

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning, Conditional Use Permit, Variances and Site Plan Review  
BZZ-5638

**Date:** August 13, 2012

**Applicant:** CPM Development, Attn: Nick Walton, 2919 Knox Avenue South, Suite #200, Minneapolis, MN 55408

**Address of Property:** 1016, 1024, and 1032 Washington Avenue SE, 1025 Delaware Street SE, and 2408 University Avenue SE

**Project Name:** WaHu Student Housing

**Contact Person and Phone:** BKV Group, Inc., Attn: Gretchen Camp, 222 N. 2<sup>nd</sup> Street, Minneapolis, MN 55401, (612) 373-9122

**Planning Staff and Phone:** Becca Farrar, (612)673-3594

**Date Application Deemed Complete:** June 21, 2012

**End of 60-Day Decision Period:** August 20, 2012

**End of 120-Day Decision Period:** On July 23, 2012, Staff sent a letter to the applicant extending the decision period to no later than October 19, 2012.

**Ward:** 2      **Neighborhood Organization:** Prospect Park – East River Road Improvement Association (PPERRIA)

**Existing Zoning:** C2 (Neighborhood Corridor Commercial) District, C3A (Community Activity Center) District, Stadium Village Area PO (Pedestrian-Oriented) Overlay District, and UA (University Area) Overlay District

**Proposed Zoning:** C3A (Community Activity Center) District, Stadium Village Area PO (Pedestrian-Oriented) Overlay District, and UA (University Area) Overlay District

**Zoning Plate Number:** 22

**Lot area:** 84,283 square feet or approximately 1.93 acres

**Legal Description:** 1016 Washington Avenue SE: That part of vacated 24th Avenue Southeast, and that part of Lot 1, Block 22, and that part of Lots 2, 3 and 6, Block 23, all in Regents Addition described as follows: Beginning at the point of intersection of the Southwesterly line of said Lot 1, Block 22 with the Southerly line of Washington Avenue Southeast as opened by the City of Minneapolis; thence Southeasterly along the Southeasterly lines of Lot 1, Block 22, and said Lot 2, Block 23 and extensions thereof a distance of 317.35 feet; thence deflecting to the left at an angle of 110 degrees 04 minutes 56 seconds of a distance of 13219 met; thence deflecting to the left at an angle of 69 degrees 55 minutes 04 seconds a distance of 233.59 feet to the Southerly line of Washington Avenue Southeast as opened by the City of Minneapolis; thence Easterly, along the Southerly line of Washington Avenue Southeast, 129.95 Met to the point of beginning, Hennepin County, Minnesota.

**Proposed Use:** Construction of a 6 and 11-story, mixed-use development that includes 333 residential dwelling units with 790 bedrooms and approximately 30,500 square feet of ground level commercial/retail space.

**Concurrent Review:**

- Petition to rezone the property located at 1016 Washington Avenue SE from the C2 (Neighborhood Corridor Commercial) district to the C3A (Community Activity Center) district. Both the PO (Pedestrian-Oriented) Overlay District and UA (University Area) Overlay District will be maintained.
- Conditional Use Permit to increase the maximum permitted height of a mixed-use building from 4 stories or 56 feet to approximately 11 stories or 132 feet at the tallest point.
- Variance to increase the maximum permitted Floor Area Ratio (F.A.R.) from 4.32 to 5.14.
- Variance to reduce the setback along the east interior side yard from 15 feet to 0 feet at the closest point.
- Variance to allow for an increase in the maximum retail size from 8,000 square feet up to 18,500 square feet.
- Variance to reduce the parking requirement for the residential component of the development in the UA district from 356 spaces to 336 spaces.
- Site Plan Review to allow for the construction of a new 6 and 11-story mixed-use development that includes 333 residential dwelling units with 790 bedrooms and approximately 30,500 square feet of ground level commercial/retail space.

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

**Background:** The applicant proposes to construct a new 6-story (73 feet tall) and 11-story (132 feet) mixed-use development that includes 333 residential dwelling units with 790 bedrooms and approximately 30,500 square feet of ground level commercial/retail space on the properties located at 1016, 1024, and 1032 Washington Avenue SE, 1025 Delaware Street SE, and 2408 University Avenue SE. The site is bordered by Washington Avenue SE and University Avenue SE to the north, Huron Boulevard to the west, and Delaware Street to the south. The property is located in the C2 (Neighborhood Corridor Commercial) and C3A (Community Activity Center) zoning districts and within the Stadium Village Area PO (Pedestrian-Oriented) Overlay District and UA (University Area) Overlay District. A rezoning is necessary to unify the underlying zoning districts on the subject development parcel. The applicant proposes to rezone the property located at 1016 Washington Avenue SE to the C3A district. A conditional use permit is also required in order to allow for an increase in height for the proposed building from 4 stories or 56 feet to 11 stories or 132 feet at the tallest point. Several variances are also required for the proposed development which include: **(1)** Variance to increase the maximum permitted Floor Area Ratio (F.A.R.) from 4.32 to 5.14; **(2)** Variance to reduce the setback along the east interior side yard from 15 feet to 0 feet at the closest point; **(3)** Variance to allow for an increase in the maximum retail size from 8,000 square feet up to 18,500 square feet; **(4)** Variance to reduce the parking requirement for the residential component of the development in the UA district from 356 spaces to 336 spaces; and site plan review.

