

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permits, Variances and Site Plan Review
BZZ-4154

Date: December 8, 2008

Applicant: Clark Gassen with CAG Development

Address of Property: 1000 and 1022 University Avenue Southeast

Project Name: Florence Court Redevelopment

Contact Person and Phone: Gretchen Camp with BKV Group, Inc., (612) 373-9122

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: November 3, 2008

End of 60-Day Decision Period: January 2, 2008

End of 120-Day Decision Period: Not applicable for this application

Ward: 3 Neighborhood Organization: Marcy Holmes Neighborhood Association

Existing Zoning: R5, Multiple-family District and MR, Mississippi River Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 15

Legal Description: Not applicable for this application

Proposed Use: 121-unit, multiple-family development

Concurrent Review:

Conditional use permit: for a 121-unit (84 proposed and 37 existing) residential development

Conditional use permit: to increase the height of the building from the permitted 4 stories/56 feet to 6 stories/66 feet

Variance: to reduce the lot area requirement from 759 square feet per dwelling to 609 square feet per dwelling (19.8 percent variance)

Variance: to reduce the front yard setback along University Avenue Southeast from the required 15 feet to a distance ranging between 13.5 feet and 7 feet for a variety of building elements

Variance: to reduce the corner side yard setback along 10th Avenue Southeast from the required 18 feet to 8 feet for the building and to a distance ranging between 6.5 feet and zero feet for a variety of building elements

Variance: to reduce the east interior side yard setback from the required 15 feet to a distance ranging between 13.5 feet and 10 feet for a variety of building elements and to 2 feet for a relocated detached garage

Site plan review

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” and Section 525.520(2) “to vary the lot area or lot width requirements up to thirty (30) percent...” and Chapter 530, Site Plan Review

Background: The applicant is proposing to construct a new 84-unit rental project on the site. The property is currently made up of eight buildings including the existing Florence Court residential building, five additional dwellings, a garage and the gas station on the corner of University Avenue Southeast and 10th Avenue Southeast. The Florence Court building is a local historic landmark and will be rehabilitated as part of this development. In addition, four of the five existing dwellings will remain on the site and be rehabilitated. The dwelling on the corner of University Avenue Southeast and 11th Avenue Southeast and the gas station will be demolished.

The proposed building will be six-stories in height and contain two levels of below ground parking. The parking spaces will be used by all of the residents on the site, including those who live in the Florence Court building and the four single-family homes. In addition to automobile parking there will be bicycle parking provided at a ratio of one space per dwelling unit. The building has been designed to look like several narrow buildings pieced together through the use of building recesses and building materials. The interior courtyard located on the site will be preserved. The existing canopy trees will be saved, the existing driveway will be resurfaced using stamped concrete and a patio with additional landscape materials will be constructed near the new construction.

There will be a total of 121 dwelling units and 313 bedrooms on the site. In the existing Florence Court building there will be 33 dwelling units. There will be a total of 16 one-bedroom units, four two-bedroom units, nine three-bedroom units and four four-bedroom units. The four existing single-family dwellings will each have four bedrooms. And in the new building there will be 84 dwelling units. There will be a total of five one-bedroom units, 33 two-bedroom units, 25 three-bedroom units and 21 four-bedroom units.

The zoning code prohibits more than one residential building per zoning lot. Since the existing site has more than one residential structure on the lot the applicant applied for a historic variance to allow more than one residential structure to remain on the zoning lot. On August 12, 2008, the Heritage Preservation Commission approved a Certificate of Appropriateness for the demolition of the dwelling on the corner of University Avenue South and 11th Avenue Southeast. The demolition permits for the remaining four dwellings were denied. On October 28, 2008, the Heritage Preservation Commission approved a Certificate of Appropriateness for the new construction and a historic variance to allow for more than one residential structure on the zoning lot. The actions from the Heritage Preservation Commission meetings and the staff reports are attached to this report.

