies. The site is in close proximity to landmark buildings located in the University of Minnesota Greek Letter Chapter House Historic District. The property located directly north of the subject site is within the district. Two are located on 11<sup>th</sup> Avenue across from the site and two others front University Avenue. Locating the proposed five-story building 15 feet from the front lot line and 5.3 feet from the corner side lot line would reduce views to these landmark properties along University Avenue and 11<sup>th</sup> Avenue.
- The building should not significantly shadow the adjacent street or surrounding properties.
- Wind currents should not be major concern. Landscaping will be provided on all sides of the building.
- The site includes crime prevention design elements. An abundant amount of windows would be provided on all sides of the building to allow natural surveillance. Walkways would be provided to guide people to, from and around the site. Landscaping would distinguish public areas from private areas.
- The existing buildings are not locally designated historic landmarks. The applicant has requested a Historic Review Letter from CPED in order to determine whether or not the structures are historic resources that may be eligible for local historic designation. As of the writing of this staff report, the review letter has not been completed.

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

**ZONING CODE:** The site is zoned R5 with the UA overlay district. A multiple-family dwelling with 5 or more units in the R5 district is a permitted use.

**Parking and Loading:**

*Minimum automobile parking requirement:* Generally, the minimum parking requirement is one space per unit. In the UA overlay district, 0.5 spaces per bedroom, but not less than one space per dwelling unit, is required. A total of 250 bedrooms are proposed. Therefore, 125 spaces are required. In the below-grade parking garage, 125 spaces would be provided. At least three accessible spaces are required. Three accessible spaces would be provided. Not more than 25 percent of the required spaces can be compact spaces. In other words, at least 94 spaces must comply with the dimensions required for standard spaces. Ninety-five standard sized spaces would be provided.

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

*Bicycle parking requirement:* In general, the minimum bicycle parking requirement is equal to one space per two dwelling units. In the UA overlay district, one bicycle or one scooter parking space is required per bedroom. Not less than 90 percent of the required bicycle parking spaces must meet the standards for long term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum

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recommended distance from other structures. In addition, required long-term bicycle parking spaces must be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. In the UA overlay district, the required spaces also cannot be located in any required yard or between the principal building and the public street. The total minimum requirement is 250 spaces, of which at least 225 must meet the long-term parking requirements. The applicant would provide 256 long-term bicycle spaces and 8 short-term spaces. The short-term spaces would be located in the 11<sup>th</sup> Avenue boulevard.

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

**Proposed Lot Area:** The proposed lot area is 43,297 square feet.

**Maximum Floor Area:** The maximum FAR allowed in the R5 District is 2.0. The development qualifies for a 20 percent density bonus because all required parking would be located within the building. Therefore the maximum FAR increases to 2.4. The building would have a total of 133,430 square feet, which is an FAR of 3.08. A variance is required to increase the maximum FAR.

**Minimum Lot Area:** The minimum lot area requirement in the R5 district is 700 square feet per dwelling unit, or 66,500 square feet for 95 units. The development qualifies for a 20 percent density bonus because all required parking would be located within the building. With the density bonus, the minimum lot size is 593.1 square feet per unit, or approximately 56,345 square feet for 95 units. Per dwelling unit, 455.7 square feet of lot area is proposed. A variance is required to reduce the lot area by 23.2 percent.

**Dwelling Units per Acre:** The applicant proposes a density of 95.6 dwelling units per acre.

**Building Height:** The maximum height allowed in the R5 district is 4 stories or 56 feet, whichever is less. The height is determined by the vertical distance from the natural grade measured at a point 10 feet away from the front center of the building adjacent to University Avenue to the top of the highest point of the building, but excluding parapets that are less than 3 feet in height. The proposed height is 5 stories and 61.2 feet. A conditional use permit is required to increase the height.

**Yard Requirements:** A front yard is required adjacent to University Avenue. The minimum front yard requirement is 15 feet unless the setback of an adjacent structure is greater. The adjacent residential structure to the east is set back 29.5 feet from the front lot line as measured from the front porch. Therefore, a 29.5 foot front yard is required. The proposed building would be set back 15 feet. Walkways and stairs that do not exceed 6 feet in width, and awnings projecting not more than 2.5 feet into the yard are permitted obstructions in front yards. The main stairs and walkway (referred to as a plaza on the landscape plan) would exceed 6 feet in width. A variance is required to reduce the front yard requirement to allow the building, awnings, stairs, and plaza/walkway wider than 6 feet.