The proposed 6-story (73 foot tall) and 11-story (125 feet tall) mixed-use development would include retail and commercial space on the first floor facing Washington Avenue SE, University Avenue SE and Huron Boulevard SE. The upper floors of the building would include 333 units of market-rate rental housing with a mix of units that include 790 bedrooms: studio units (8%); one-bedroom units (20%); two-bedroom units (33%); three-bedroom units (13%) and four-bedroom units (26%). A total of 416 parking

spaces would be provided on-site, below grade and within two enclosed above grade levels with 80 spaces dedicated to the retail/commercial component and 336 spaces dedicated to the residential component. Technically, no off-street parking is required for the non-residential uses proposed as part of the mixed-use development due to the fact that the property is located in the Stadium Village Area PO. A total of 800 bicycle parking spaces would be provided within the enclosed garage with an additional 24 spaces located at grade.

Proposed amenities for residents include secured building access, common study areas, community rooms, outdoor courtyards and roof decks, and an indoor/outdoor pool. Exterior materials would be contemporary and include glass, metal panels, metal siding and cement board panels.

Staff has received official correspondence from the Prospect Park – East River Road Improvement Association (PPERRIA) prior to the printing of this report. The applicant and the neighborhood association have a signed Memorandum of Understanding (MOU) regarding the proposed development which has been attached for reference. Any additional correspondence received after the printing of this report will be forwarded on to the Planning Commission for consideration.

**REZONING** – from the C2 to the C3A district

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

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcels are designated as mixed-use and are located within the designated Stadium Village Activity Center, within the Stadium Village Area PO Overlay District, and within the Stadium Village TSA. The site is adjacent to the University of Minnesota Growth Center and a portion of the parcel abuts University Avenue SE which is a designated Commercial Corridor, transitioning to a Community Corridor in this location. The following policies and implementation steps of *The Minneapolis Plan for Sustainable Growth* apply to this proposal to unify the underlying zoning district to C3A for the purposes of constructing a new mixed-use development:

Land Use Policy 1.1 states: “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation step: (1.5.1) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

Land Use Policy 1.2 states: “Ensure appropriate transitions between uses with different size, scale, and intensity.” This policy includes the following applicable implementation step: (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.”

Land Use Policy 1.3 states: “Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit. This policy includes the following applicable implementation steps: (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”; and (1.3.2) “Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.”

Land Use Policy 1.4 states: “Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.” This policy includes the following applicable implementation steps: (1.4.1) “Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served”; (1.4.2) “Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level”; (1.4.4) “Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.”

Land Use Policy 1.5 states: “Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.” This policy includes the following applicable implementation step: (1.5.1) “Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.”

Land Use Policy 1.8 states: “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.” This policy includes the following applicable implementation step: (1.8.1) “Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.”

Land Use Policy 1.12 states: “Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.” This policy includes the following applicable implementation steps: (1.12.1) “Encourage a variety of commercial and residential uses that generate activity all day long and into the evening”; (1.12.2) “Encourage mixed use buildings, with commercial uses located on the ground floor and secure entrances for residential uses”; (1.12.3) “Encourage active uses on the ground floor of buildings in Activity Centers”; (1.12.5) “Encourage a height of at least two stories for new buildings in Activity Centers, in keeping with neighborhood character”; (1.12.6) “Encourage the development of high- to very-high density housing within the boundaries of Activity Centers.”

Land Use Policy 1.13 states: “Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.” This policy includes the following applicable implementation steps: (1.13.1) “Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations”; (1.13.5) “Concentrate highest densities and mixed use development adjacent to the transit station and along connecting corridors served by bus.”

Housing Policy 3.1 states: “Grow by increasing the supply of housing.” This policy includes the following applicable implementation step: (3.1.1) “Support the development of new medium- and high-density housing in appropriate locations throughout the city.”

Housing Policy 3.2 states: “Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.” This policy includes the following applicable implementation step: (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.”

Urban Design Policy 10.4 states: “Support the development of residential dwellings that are of high quality design and compatible with surrounding development.”

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

Urban Design Policy 10.9 states: “Support urban design standards that emphasize traditional urban form with pedestrian scale design features at the street level in mixed-use and transit-oriented development.” This policy includes the following applicable implementation steps: (10.9.1) “Encourage both mixed-use buildings and a mix of uses in separate buildings where appropriate; (10.9.4) Coordinate site designs and public right-of-way improvements to provide adequate sidewalk space for pedestrian movement, street trees, landscaping, street furniture, sidewalk cafes and other elements of active pedestrian areas.”