CONDITIONAL USE PERMIT - for a 121-unit (84 proposed and 37 existing) residential development

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Planning Division does not believe that constructing a new 84-unit residential development on the same site as the existing 33-unit Florence Court development and four existing single-family dwellings will be detrimental to or endanger the public health, safety, comfort or general welfare. The surrounding area includes a mixture of residential developments of varying densities including sororities and fraternities and dormitories for the University of Minnesota. The University of Minnesota owns an adjacent parking lot to the east of the site and the university campus itself is located across 11th Avenue Southeast from the site. The proposed 84-unit development will complement the Florence Court site itself and the surrounding uses.

2. The conditional use 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 Planning Division does not believe that a 121-unit residential development would be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property. The proposed development will enhance the surrounding neighborhood and the Florence Court site itself. The number of curb cuts leading to and from the site will be reduced from six to two which will minimize conflicts between pedestrians and vehicles and green boulevards with canopy trees will be installed along both 10th Avenue Southeast and University Avenue Southeast providing for a buffer between the street and public sidewalk. The existing courtyard on the site will be enhanced with the removal of surface parking and the installation of a new landscaping plan.

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

As for vehicular access, there are currently six curb cuts leading into the site. The applicant is proposing to eliminate four of the curb cuts leaving only the two that currently allow access to the driveway that runs through the site. The entrance to the underground parking garage is located approximately 90 feet from University Avenue Southeast. Traffic flow between University Avenue Southeast and the garage entrance will be two-way. However, once past the entrance to the

underground parking garage the applicant has converted the two-way driveway to a one-way driveway heading towards 11th Avenue Southeast. The Traffic Division of Public Works has reviewed the plans and is recommending that for traffic purposes the driveway be kept two-way for its entire length. The Planning Division is recommending that the driveway be converted to a two-way driveway with a minimum width of 18 feet.

It should be noted that the Heritage Preservation Commission conditioned the Certificate of Appropriateness for the new construction saying that the “single lane drive through the interior of the courtyard to 11th Street shall be for emergency vehicles only...” This condition was introduced by the Heritage Preservation Commission and was not a recommendation of Planning Staff. In addition, this condition was added before the Traffic Division of Public Works had had an opportunity to weigh in on the site design. As another condition of approval for the project, the final landscape plan needs to be reviewed and approved by the Heritage Preservation Commission. At the time of this review Planning Staff will discuss the traffic concerns with the Heritage Preservation Commission as Public Works will not approve the final plans if the driveway is for emergency vehicles only.

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

In the R5 zoning district the zoning code requires 1.0 parking space per dwelling unit. For 121 dwelling units the parking requirement would be 121 spaces. The applicant is proposing to provide a total of 129 parking spaces on the site. Of the 129 spaces, eight of the parking spaces are tandem spaces. Because they are tandem spaces and do not open onto a required drive aisle, eight of them do not count towards the total provided.

For student housing developments the adopted Marcy Holmes Neighborhood Master Plan has a .5 parking space per bedroom recommendation. There are a total of 313 bedrooms in the development which requires 157 parking spaces on the site. As proposed there are 129 parking spaces on the site or .41 parking spaces per bedroom. Although the .5 parking space per bedroom ratio is not being met the site is located in close proximity to several transit routes and the University of Minnesota. In addition, the applicant is providing one bicycle parking space for each unit in the underground parking garage.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

This site is located on the south side of University Avenue Southeast between 10th Avenue Southeast and 11th Avenue Southeast. University Avenue Southeast is a designated Community Corridor and the site is located three blocks west of the designated Dinkytown Activity center. The land use features in the update to *The Minneapolis Plan* are the same as they are in the current comprehensive plan. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Coordinate land use and transportation planning on designated Community Corridors 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 (Policy 4.2).
- Strengthen the residential character of Community Corridors by developing appropriate housing types that represent variety and a range of affordability levels (Implementation Step for Policy 4.2).

Department of Community Planning and Economic Development – Planning Division
BZZ-4154

- Promote more intensive residential development along these corridors where appropriate (Implementation Step for Policy 4.2).
- Support the development of new medium- and high-density housing in appropriate locations throughout the City (Implementation Step for Policy 4.9).
- Support the development of residential dwellings of appropriate form and density (Policy 9.5).
- 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 (Implementation Step for Policy 9.5).

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis Plan*.