A corner side yard is required adjacent to 11<sup>th</sup> Avenue. The minimum corner side yard requirement is equal to  $8+2x$ , where  $x$  is equal to the number of stories above the first floor, but not to exceed 15 feet. A 5-story building is proposed; therefore the minimum requirement is 15 feet. The proposed building

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would be set back 5.3 feet. A handicap ramp not exceeding 4 feet in width with handrails not more than 3 feet in height and not more than 50 percent opaque are permitted obstructions in front yards. Awnings projecting not more than 2.5 feet into the yard are also permitted obstructions. The proposed handicap ramp would comply with these standards. The proposed awnings exceed these limitations. A variance is required to allow the building and awnings.

An interior side yard is required along the east lot line. The minimum interior side yard requirement is equal to  $5+2x$ , where  $x$  is equal to the number of stories above the first floor. A 5-story building is proposed; therefore the minimum requirement is 13 feet. The building would be set back 13 feet from the side lot line. Walkways up to 6 feet in width are permitted obstructions. The proposed walkway would be 5 feet in width.

A rear yard is required along the north lot line. The minimum requirement is equal to  $5+2x$ , where  $x$  is equal to the number of stories above the first floor. A 5-story building is proposed; therefore the minimum requirement is 13 feet. The building would be set back 13 feet. Walkways up to 6 feet in width are permitted obstructions. The proposed walkway would be 5 feet in width. Awnings are permitted obstructions provided they are located at least one foot from the rear lot line. Mechanical equipment, including transformers and generators, are not permitted obstructions and are subject to a 5 foot required setback. The pads for the mechanical equipment would be located 5 feet from the rear lot line.

**Lot Coverage:** The maximum lot coverage allowed in the R5 district is 70 percent. For the proposed site, 30,307.9 square feet of coverage is allowed. The proposed footprint is approximately 27,062 square feet, which covers 62.5 percent of the site.

**Impervious Surface Coverage:** The maximum impervious surface coverage allowed in the R5 district is 85 percent. For the proposed site, 36,802 square feet of coverage is allowed. The proposed amount of impervious surface is approximately 36,250 square feet, which covers 83.7 percent of the site.

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

**Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the R5 zoning district, one nonilluminated flat wall identification sign not exceeding 32 square feet in area with a maximum height of 14 feet or top of wall, whichever is less, is allowed. On a corner lot, two such signs per building are allowed. These provisions cannot be varied. Although a sign is shown on the building elevations, the applicant has indicated that signage is not proposed at this time. Any new signage will require Zoning Office review, approval, and permits.

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

**Screening of Mechanical Equipment:** All mechanical equipment is required to be arranged so as to minimize visual impact by using screening and must comply with Chapter 535 and district requirements including:

**535.70. Screening of mechanical equipment.** (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

- (1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
  - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
  - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
  - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

Mechanical equipment, a transformer and a generator, is located on the north side of the building. There would be two transformer cabinets, both approximately 6 feet in height. The generator cabinet would be approximately 12.8 feet long, 3.5 feet wide, and 6.5 feet tall. If the project is approved, the equipment will need to be screened as required.

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

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

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

- (1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.

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- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

**COMPREHENSIVE PLAN:** In *The Minneapolis Plan for Sustainable Growth*, the future land use designation of this site is urban neighborhood. The plan designates University Avenue Southeast as a community corridor. The University of Minnesota is designated as a growth center. In addition to the principles and policies of the comprehensive plan found in the conditional use permit section of this report, the following apply:

Chapter 1. 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.

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.

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

- 1.9.5 Encourage the development of low- to medium-density housing on Community Corridors to serve as a transition to surrounding low-density residential areas.
- 1.9.6 Promote more intensive residential development along Community Corridors near intersections with Neighborhood Commercial Nodes and other locations where it is compatible with existing character.

The plan does not include growth center boundaries, but it does provide the following guidance for development around the University of Minnesota:

The area around the University includes significant residential densities, in part due to the large student population. However, surrounding neighborhoods, some of the oldest in the city, are concerned about spillover impacts of the University on their residential character. Consideration needs to be given to limiting negative impacts on these areas.

Chapter 3. 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.

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.

#### Chapter 10. Urban Design

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

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

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

Policy 10.19: Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces, buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.

Policy 10.22: Use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land.

#### Master Plan for Marcy Holmes Neighborhood

Adopted by the City Council in 2003, the *Master Plan for Marcy Holmes Neighborhood* recommends multi-family residential development with a height of up to 4 stories as the future land use of the site. In 2007, the plan was updated to provide additional guidance for specific redevelopment sites. The update to the plan did not include policies or guidance that pertain to the subject site. The following policies apply to this proposal:

- Land to the river side of 4th Street SE and the blocks between 14th and 15th Avenues from Dinkytown to the railroad tracks may be considered for higher density multi-family housing development.
- The Marcy-Holmes neighborhood supports new multi-family housing construction on the fringe of the neighborhood [including] between University Avenue and 4th Street SE, which are major traffic carriers and transit routes.
- The neighborhood is generally opposed to....actions that would hurt the preservation of the small town character of the neighborhood [such as] construction that is too big for a site. This means new buildings that are out of scale and proportion with existing buildings. They may be taller, have straight facades that ignore the architectural rhythm created by existing buildings, or occupy most of the site because of underground parking.