Planning Staff believes that the proposal to rezone the subject property from the C2 district to the C3A district for a new mixed-use development is supported by the above listed policies and implementation steps of *The Minneapolis Plan for Sustainable Growth*.

The proposed project is consistent with the land use and development guidance outlined in the Stadium Village University Avenue Station Area Plan (expected adoption August of 2012). The redevelopment is consistent with the vision for development in that area as specifically noted: “Redevelopment at the intersection of Huron Boulevard/University Avenue and Washington Avenue should be designed as signature buildings and a gateway into the Stadium Village Station Area. High density mixed-use is appropriate for this area, and may include significant height.”

The plan also generally supports enhanced public spaces along the corridor that could be seen as being consistent with the site/landscaping plan for the site: “Where feasible, encourage the development of several small urban gathering places/parks along 27<sup>th</sup> Avenue SE, 29<sup>th</sup> Avenue SE, Huron Boulevard, Washington Avenue SE, University Avenue and 4<sup>th</sup> Street SE.” The plan further encourages a convertible street concept that the applicant may pursue in the future with Public Works approval: “Create a “convertible street” plaza along the extension of Washington Avenue to University Avenue. This space will provide for normal traffic operations for a majority of the time but can be closed for programmed community/University events.”

## **2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.**

A rezoning to the C3A district would be considered in both the interest of the property owner and in the public interest. Regarding the property owner’s interest, the property would be classified under one unified zoning classification allowing it to be redeveloped as proposed. In terms of the public interest, the rezoning would allow for redevelopment of a key property located along the Central Corridor LRT line that is consistent with adopted policy due to the incorporation of a high-density, mixed-use development on the site. The development would further enhance the vitality of the Activity Center and the TSA.

**3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

The subject site is located within the Stadium Village Activity Center. The zoning classifications surrounding the subject site are predominantly C3A, C2, OR2, R6 and R5; all zoning districts that allow for higher density uses. The property is also located within the Stadium Village Area PO Overlay District, within the Stadium Village TSA, adjacent to the University of Minnesota Growth Center and a portion of the parcel abuts University Avenue SE which is a designated Commercial Corridor, transitioning to a Community Corridor in this location. The uses within the area are varied and include assorted commercial, residential and institutional uses. Given the surrounding zoning classifications, the context and uses in the area, as well as adopted policy, Staff believes that rezoning the subject site to C3A would be appropriate and compatible in this location.

**4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.**

In general, there are reasonable uses allowed under the C2 zoning classification but the properties must be uniformly zoned in order to be combined for redevelopment. The City's adopted policies encourage a high-density, mixed-use development on the property. Further, the C3A district is appropriate within the boundaries of a designated Activity Center and TSA. Planning Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classification for the property.

**5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

Under the 1963 Zoning Code, the subject property and the surrounding area were zoned differently than what they are zoned today, as the majority of the zoning classifications were B3C-4 (Community Commercial), B3-2 (Community Retail), B1-2 (Office-Residence), B3C-4 (Community Commercial) and M1-2 (Light Manufacturing). When the properties were rezoned in 1999 as part of a comprehensive rezoning study, the commercial properties were generally rezoned to commercial or office-residence zoning classifications. There have been significant ongoing changes relative to the character and trend of development in the area. The area has seen significant redevelopment predominantly due to the growth in the student housing market and the corresponding development of the Central Corridor LRT line. The amendment to alter the existing zoning classification on the property would not adversely impact the transitions occurring in the area. Due to the proximity of the site to C3A zoning as well as the mix of uses within the general area, Staff believes that the rezoning request is reasonable, appropriate and consistent with adopted policy.

**CONDITIONAL USE PERMIT** – to increase the maximum permitted height from 4 stories or 56 feet to approximately 11 stories or 132 feet at the tallest point.

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

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

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

Staff does not believe that allowing a new 6 and 11- story structure would be detrimental to or endanger the public health, safety, comfort or general welfare. The proposed development accommodates the mixed-use and residential density that is desired along an LRT corridor. Further, there is a mixture of building heights in the vicinity with developments of relative comparable height varying from 5 to 9 stories.

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

This property is located in a fully developed area and allowing additional height would not be expected to be injurious to the use and enjoyment of other property in the vicinity nor should it impede on possible future development. The subject development site is located across University Avenue SE from the Stadium Village stop on the Central Corridor LRT line and adopted City policies encourage both high and moderate density mixed-use developments along transit corridors. In order to achieve the desired density and to provide the mix of uses, an increase in height above the district standards is necessary to accomplish the relevant provisions.