The Minneapolis City Council adopted the *Master Plan for the Marcy-Holmes Neighborhood* on December 29, 2003, and a supplement to the adopted plan on January 26, 2007. The master plan for this site calls for higher density housing. Specifically the plan says to “Design new buildings surrounding Florence Court, 10th Avenue between University Avenue and 2nd Street, to compliment character of this historic building, including orientation to interior courtyards.” The Planning Division believes that the proposed development is in conformance with the above policies of the *Master Plan for the Marcy-Holmes Neighborhood*. In the update to *The Minneapolis Plan* high density housing ranges between 50 and 120 dwelling units per acre. The proposed development, including the existing housing on the site, will have a density of 71.6 dwelling units per acre. As for the orientation of the development the proposed building interacts with the interior courtyard as the ground floor units have direct access to it and the upper level units have balconies facing it.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

With the approval of the conditional use permits, variances and site plan review this development will meet the applicable regulations of the R5 zoning district.

CONDITIONAL USE PERMIT - to increase the height of the building from the permitted 4 stories/56 feet to 6 stories/66 feet

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The site is located in the R5 zoning district which allows buildings up to four stories or 56 feet in height. The applicant is requesting a conditional use permit to increase the height of the building to six stories or 66 feet. The Planning Division does not believe that increasing the height of the building from four

stories or 56 feet to six stories or 66 feet would be detrimental to or endanger the public health, safety, comfort or general welfare.

2. The conditional use 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 Planning Division does not believe that increasing the height of the building from four stories or 56 feet to six stories or 66 feet would be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property. There is a mixture of building heights in the neighborhood. The majority of the buildings north of University Avenue Southeast range between one and three stories in height and the buildings south of University Avenue Southeast range between one and nine stories in height. On the Florence Court site itself the single family homes are one and a half and two stories tall and the Florence Court building is three and a half stories tall.

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

Increasing the height of the building will have no impact on utilities, access roads or drainage.

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

Increasing the height of the building will have no impact on traffic congestion in the public streets.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

This site is located on the south side of University Avenue Southeast between 10th Avenue Southeast and 11th Avenue Southeast. University Avenue Southeast is a designated Community Corridor and the site is located three blocks west of the designated Dinkytown Activity center. The land use features in the update to *The Minneapolis Plan* are the same as they are in the current comprehensive plan. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Maintain and strengthen the character of the city's various residential areas (Policy 9.8).
- Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding one and two family dwellings (Implementation Step for Policy 9.8).
- Encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs (Policy 9.16).
- Encourage the design of all new buildings to fulfill light, privacy and view requirements for the subject building as well as for adjacent buildings (Implementation Step for Policy 9.16).

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis Plan*.

The Minneapolis City Council adopted the *Master Plan for the Marcy-Holmes Neighborhood* on December 29, 2003, and a supplement to the adopted plan on January 26, 2007. The master plan for this site calls for higher density housing. Specifically the plan says to “Ensure that building heights surrounding Florence Court are compatible with scale of this historic building”. The Planning Division believes that the proposed development is in conformance with the above policies of the *Master Plan for the Marcy-Holmes Neighborhood*. On the Florence Court site itself the single family homes are one and a half and two stories tall and the Florence Court building is three and a half stories tall. Although the proposed building is taller than the existing buildings on the site it will be located 26 feet away from Florence Court and 13 feet away from the northernmost single family dwelling. In addition, the upper two levels of the building near Florence Court have been setback an additional 10 feet and the upper two levels of the building near the northernmost single family dwelling have been setback an additional 12 feet. The Planning Division believes that the setbacks and the additional step back in the building design provide for a generous separation.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

With the approval of the conditional use permits, variances and site plan review this development will meet the applicable regulations of the R5 zoning district.

In addition to the conditional use permit standards, the Planning Commission shall consider, but not be limited to, the following factors when determining the maximum height:

1. Access to light and air of surrounding properties.

Increasing the height of the proposed building should have minimal impact on the amount of light and air that the surrounding properties receive. The proposed building will be located between 13 and 26 feet from the residential structures on the site and across University Avenue Southeast from the residential buildings to the north.

