

**Department of Community Planning and Economic Development – Planning Division**  
Variances  
BZZ – 5611

**Date:** July 16, 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:** June 21, 2012

**End of 60-Day Decision Period:** August 20, 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 101 units.

**Concurrent Review:**

- Variance to reduce the minimum lot area requirement by 27.7 percent.
- Variance to reduce the minimum parking requirement from 113 to 79 spaces.

**Applicable zoning code provisions:** 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 (6) “To vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces.”

**Background:** The applicant proposes to construct a new 5-story multiple-family dwelling with 101 units at the property of 1101 University Avenue Southeast. On May 21, 2012, the planning commission approved a conditional use permit to increase building height, a variance to increase the maximum floor area ratio, a variance to reduce the front yard requirement, a variance to reduce the minimum lot area requirements and a site plan review to allow a proposal for a new 5-story multiple-family dwelling with 95 dwelling units. A copy of these planning commission actions is attached for reference. The applicant is proposing to amend the previously approved project by increasing the

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number of dwelling units and eliminating a level of below-grade parking (one level of below-grade parking will remain). Other than these changes, no changes are proposed that affect the previously approved applications.

The applicant is proposing to increase the number of dwelling units that were approved from 95 to 101. The minimum lot area requirement in the R5 district is 700 square feet per dwelling unit, or 70,700 square feet for 101 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 area requirement is reduced to 593.1 square feet per unit, or approximately 59,903 square feet for 101 units. The lot size of the subject property is 43,297 square feet. Per dwelling unit, 428.7 square feet of lot area is proposed. The variance that was granted reduced the minimum lot area requirement by 23.2 percent. To allow 101 dwelling units, a variance to reduce the lot area requirement by 27.7 percent is required. Although the number of dwelling units would increase, the number of bedrooms is proposed to be reduced from 232 to 226.

By eliminating a level of below-grade parking, the amount of proposed parking would be reduced from 119 spaces to 79 spaces. 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 226 bedrooms are proposed. Therefore, 113 spaces are required. A variance is required to reduce the minimum parking requirement from 113 to 79 spaces.

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.

**VARIANCE:** To reduce the minimum lot area requirement by 27.7 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 area requirement is 593.1 square feet per unit, or approximately 59,903 square feet for 101 units. The proposed lot area per dwelling unit is 428.7 square feet. The planning commission previously granted a variance reducing the minimum lot area requirement to 455.7 square feet per dwelling unit. The applicant is requesting the variance to allow 6 additional units, but is proposing to reduce the number of bedrooms by 6. 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 100.9 dwelling units per acre. At the time the previous lot area variance was granted, the applicant was proposing to provide 119 parking spaces (1.25 spaces per dwelling unit and 0.51 spaces per bedroom). Because staff is recommending denial of the

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parking variance request and the parking requirement is in part determined by the number of dwelling units, staff is recommending denial of the lot area variance request 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 is proposing to reduce the number of 4 bedroom units. The number of previously approved and proposed unit types is referenced in the table below:

Unit Type	Previously Approved	Proposed
Studio	8	8
One bedroom	18	24
Three bedroom	35	41
Four bedroom	34	28

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, reducing the parking requirement by 30 percent could adversely affect surrounding properties.

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

Uses in the immediate area are primarily residential. The proposed variance will not alter the character of and should have little effect on the surrounding area if sufficient parking is provided on-site to address the parking demand. 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 minimum parking requirement from 113 to 79 spaces.

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

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

Generally, the minimum parking requirement is one space per unit. In the UA overlay district, 0.5 spaces per bedroom, but not less than one space per dwelling unit, is required. A total of 226 bedrooms are proposed. Therefore, 113 spaces are required. A total of 79 vehicle parking spaces are proposed, which is equivalent to 0.78 spaces per dwelling unit and 0.35 spaces per bedroom. Although some practical difficulties exist on this site, they do not prevent providing the required

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amount of parking within the building. Further, the applicant should provide additional transportation alternatives to warrant reducing some of the parking requirement.