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

The site would be accessed via two curb cuts off of University Avenue SE and Huron Boulevard SE to a parking and loading area that includes 416 parking stalls within both a below grade garage and within two levels of enclosed above grade parking. A total of 80 enclosed parking stalls would be dedicated to the retail/commercial component of the development and the remaining 336 stalls would be dedicated to the residential component. The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required to continue to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development should the applications be approved. This would be required to ensure that all procedures are followed and that the development complies with all city and other applicable requirements. The applicant is aware that all applicable plans are expected to incorporate any applicable comments or modifications as required by the Public Works Department.

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

The additional height of the development should have no effect on the traffic congestion in the area. Measures have been provided in regard to minimizing traffic congestion from a parking perspective as the applicant would be providing adequate off-street parking for both vehicles (416 spaces) and bicycles (800 spaces in the enclosed garage and 24 spaces at grade). Further, the site is located across University Avenue SE from the Stadium Village stop on the Central Corridor LRT line and within close proximity to multiple bus lines.

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

See the above listed response to finding #1 in the rezoning application as the policies and implementation steps identified apply to the CUP to increase the maximum permitted height. While no small area plans for this area of Minneapolis have been adopted by the City Council to date, the Stadium Village University Avenue Station Area Plan is expected to be adopted by the City Council, next month, in August of 2012. The redevelopment is consistent with the vision for this area as outlined in the plan.

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

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

**ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT**

In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the maximum height:

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

This development would be expected to have some impacts on the amount of light and air that surrounding properties receive as the existing structures on the premises, a single-story fast-food restaurant, single-story Plasma Center and a two-story building with a variety of office uses exists on the site. The development as proposed would be significantly taller than what exists at 6 and 11 stories thus it would likely have some impacts on access to light and air. Staff would expect some shadowing effects on the adjacent non-residential uses according to the attached shadow survey. It is important to note that the adjacent properties are commercial and all other properties are located across streets from the subject site.

**2. Shadowing of residential properties or significant public spaces.**

The project would not shadow any existing residential properties, although the public open space located on the block across Washington Avenue to the north would be shadowed minimally depending on the time of day and the season. Further, the massing of the additions and the variation in building height from 6 to 11-stories, with the 11-story portion oriented towards the intersection of Huron Boulevard SE and University Avenue SE limits the impacts of shadowing.

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

The scale and character of the buildings as well as the architectural styles of the surrounding properties in this area are varied. Staff believes that the proposal is compatible with the scale and character of other buildings in the area. There is a mixture of building heights in the vicinity with developments of relative comparable height varying from 5 to 9 stories. The design and allocation or distribution of height on site would be compatible with the contextual surroundings.

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

There are no landmark buildings, significant open spaces or water bodies near the development site that would be affected by the development.

**VARIANCES** – (1) Variance to increase the maximum permitted Floor Area Ratio (F.A.R.) from 4.32 to 5.14; (2) Variance to reduce the setback along the east interior side yard from 15 feet to 0 feet at the closest point; (3) Variance to allow for an increase in the maximum retail size from 8,000 square feet up to 18,500 square feet; (4) Variance to reduce the parking requirement for the residential component of the development in the UA Overlay District from 356 spaces to 336 spaces.

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

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

**Variance to allow an increase in the maximum allowable floor area ratio (FAR):** Typically, the C3A district limits the base FAR to 2.7; however, the project as proposed qualifies for two density bonuses of 30% in the TSA PO for mixed-use and enclosed parking. With the application of both density bonuses, the project is allowed an increase in FAR to 4.32 which translates to an allowable gross floor area of 364,102 square feet. The applicant proposes an FAR on the site of 5.14, a variance of approximately 16% or a gross floor area of 433,215 square feet. Planning Staff believes that practical difficulties exist in complying with the ordinance specifically due to the fact that adopted City policies encourage high-density, mixed-use, transit-oriented development in this location. As such, the request to increase the maximum allowable FAR on site is reasonable and appropriate in this circumstance.

**Variance to reduce the setback along the east interior side yard from 15 feet to 0 feet at the closest point:** A 15-foot setback is required along the east property line due to the fact that residential windows face the interior side yard lot line. The first floor of the structure, which would contain commercial uses and parking, is not subject to a setback and would be constructed up to the property line. The proposed setback for the upper floors varies from 0 feet to 20 feet based on location and the inclusion of window openings. The property is unique and triangular in shape with frontage on three public streets. The subject area is the only side of the property not abutting a public street. While the commercial uses can be constructed at zero lot line as proposed, the floors located above, due to their residential nature require a setback of 15 feet (the abutting elevation is 6-stories tall). Given the uniqueness of the site, Staff believes that practical difficulties existing in complying with the ordinance and allowing a reduction in the setback sporadically along this property line is a reasonable use of the subject site given the context.

**Variance to allow an increase in the maximum allowable retail space size:** The C3A district limits the size of retail/commercial uses to 8,000 square feet. The applicant proposes to allow for an increase up to 18,500 square feet based on the incorporation of a potential grocery store on the site. The proposed increase allows for future flexibility in the square footage range for the potential tenant. Provided the floor plan for this tenant complies with all required window openings, Planning Staff believes that practical difficulties exist in complying with the ordinance and allowing an increase for the purpose of attracting a use that is desired by the neighborhood is reasonable given the circumstances.