2. Shadowing of residential properties or significant public spaces.

Shadow studies have been included as an attachment to the staff report and include shadowing impacts at 12 noon and 2 pm during March, June, September and December. The shadow study indicates that there will be some shadowing cast on the residential properties located on the north side of University Avenue Southeast during December. The interior courtyard on site will not be shadowed by the proposed building for any significant amount of time given the placement of the building on the north side of the site.

3. The scale and character of surrounding uses.

There is a mixture of building heights in the neighborhood. The majority of the buildings north of University Avenue Southeast range between one and three stories in height and the buildings south of University Avenue Southeast range between one and nine stories in height. On the Florence Court site itself the single family homes are one and a half and two stories tall and the Florence Court building is three and a half stories tall.

The character of the buildings in the neighborhood is also varied. Many of the existing dwellings in the area were constructed in the early 1900's. There are however several infill buildings that have been built in the last several decades.

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

Constructing a building either four stories in height or six stories in height would block views of the Florence Court building from University Avenue given the height of the building. The proposed building would not block views of the Mississippi River given the location of the existing buildings on the site.

VARIANCE - to reduce the lot area requirement from 759 square feet per dwelling to 609 square feet per dwelling (19.8 percent variance)

Findings as Required by the Minneapolis Zoning Code for the 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.

Lot area reduction: The applicant is seeking a variance to reduce the lot area requirement from 759 square feet per dwelling to 609 square feet per dwelling (19.8 percent variance). The applicant has indicated that although the proposed 121 dwelling units is more than what is allowed on the site that the size of the building does not exceed what is allowed. In addition, the applicant has indicated that the total unit count could be reduced but to offset the loss of 24 dwelling units the number of bedrooms in the remaining dwelling units would have to be increased which is not to the desire of the Marcy Holmes Neighborhood Association.

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.

Lot area reduction: The Planning Division believes that the circumstances are unique to warrant the granting of the variance. In order to balance the neighborhood goals and the needs of the developer the unit count has been increased but the number of bedrooms per dwelling unit has been kept low.

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.

Lot area reduction: The zoning code regulates the overall amount of development on a site through density and building mass requirements. In this case the project exceeds the number of units that can be constructed on the site but does not exceed the amount of building mass that could be constructed on the site. The applicant could reduce the number of dwelling units on the site and increase the number of

bedrooms in the remaining dwelling units which would ultimately result in the same number of residents living on the site.

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.

Lot area reduction: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed lot area variance be detrimental to welfare or public safety.

VARIANCE - to reduce the front yard setback along University Avenue Southeast from the required 15 feet to a distance ranging between 13.5 feet and 7 feet for a variety of building elements

Findings as Required by the Minneapolis Zoning Code for the 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.

Front yard setback along University Avenue Southeast: The applicant is seeking a variance to reduce the front yard setback along University Avenue Southeast from the required 15 feet to a distance ranging between 13.5 feet and 7 feet for a variety of building elements. Specifically, the architectural frame around some of the windows are located 13.5 feet from the property line, the upper level balconies are located 10 feet from the property line, the architectural fin at the top of the building is located 9 feet from the property line, the porch and the ground level patios are located 8 feet from the property line and the roof over the porch and the 6th floor roof overhang are located 7 feet from the property line. The building itself is not located in the required front yard.

The applicant has indicated that the building has been designed to interact with the pedestrian realm by locating the building at the required setback but then incorporating different building elements that encroach into the required setback. It should be noted that along University Avenue Southeast, between 10th Avenue Southeast and 11th Avenue Southeast, there are only two properties; the subject development site and a surface parking lot that is owned by the University of Minnesota.

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.

Front yard setback along University Avenue Southeast: The site is unique in that the only other property located on the same block face as the proposed development is a surface parking lot owned by the University of Minnesota. The parking lot is located four feet from the front property line along University Avenue Southeast.

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.

Front yard setback along University Avenue Southeast: The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The Planning Division believes that the granting of this variance would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The elements requiring the variance will not interrupt the orderly development of surrounding land and will not create conflicts between adjacent land uses. Crime Prevention Through Environmental Design (CPTED) principles encourage sites to be designed so as to promote natural observation and maximize the opportunities for people to observe adjacent spaces and public sidewalks.