Ground water levels at this site make construction of two levels of below-grade parking impractical. The applicant had a geotechnical exploration and review report prepared for this site. The report, dated November 21, 2011, noted that borings measured ground water levels at approximately 19.5 to 24.5 feet below grade. Constructing two-levels of below-grade parking would require excavating to a depth of approximately 26 feet in order to accommodate both parking levels and elevator equipment areas. Public Works Department—Sewer Design comments from the Preliminary Development Review report, dated April 19, 2012, noted that non-stormwater discharges into the storm drains are not allowed. The ratio of the size of the development to the size of the site does not allow for non-stormwater discharges to be effectively managed on-site. However, the ground water level does not prevent the applicant from altering the building design and incorporating some parking on the ground level. Staff recognizes that this would result in the loss of habitable space.

Previously, a variance of this size has only been granted in locations designated by the comprehensive plan as transit station areas *and* activity centers. This site is in neither designated land use feature, but does have access to high frequency transit. It is within 4 blocks of transit stops located on University Avenue and 4<sup>th</sup> Street adjacent to 15<sup>th</sup> Avenue that provide access to 14 bus routes. Also, the site's close proximity to the University of Minnesota and Dinkytown most certainly has an effect on the trip generation rates. The applicant has provided a copy of an independent study on traffic generation for student apartments near the University of Minnesota. Although the study shows that average trip generation rates are low, it doesn't identify the actual parking demand and how many spaces are occupied on average.

The zoning code authorizes incentives to reduce the minimum parking requirement. The proposed development could qualify for one, but not the other. To qualify for the shared vehicle incentive, which would reduce the minimum parking requirement by 10 percent, the applicant would need to provide two shared vehicles on-site for common use by residents (the reduction applies when there are no more than 100 dwelling units per shared vehicle. The other incentive reduces the minimum parking requirement by 10 percent when the proposed use is located within 300 feet of a transit stop with midday service headways of 30 minutes or less in each direction. Because 4<sup>th</sup> Street and University Avenue are one-way streets, the site is not within 300 feet of transit stops providing service in both directions. Therefore they cannot qualify for this incentive. The two closest transit stops are approximately 190 feet and 450 feet, as the crow flies, from the subject site. Together they serve two bus routes and provide midday service headways of 30 minutes or less in each direction.

Although the site doesn't qualify for the transit incentive, offering additional transportation alternatives could off-set some parking demand. The applicant is already proposing to provide 231 bicycle spaces and 24 scooter spaces in the parking garage and 4 short-term bicycle racks near the main entrance. A total of 226 bicycle and/or scooter spaces are required. They are also proposing to promote use of a shared vehicle located in the neighborhood. However, one is not proposed to be provided on-site. Providing a shared vehicle on-site could reduce a fair amount of the parking demand.

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

The purpose of parking regulations is to provide for the parking needs of uses and structures and to enhance the compatibility between parking areas and their surroundings. The UA University Area Overlay District is established to ensure high quality residential development through site design and off-street parking regulations that acknowledge the unique demands placed on land uses near a major center of educational employment and enrollment. The use of the site for a multiple-family dwelling is reasonable and is in keeping with the spirit and intent of the ordinance and the comprehensive plan. The minimum parking requirement is determined by the number of dwelling units and bedrooms proposed. The site has convenient access to the University of Minnesota, neighborhood serving retail sales and services uses, and alternative modes of transportation with frequent service. Also, secure bicycle and scooter parking in excess of the minimum amount required would be provided for the residents and their guests. However, the applicant has not demonstrated the actual average parking demand to show that reducing the minimum parking requirement by 30 percent will not have adverse effects on the neighborhood. A variance of this size has not been previously granted outside of activity centers and transit station areas. Staff is concerned about adverse effects this precedence could set.

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

The applicant is requesting a variance to reduce the minimum parking requirement by 30 percent. With multiple alternative transportation options available in the immediate area and providing bicycle and scooter parking in excess of the minimum amount required, some reduction to the parking requirement should not increase congestion in the area or effect surrounding properties. However, there are questions of the actual demand and what kind of precedence will be set for future development proposals in the University area. The University Area Overlay District was established to address an issue of insufficient parking supply. Unless more factors determining projected parking demand differentiating this development from previous developments can be identified, reducing the minimum parking requirement to less than one parking space per dwelling unit cannot be warranted. Granting 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.

**RECOMMENDATIONS**

**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 27.7 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 minimum parking requirement from 113 to 79 spaces at the property of 1101 University Avenue Southeast.

**Attachments:**

1. Applicants statement of use, findings
2. Copy of independent traffic article/study submitted by applicant
3. Zoning map
4. Plans