**Variance to reduce the parking requirement for the residential component:** Technically, no off-street parking is required for the non-residential uses proposed as part of the mixed-use development due to the fact that the property is located in the Stadium Village Area PO. However, the applicant intends to provide a total of 416 parking spaces on the premises, 80 of which would be dedicated to the retail/commercial uses proposed on the site. Based on the location of the property in the UA Overlay

District, one-half (1/2) parking space per bedroom but not less than one (1) space per dwelling unit is required for the residential component. According to the applicant, a total of 790 bedrooms in 333 dwelling units are proposed on the subject site. Therefore, a total of 395 off-street parking spaces would be required. This amount would be further reduced to 90% due to the location of the property within the Stadium Village TSA PO, or a requirement of 356 spaces. A total of 416 spaces are being provided on-site but only 336 are dedicated to the residential component of the development; a deficit of 20 spaces. Given the fact that the site will house students, is located across the street from the University of Minnesota campus and along the Central Corridor LRT line, Planning Staff believes that ample parking is being provided for the development and practical difficulties exist in complying with the ordinance in this unique circumstance. The request to reduce the residential parking requirement by 20 spaces in an effort to provide off-street parking for the commercial component of the building is reasonable.

**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.**

**Variance to allow an increase in the maximum allowable floor area ratio (FAR):** The proposal to allow an increase in the maximum allowable FAR for the site is reasonable and would be keeping with the spirit and intent of the ordinance and comprehensive plan. The site is located within a designated Activity Center, within the Stadium Village Area PO Overlay District, and within the Stadium Village TSA. The site is also adjacent to the University of Minnesota Growth Center and a portion of the parcel abuts University Avenue SE which is a designated Commercial Corridor, transitioning to a Community Corridor in this location. The property is also located along the Central Corridor LRT line. All adopted policies for this area call for mixed-use, high-density, transit-oriented development. The proposal is reasonable given all of these unique circumstances.

**Variance to reduce the setback along the east interior side yard from 15 feet to 0 feet at the closest point:** The proposal to reduce the setback for the residential floors of the building from 15 to 0 feet at the closest point is reasonable given the context and would be keeping with the spirit and intent of the ordinance and comprehensive plan. The proposed building incorporates window openings on this elevation and a setback ranging from 0 feet to 20 feet. The project actually maintains the required setback for approximately 275 feet, but is non-compliant for approximately 120 feet or 30% of the property's length.

**Variance to allow an increase in the maximum allowable retail space size:** The proposal to allow an increase in the maximum allowable retail space size from 8,000 square feet up to 18,500 square feet is reasonable and would be keeping with the spirit and the intent of the ordinance and the comprehensive plan. The site is unique in its location and proximity to various land use features. Further, this geographical area has been identified as being appropriate for a larger retail use such as a grocery store in order to provide desired goods and services for the surrounding vicinity.

**Variance to reduce the parking requirement for the residential component:** The proposal to reduce the required off-street parking for the residential component of the development by 20 spaces is reasonable and would be in keeping with the spirit and the intent of the ordinance and the comprehensive plan. The site is unique in its location and proximity to various land use features. Further, based on similarly situated student housing developments, the proposed parking ratio at approximately .42 is consistent with other recent approvals in the area.

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

**Variance to allow an increase in the maximum allowable floor area ratio (FAR):** The granting of the variance to allow an increase in the maximum FAR on the subject site would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. Adopted City policies encourage this type of high-density, mixed-use, transit-oriented development on the subject parcel. The proposal is contextually appropriate given its location within a pedestrian and transit-oriented area.

**Variance to reduce the setback along the east interior side yard from 15 feet to 0 feet at the closest point:** The granting of the variance to allow a reduction in the interior side yard setback requirement due to residential windows that face the interior side yard would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. Much of the building complies with the required setback, and variations in the setback requirement span from 0 feet to 20 feet depending on location. Planning Staff believes that the proposal to reduce the setback in some locations along the east property line is reasonable given the context which is abutting non-residential uses.

**Variance to allow an increase in the maximum allowable retail space size:** The intent of the ordinance is to encourage small-scale retail sales and services uses. The granting of the variance to allow an increase in the maximum allowable retail space would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. Planning Staff believe that the overall size request can be mitigated by ensuring that all applicable conditions of approval related to window openings are adhered to and enforced as necessary.

**Variance to reduce the parking requirement for the residential component:** The proposal to reduce the parking requirement by 20 spaces for the residential component of the development would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The proposal is contextually appropriate given its location within a pedestrian and transit-oriented area.