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.

Front yard setback along University Avenue Southeast: The Planning Division believes that the granting of the variance would have little impact on congestion of area streets or fire safety, nor would the proposed setback variance be detrimental to welfare or public safety.

VARIANCE - to reduce the corner side yard setback along 10th Avenue Southeast from the required 18 feet to 8 feet for the building and to a distance ranging between 6.5 feet and zero feet for a variety of building elements

Findings as Required by the Minneapolis Zoning Code for the 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.

Corner side yard setback along 10th Avenue Southeast: The applicant is seeking a variance to reduce the corner side yard setback along 10th Avenue Southeast from the required 18 feet to 8 feet for the building and to a distance ranging between 6.5 feet and zero feet for a variety of building elements. Specifically, the architectural frame around one of the windows is located 6.5 feet from the property line and the porch and its roof are located up to the property line.

The existing Florence Court building is located four feet from the property line along 10th Avenue Southeast. The proposed building will maintain an eight-foot setback from the front property line so as to not block views of the existing historic building. The applicant has indicated that the building has been designed to interact with the pedestrian realm by locating the building eight feet from the property line but then incorporating different building elements that encroach into the required setback.

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.

Corner side yard setback along 10th Avenue Southeast: The site is unique in that the existing Florence Court building is located four feet from the property line along University Avenue Southeast. Although the porch and the architectural window frame will project into the required setback their impact will be minimal given that the development occupies the entire block.

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.

Corner side yard setback along 10th Avenue Southeast: The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The Planning Division believes that the granting of this variance would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Maintaining a similar setback for the proposed building helps to establish a building wall along the street while still allowing views of the existing historic building. In addition, allowing the porch to project to the property line will promote natural observation and maximize the opportunities for people to observe adjacent spaces and the public sidewalks.

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.

Corner side yard setback along 10th Avenue Southeast: The Planning Division believes that the granting of the variance would have little impact on congestion of area streets or fire safety, nor would the proposed setback variance be detrimental to welfare or public safety.

VARIANCE - to reduce the east interior side yard setback from the required 15 feet to a distance ranging between 13.5 feet and 10 feet for a variety of building elements and to 2 feet for a relocated detached garage

Findings as Required by the Minneapolis Zoning Code for the 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.

East interior side yard setback: The applicant is seeking a variance to reduce the east interior side yard setback from the required 15 feet to a distance ranging between 13.5 feet and 10 feet for a variety of building elements and to 2 feet for a relocated detached garage. Specifically, the architectural frame around some of the windows are located 13.5 feet from the property line, the upper level balconies are located 11 feet from the property line and the ground level patios are located 10 feet from the property line. The building itself is not located in the required interior side yard.

The applicant has indicated that the building has been designed to interact with the pedestrian realm by locating the building at the required setback but then incorporating different building elements that encroach into the required setback. It should be noted that to the east of the development site is a surface parking lot that is owned by the University of Minnesota. The garage is currently located on the site. The original garage was enlarged some time in the past. The applicant is proposing to remove the addition that was added to the garage and relocate it seven feet further south on the site. Its setback from the interior property line is currently two feet and will remain two feet after it has been relocated.

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.

East interior side yard setback: The site is unique in that the only other property adjacent to the proposed development is a surface parking lot owned by the University of Minnesota. The parking lot is located between five and nine feet from the east interior side property line.

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.

East interior side yard setback: The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The Planning Division believes that the granting of this variance would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The elements requiring the variance will not interrupt the orderly development of surrounding land and will not create conflicts between adjacent land uses. Crime Prevention Through Environmental Design (CPTED) principles encourage sites to be designed so as to promote natural observation and maximize the opportunities for people to observe adjacent spaces and public sidewalks.

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.

East interior side yard setback: The Planning Division believes that the granting of the variance would have little impact on congestion of area streets or fire safety, nor would the proposed setback variance be detrimental to welfare or public safety.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See

Section A Below for Evaluation.)