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- Key landscapes or cultural landscapes such as Dinkytown, the fraternity and sorority areas, and the riverfront should be preserved.
- New multi-family developments will follow design guidelines that are established in the master plan including height, setbacks, and exterior appearance.

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

Site Design

- Place buildings to preserve cohesive street character

Landscaping

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

Building Materials

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

Rooflines

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

Ground Level Treatment

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

Building Massing

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

**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.

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- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

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

Building placement

The minimum front yard requirement adjacent to University Avenue is 29.5 feet. The building would be set back 15 feet from the front lot line. The minimum corner side yard requirement adjacent to 11<sup>th</sup> Avenue is 15 feet. The building would be set back 5.3 feet from the corner side lot line. Variances are required to reduce these yard requirements. Staff is recommending denial of both of these variances. For the same reasons that staff is recommending denial of the variances, staff is recommending that the planning commission not grant alternative compliance.

Emphasized architectural elements to divide the building into smaller identifiable sections

The building design includes recesses, projections, changes in materials and windows on all sides of the building. However, one of the reasons staff is recommending denial of the FAR and yard variances is because the bulk of the building does not reflect the surrounding context. Providing small recesses and projections (approximately 1.5 feet deep) will not be very discernable on multiple façades that are more than 140 feet in width. Proposing a building design that breaks up the building façades more, such as an “L” or “H” shaped building with narrower facades, would be more in keeping with the character of the area. Staff is recommending that the planning commission not grant alternative compliance.

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

There would not be any blank, uninterrupted walls exceeding 25 feet in length, except on the first floor of the north elevation. This part of the wall would not contain architectural elements for 36 feet where it would then step back one foot to a wall without architectural elements for 26 feet. A transformer and generator would be located adjacent to the blank wall. In the building, the vehicle access ramp would be adjacent to this wall. Although windows cannot be located within a certain distance of a transformer, there are other architectural elements that could be incorporated. Staff is recommending that the planning commission not grant alternative compliance.

Number of on-site canopy trees

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 6 and 28 respectively. The applicant would not provide any deciduous canopy trees on-site. They would provide 263 shrubs, of which at least 28 would be on-site. The applicant is proposing to plant 38 ornamental trees on-site as well as 15 canopy trees and 2 ornamental trees in the public right-of-way. With the construction of the project, the applicant is proposing to remove 5 trees in the public boulevards and 25 canopy trees on-site. Many of the existing on-site trees are mature trees. Staff is recommending denial of the front and corner side yard variances where 4 mature on-site trees are located next to the lot lines abutting the street right-of-ways. Although the health of these trees is unknown, denying the variances could allow these trees to be saved or would at least allow more space for on-site canopy trees to be provided. Therefore, staff is recommending that the planning commission not grant alternative compliance.

**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 **deny** the application for a conditional use permit to increase the maximum height from 4 to 5 stories and from 56 to 61.2 feet for the property located at 1101 University Avenue Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to increase the maximum floor area ratio from 2.4 to 3.08 at the property of 1101 University Avenue Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to reduce the minimum lot area requirement by 23.2 percent located at the property located at 1101 University Avenue Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to reduce the front yard requirement adjacent to University Avenue from the established setback of 29.5 feet to 15 feet to allow the building and a landing exceeding 36 square feet in area and to 0 feet to allow a plaza/walkway and stairs that exceed 6 feet in width and to allow awnings to extend more than 2.5 feet into the required yard at the property of 1101 University Avenue Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to reduce the corner side yard requirement adjacent to 11<sup>th</sup> Avenue from 15 feet to 5.3 feet to allow the building and a landing exceeding 36 square feet in area and to allow awnings to extend more than 2.5 feet into the required yard at the property of 1101 University Avenue Southeast.

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

The variance application to reduce the rear yard requirement 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 **deny** the application for site plan review to allow a multiple-family dwelling with 95 units for the property located at 1101 University Avenue Southeast.

**Attachments:**

1. PDR report
2. Applicants statement of use and findings
3. Zoning map
4. Comprehensive plan future land use map
5. University of Minnesota Greek Letter Chapter House Historic District map
6. Plans
7. Shadow study
8. Photos