## **SITE PLAN REVIEW**

### **Required Findings for Site Plan Review**

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

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

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

**Minimum window area shall be measured as indicated in section 531.20 of the zoning code.**

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

The development is not subject to required yards along any of the three street frontages; however, there is an interior side yard requirement that is being varied as part of the development proposal. All portions of the first floor of the building facing each of the street frontages are located within 8 feet of the front lot line. A total of 333 residential units are proposed for the site along with approximately 30,500 square feet of ground level commercial/retail space. The residential lobby is oriented towards the intersection of Huron Boulevard SE and Washington Avenue SE with a principal entry in that location. The commercial tenants along each of the street frontages are oriented towards either Huron Boulevard SE, Washington Avenue SE or University Avenue SE and each tenant would have principal entrances facing the public street. The design of the site maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation along all three street frontages. The area between the building and the public streets would have new tree plantings, shrubs and perennials in addition to planted berms, seating and a water feature.

The north elevation of the building along Washington Avenue SE incorporates windows that exceed the 40% PO district window requirement as approximately 61% are provided according to the submitted elevations. The windows on this elevation are evenly distributed and vertical in proportion.

The west/south elevation of the building along Huron Boulevard SE incorporates windows that exceed the 40% PO district window requirement as approximately 58% are provided according to the submitted elevations. The windows on this elevation are evenly distributed and vertical in proportion.

Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. The proposal is meeting the intent of this requirement by integrating active uses along all public street frontages. The proposed development meets the 10% window requirement on each floor above the first floor that faces the public street and public sidewalk.

There is a blank, uninterrupted wall greater than 25 feet in length that does not include windows, entries, recesses or projections, or other architectural elements on the east elevation of the building. Nearly the entire bottom two floors are blank along this elevation. Planning Staff believes that it would be appropriate and practical to require compliance via some sort of material change in this location to break up the blankness of the wall due to the fact that the wall is approximately 400 linear feet in this location.

The exterior materials would be compatible on all sides of the proposed building as the materials would be contemporary and include glass, metal panels, metal siding and cement board panels. The proposed building form and flat roof would be considered compatible with other buildings in the area.

A single-level underground parking garage, and two enclosed interior floors are proposed as part of the development which provides parking for the commercial and residential components of the project. The parking is accessed off of both Huron Boulevard SE and Washington Avenue SE. The parking garage is not exposed.

#### **ACCESS AND CIRCULATION:**

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

The principal entry to the lobby of the residential portion of the structure would be located at the intersection of Huron Boulevard SE and Washington Avenue SE and there are principal entries to all ground level commercial spaces located directly off of the public sidewalk or connected to the public sidewalk by walkways that are greater than 4 feet in width along each street frontage.

There are no transit shelters within the development, however the site is located within close proximity to several bus lines and across the street from the Stadium Village stop on the Central Corridor LRT line.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. The number of curb cuts to the site has been minimized to the extent practical as one would be located off of University Avenue SE and the other off of the opposing side of the site along Huron Boulevard SE.

There is no public alley adjacent to the site.

The entire site is impervious, as the building footprint covers over 92% of the site, and walkways and other impermeable surfaces are located on the remaining 8% of the lot. However, landscaping is proposed to be provided within the public right-of-way along Washington Avenue SE, University Avenue SE and Huron Boulevard SE. The area between the building and the public streets would have new tree plantings, shrubs and perennials in addition to planted berms, seating and a water feature.

## **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.**

According to the applicant, once the project is complete, approximately zero square feet will be landscaped on the premises, which would not meet the 20% landscaping requirement. The site is approximately 84,283 square feet in size with the building occupying a footprint of 77,790 square feet. A total of 1,299 square feet of landscaping would be necessary to meet the 20% requirement. Alternative compliance would be necessary. Based on the configuration of the building on the premises it would not be practical to require compliance with the 20% landscaping provision as the only available location for landscaping would be where the building is recessed 8 feet or less from the property line along the public streets. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance. The zoning code requires that there be at least 3 trees and 13 shrubs planted on the site. Alternative compliance is necessary. In lieu of, landscaping the applicant is proposing to locate 4,528 square feet of landscaping, 20 deciduous trees as well as a total of 103 shrubs and 904 perennial plantings in the public right-of-way, but they do not officially count towards the quantities required on-site. Planning Staff would recommend that the Planning Commission grant alternative compliance as it would not be practical to require compliance with this provision due to the limited planting areas on the premises.

**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.

All parking for the proposed project is being provided in a below grade and above grade enclosed parking facility accessed off of University Avenue SE or off of Huron Boulevard SE. The water drainage on site has been designed so as not to drain onto any adjacent lots. The applicant is incorporating on-site retention and filtration.

Staff would expect the proposal to have some impacts on views as the proposed structure, which varies between 6 and 11-stories, is significantly taller than the existing development located on the premises which tops out at 2 stories. The proposed structure would also be expected to have some shadowing impacts on adjacent properties and on public spaces (see the attached shadow survey and conditional use permit findings as listed above). The proposed structure would also be expected to have some minimal impacts on light, wind and air in relation to the surrounding area as well.