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
 - Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:

- **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
 - a. **Windows shall be vertical in proportion.**
 - b. **Windows shall be distributed in a more or less even manner.**
 - c. **The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.**
 - d. **First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.**
 - e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the 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.**
- **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.**

PLANNING DEPARTMENT RESPONSE:

- **The building reinforces the street wall, facilitates pedestrian access and maximizes natural surveillance. The building is set close to the property lines, there are entrances and exits at street level that can be accessed by residents and guests and there are large windows, balconies and patios on all sides of the building that maximize the opportunities for people to observe adjacent spaces and the public sidewalks.**
- **The site is located on a corner lot which requires that both walls abutting the streets be located within eight feet of the property line except where a greater yard is required by the zoning ordinance. In the R5 zoning district the front yard setback is 15 feet and the corner side yard setback is 18 feet. The building will be constructed 15 feet from the front property line and ten feet from the corner side property line.**
- **The area in between the building and the property lines will contain patios and walkways and will be landscaped.**
- **The principal entrance to the building is located along University Avenue Southeast near 10th Avenue Southeast. In addition, each of the first floor dwelling units will have their own entrance.**

- All of the on-site parking associated with this development is located in two levels of underground parking.
- The exterior materials of the structure include metal, cement board siding and glass. The sides and rear of the building are similar to and compatible with the front of the building.
- There is one area of the building that is over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. The area is 27 feet in width and located on the first floor of the building facing the existing Florence Court building. The building has been designed to look like three narrow buildings pieced together. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow this one area of the building to be over 25 feet in length and blank. There will be landscaping located around the perimeter of the building which will protect the building from graffiti and provide visual interest.
- At least 20 percent of the first floor and at least 10 percent of the upper floors of the University Avenue Southeast and 10th Avenue Southeast sides of the building are required to be windows. The project's compliance with these requirements is as follows:
 - University Avenue Southeast: the percentage of windows on the first floor of the building is 42 percent and the percentage of windows on the upper levels of the building is in excess of 10 percent.
 - 10th Avenue Southeast: the percentage of windows on the first floor of the building is 51 percent and the percentage of windows on the upper levels of the building is in excess of 10 percent.
- The windows in the building are vertical in nature and are evenly distributed along the building walls.
- The principal roof line of the building will be flat. In the neighborhood there is a mixture of flat roofed and pitched roofed buildings.

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.**

PLANNING DEPARTMENT RESPONSE:

- All of the entrances leading into the building are connected to the public sidewalk via a series of walkways that run through the site.
- No transit shelters are proposed as part of this development.
- All of the on-site parking associated with this development is located in two levels of underground parking.
- There are no public alleys adjacent to the site.
- The maximum impervious surface requirement in the R5 zoning district is 85 percent. According to the materials submitted by the applicant 31 percent of the site will be pervious (69 percent impervious).

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.**

PLANNING DEPARTMENT RESPONSE:

- **The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 73,715 square feet. The footprint of the buildings are 30,110 square feet. When you subtract the footprint from the lot size the resulting number is 43,605 square feet. Twenty percent of this number is 8,721 square feet. According to the applicant's landscaping plan there is 23,207 square feet of landscaping on the site or approximately 53 percent of the site not occupied by the building.**
- **The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement for this site is 17 and 87 respectfully. The applicant is proposing to have 37 canopy trees (20 existing and 17 proposed) and 318 shrubs located on the site. The applicant is also**

proposing to have seven canopy trees planted in the boulevard and 15 ornamental trees and many perennials and native grasses located throughout the site.

ADDITIONAL STANDARDS:

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

PLANNING DEPARTMENT RESPONSE:

- There are no outdoor parking lots that create stormwater run-off.
- There are a number of landmark buildings in the area including the Florence Court building and several buildings located on the north side of University Avenue Southeast which are part of the University of Minnesota Greek Letter Chapter House Historic District. Given that Florence Court is on the south side of University Avenue Southeast and the historic district is located on the north side of University Avenue Southeast the proposed building will block views of these buildings from one another.
- Shadow studies have been included as an attachment to the staff report and include shadowing impacts at 12 noon and 2 pm during March, June, September and December. The shadow study indicates that there will be some shadowing cast on the residential properties located on the north side of University Avenue Southeast during December. The interior courtyard on site will not be shadowed by the proposed building for any significant amount of time given the placement of the building on the north side of the site.
- This building should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as there are walkways that direct people to the building entrances, there is series of internal walkways that connect all of the entrances to one another, there are large windows, balconies and patios on all sides of the building that maximize the opportunities for people to observe adjacent spaces and the public sidewalks and there are lights located near all of the pedestrian entrances and throughout the site.