The site appears to incorporate the applicable CPTED principles. The active uses proposed within the ground level of the building provide natural surveillance, there are windows on all sides of the building that allow people to observe adjacent public spaces and the entrances are connected to the public sidewalk. Planning Staff has no additional comments or concerns at this time regarding site safety. A detailed lighting plan will be required with the final plan submission.

There are no historic structures or structures eligible for designation on the subject site.

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

**ZONING CODE** - The proposed use of the site for 333 dwelling units is permitted in the C3A District. The commercial uses are also permitted as proposed provided a variance to allow an increase in size is approved.

With the approval of the rezoning, conditional use permit, variances and site plan review, this development would meet the requirements of the C3A zoning district.

### **Parking and Loading:**

*Minimum automobile parking requirement:* Chapter 541 would typically require one off-street parking space per dwelling unit or a total of 333 parking spaces for the proposed residential component of the project. However, the subject site is located within the UA Overlay District which requires one-half (1/2) parking space per bedroom but not less than one (1) space per dwelling unit. According to the applicant, a total of 790 bedrooms or 333 dwelling units are proposed on the subject site. Therefore, a total of 395 off-street parking spaces would be required. This amount would be further reduced to 90% due to the location of the property within the Stadium Village TSA PO, or a requirement of 356 spaces. A total of 416 spaces are being provided on-site but only 336 are dedicated to the residential component of the development; a deficit of 20 spaces. Due to the location of the site within the Stadium Village Area PO, the non-residential or ground floor commercial component of the development has no off-street parking requirement. The applicant is proposing to provide a total of 416 enclosed parking stalls; 80 would be reserved for the retail/commercial component and 336 spaces for the residential component.

*Maximum automobile parking requirement:* This provision is not applicable for the residential component of the development as there is no maximum parking requirement for residential uses with enclosed parking. The maximum automobile parking requirement for general retail sales and services as well as grocery stores is 1 space per 200 square feet of gross floor area. Based on the total proposed commercial square footage on-site of 30,500 square feet, the maximum parking requirement would be 153. Due to the location of the parcel within a PO, the maximum off-street parking requirement in the PO is 75% of the normal maximum. This would result in a modified maximum parking requirement of 115 spaces. As previously mentioned, due to the location of the subject site within the Stadium Village Area PO, there is no minimum off street parking required for the non-residential uses. The applicant has elected to provide 80 off street parking spaces for the non-residential component. The development is therefore in compliance with this provision.

*Bicycle parking requirement:* Typically, multiple-family dwellings with 5 or more units would have a minimum bicycle parking requirement of 1 space per 2 dwelling units. However, due to the location of the site within the UA Overlay District, residential uses are required to provide at least one (1) bicycle or motorized scooter parking space per one (1) bedroom. Based on the proposed 790 bedrooms, a total of 790 bicycle parking spaces are required. Further, not less than 90% of the required bicycle parking shall meet the standards for long-term bicycle parking which are as follows:

- *“Required long-term bicycle parking spaces shall 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. With permission of the zoning administrator, long-term bicycle parking spaces for non-residential uses may be located off-site within three hundred (300) feet of the site.”*

The applicant is in compliance with the requirement as a total of 800 bicycle parking spaces are located within the parking garage.

General retail sales and services uses as well as grocery stores require 3 spaces or 1 space per 5,000 square feet of gross floor area, whichever is greater. Based on the requirement, 3 spaces would be required for each of the proposed commercial tenant spaces, totaling 15 spaces plus an additional 4 spaces for the grocery store if constructed. Therefore, a total of 19 bicycle parking spaces would be required, of

which not less than 50 percent of the required bicycle parking shall meet the standards for short-term bicycle parking which are as follows:

- *“Required short-term bicycle parking spaces shall be located in a convenient and visible area within fifty (50) feet of a principal entrance and shall permit the locking of the bicycle frame and one (1) wheel to the rack and shall support a bicycle in a stable position without damage to the wheels, frame or components. With the permission of the city engineer, required bicycle parking may be located in the public right-of-way. Public bicycle parking spaces may contribute to compliance with required bicycle parking when located adjacent to the property in question.”*

An additional 24 bicycle parking spaces would be provided for the retail/commercial component of the development that exceeds the standards as noted above.

**Loading:** There is a loading requirement for the residential portion of the development as multiple-family dwellings over 250 units require two small spaces or one large space. The commercial component of the development has a varying requirement, as the grocery store has a high loading requirement which requires one large loading space for a grocery store with an area between 10,001 square feet and 30,000 square feet. The remaining retail/commercial space on site would be categorized as having a low loading requirement which does not require a loading space if under 20,000 square feet. Therefore, either two small or one large loading space are required in conjunction with one large loading space for the grocery store component. Ample loading is provided interior to the site as two small spaces and one large space are provided.