- The Florence Court property is made up of seven buildings including the existing Florence Court residential building, five additional dwellings and a garage. The entire Florence Court property is historically designated but the only structure on the site that is protected is the Florence Court building itself. The gas station site is not designated.

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:

- **Use:** Residential uses over five dwelling units require a conditional use permit in the R5 zoning district.
- **Off-Street Parking and Loading:** In the R5 zoning district the zoning code requires 1.0 parking space per dwelling unit. For 121 dwelling units the parking requirement would be 121 spaces. The applicant is proposing to provide a total of 129 parking spaces on the site. Of the 129 spaces, eight of the parking spaces are tandem spaces. Because they are tandem spaces and do not open onto a required drive aisle, eight of them do not count towards the total provided.

For student housing developments the adopted Marcy Holmes Neighborhood Master Plan has a .5 parking space per bedroom recommendation. There are a total of 313 bedrooms in the development which requires 157 parking spaces on the site. As proposed there are 129 parking spaces on the site or .41 parking spaces per bedroom. Although the .5 parking space per bedroom ratio is not being met the site is located in close proximity to several transit routes and the University of Minnesota. In addition, the applicant is providing one bicycle parking space for each unit in the underground parking garage.

- **Maximum Floor Area:** The maximum FAR in the R5 zoning district is 2.0. The lot in question is 73,715 square feet in area. The applicant proposes a total of 139,501 square feet of gross floor area, an FAR of 1.89.
- **Building Height:** Building height in the R5 zoning district is limited to four stories or 56 feet. The applicant is proposing to construct a building that is six stories or 66 feet in height. The applicant has applied for a conditional use permit to increase the height of the building.
- **Minimum Lot Area:** The minimum lot area per dwelling unit in the R5 zoning district is 900 square feet. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a minimum lot area of 720 square feet per dwelling unit. With 121 dwelling units on a lot of 73,715 square feet, the applicant proposes 609 square feet of lot area per dwelling unit. The applicant has applied for a variance to reduce the minimum lot area per dwelling unit.
- **Dwelling Units per Acre:** The site is 1.69 acres in size. There are 71.6 dwelling units per acre proposed on the site.

- **Yard Requirements:** The front yard setback requirement is 15 feet. In this case both University Avenue Southeast and 2nd Street Southeast are front yards. The east interior side yard setback requirement is $5+2x$, where x equals the number of stories above the first floor. The resulting setback along this side of the building is 15 feet. The corner side yard setback for this development is $8+2x$, where x equals the number of stories above the first floor. The resulting setback along this side of the building is 18 feet. The applicant has applied for a variance to reduce the required setbacks along University Avenue Southeast, 10th Avenue Southeast and the east interior property line.
- **Specific Development Standards:** There are no specific development standards for residential uses.
- **Hours of Operation:** Residential uses are not subject to hours of operation.
- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the R5 zoning district one can have one wall identification sign not exceeding 32 square feet with a maximum height of 12 feet or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one freestanding ground sign not exceeding 32 square feet in area and eight feet in height.

The applicant is proposing to have one wall sign located on the northwest corner of the building. The sign will be attached to the foundation of the porch that is located near the principal entrance. The sign measures approximately three square feet and is located three feet off of the ground.

- **Refuse storage:** There will be a trash room located on the first floor of the proposed building and an enclosed trash area located near the driveway exit at 11th Avenue Southeast.
- **Lighting:** A lighting plan showing footcandles was not submitted as part of the application materials.

MINNEAPOLIS PLAN:

This site is located on the south side of University Avenue Southeast between 10th Avenue Southeast and 11th Avenue Southeast. University Avenue Southeast is a designated Community Corridor and the site is located three blocks west of the designated Dinkytown Activity center. The land use features in the update to *The Minneapolis Plan* are the same as they are in the current comprehensive plan. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment (Policy 9.6).
- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods (Implementation Step for Policy 9.6).
- Maintain and strengthen the character of the city's various residential areas (Policy 9.8).
- Encourage the rehabilitation of older and historic housing stock over demolition (Implementation Step for Policy 9.8).
- Support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character (Policy 9.10).

- Increase citizen awareness of preservation and the important role it plays in fostering community revitalization and civic pride (Policy 9.14).
- Minneapolis will encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs (Policy 9.16).
- Minneapolis will build on recent initiatives to 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 (Policy 9.17).

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis Plan*.

The Minneapolis City Council adopted the *Master Plan for the Marcy-Holmes Neighborhood* on December 29, 2003, and a supplement to the adopted plan on January 26, 2007. The master plan for this site calls for higher density housing. Specifically the plan says to “Orient buildings to streets with parking and driveways placed behind buildings”, “Design higher density residential buildings with some form of outdoor spaces for residents, including balconies, patios, courtyards and rooftop gardens”, “Incorporate indoor parking into all new residential buildings” and “Create urban streetscapes along University Ave, 4th St and 10th Ave using street trees and pedestrian amenities”. The Planning Division believes that the proposed development is in conformance with the above policies of the *Master Plan for the Marcy-Holmes Neighborhood*.

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.**

PLANNING DEPARTMENT RESPONSE:

- **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.** There is one area of the building that is over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. The area is 27 feet in width and located on the first floor of the building facing the existing Florence Court building. The building has been designed to look like

three narrow buildings pieced together. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow this one area of the building to be over 25 feet in length and blank. There will be landscaping located around the perimeter of the building which will protect the building from graffiti and provide visual interest.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for a 121-unit (84 proposed and 37 existing) residential development located at 1000 and 1022 University Avenue Southeast subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. There shall be a minimum of 121 bicycle parking spaces provided in the underground parking garage.
3. The driveway shall be converted to two-way and shall be a minimum of 18 feet in width.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to increase the height of the building from the permitted 4 stories/56 feet to 6 stories/66 feet located at 1000 and 1022 University Avenue Southeast subject to the following conditions:

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

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 **approve** the variance application to

reduce the lot area requirement from 759 square feet per dwelling to 609 square feet per dwelling (19.8 percent variance) located at 1000 and 1022 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 **approve** the variance application to reduce the front yard setback along University Avenue Southeast from the required 15 feet to a distance ranging between 13.5 feet and 7 feet for a variety of building elements located at 1000 and 1022 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 **approve** the variance application to reduce the corner side yard setback along 10th Avenue Southeast from the required 18 feet to 8 feet for the building and to a distance ranging between 6.5 feet and zero feet for a variety of building element located at 1000 and 1022 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 **approve** the variance application to reduce the east interior side yard setback from the required 15 feet to a distance ranging between 13.5 feet and 10 feet for a variety of building elements and to 2 feet for a relocated detached garage located at 1000 and 1022 University Avenue Southeast.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for the property located at 1000 and 1022 University Avenue Southeast subject to the following conditions:

1. Approval of the final site, landscaping and elevation plans by the Community Planning and Economic Development Department – Planning Division.
2. All site improvements shall be completed by December 8, 2009, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Preliminary Development Review report
2. Statement of proposed use
3. Traffic Strategies Memo
4. Comments on the Traffic Strategies Memo from Public Works
5. Conditional use permit and variance findings, including shadow studies and an excerpt from the supplement to the *Master Plan for the Marcy-Holmes Neighborhood*
6. Letters from the current property owners granting permission to BKV to represent the development project
7. October 23, 2008, letters to Council Member Hofstede and the Marcy Holmes Neighborhood Association (MHNA)
8. Florence Court Agreement with MHNA
9. Actions from the Minneapolis Heritage Preservation Commission and the related staff reports
10. Photos showing contemporary buildings located in historic settings
11. Correspondence from property owners
11. Zoning Map
12. Civil plans, site plan, landscaping plans, floor plans and elevations
13. Photographs of the site and surrounding area