**Dumpster screening:** Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. A trash room is included within the interior of the proposed structure.

**Signs:** No signage is proposed at this time. Any proposed future signage shall meet the requirements of the code. Separate permits are required from the Zoning Office for any future signage on site.

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

**Maximum Floor Area:** The maximum F.A.R. for all structures in the C3A District is the gross floor area of the building which is 433, 474 square feet divided by the area of the lot which is 84,283 square feet. The outcome is 5.14 which is greater than the maximum of 2.7 that is permitted in the C3A District. However, the proposed development is eligible for two 30% TSA PO density bonuses for underground/enclosed parking and mixed-use which would allow the applicant a maximum F.A.R. of 4.32. A variance to allow an increase in the maximum floor area ratio allowed on the subject site from 4.32 to 5.14 has been evaluated above in the variance section of the staff report.

**Minimum Lot Width and Lot Area:** The project would meet the minimum lot width requirements of the C3A District as the development is situated on a lot greater than 40 feet in width. Multiple-family developments in the C3A District require 400 square feet per dwelling unit. A 333-unit development with

two 30% bonuses for underground/enclosed parking and mixed-use would require a lot having an area of no less than 83,283 square feet. The subject parcel is 84,283 square feet in size.

**Dwelling Units per Acre:** With 333 dwelling units on a site having 84,283 square feet of lot area, the proposal would include approximately 173 dwelling units per acre.

**Height:** Maximum building height for principal structures located in the C3A District is 4 stories or 56 feet, whichever is less. The proposal would not conform to this requirement as the structure is proposed to be 11 stories or approximately 132 feet tall at the tallest point. The conditional use permit application for the proposed increase in height has been evaluated above.

**Yard Requirements:** The required yards are as follows:

*Front – (adjacent to Washington Avenue SE, University Avenue SE, and Huron Boulevard SE):* 0 feet

*Interior side yard along the east property line - (5+2x):* 15 feet

The applicant has submitted a variance application to reduce the east interior side yard setback to 0 feet at the closest point. See the variance findings as noted above.

**Building coverage:** Not applicable for this development.

**Impervious surface area:** Not applicable for this development.

## **MINNEAPOLIS PLAN**

See the above listed response to finding #1 in the rezoning application as the policies and implementation steps identified apply to the site plan review application as well.

## **Conformance with Applicable Development Plans or Objectives Adopted by the City Council**

While no small area plans for this area of Minneapolis have been adopted by the City Council to date, the Stadium Village University Avenue Station Area Plan is expected to be adopted by the City Council, next month, in August of 2012. The proposed development is consistent with the vision for this area as outlined in the plan.

## **ALTERNATIVE COMPLIANCE**

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

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

- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

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

**20% landscaping requirement:** According to the applicant, once the project is complete, approximately zero square feet will be landscaped on the premises, which would not meet the 20% landscaping requirement. The site is approximately 84,283 square feet in size with the building occupying a footprint of 77,790 square feet. A total of 1,299 square feet of landscaping would be necessary to meet the 20% requirement. Alternative compliance would be necessary. Based on the configuration of the building on the premises it would not be practical to require compliance with the 20% landscaping provision as the only available location for landscaping would be where the building is recessed 8 feet or less from the property line along the public streets. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance.

**Landscape quantities:** The zoning code requires that there be at least 3 trees and 13 shrubs planted on the site. Alternative compliance is necessary. In lieu of landscaping the applicant is proposing to locate 4,528 square feet of landscaping, 20 deciduous trees as well as a total of 103 shrubs and 904 perennial plantings in the public right-of-way, but they do not officially count towards the quantities required on-site. Planning Staff would recommend that the Planning Commission grant alternative compliance as it would not be practical to require compliance with this provision due to the limited planting areas on the premises.

**Blank uninterrupted wall:** There is a blank, uninterrupted wall greater than 25 feet in length that does not include windows, entries, recesses or projections, or other architectural elements on the east elevation of the building. Nearly the entire bottom two floors are blank along this elevation. Planning Staff believes that it would be appropriate and practical to require compliance via some sort of material change in this location to break up the blankness of the wall due to the fact that the wall is approximately 400 linear feet in this location.

## **RECOMMENDATIONS:**

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

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the property located at 1016 Washington Avenue SE from the C2 district to the C3A district. The Stadium Village Area PO (Pedestrian Oriented) Overlay District and UA (University Area) Overlay District will be maintained.

### **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 application for a

conditional use permit to allow an increase in height to 4 stories or 56 feet to approximately 6 stories and 11 stories or 132 feet at the tallest point for the properties located at 1016, 1024, and 1032 Washington Avenue SE, 1025 Delaware Street SE, and 2408 University Avenue SE subject to the following condition of approval:

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. Only a portion of the subject building located at the intersection of Huron Boulevard SE and University Avenue SE is 11 stories or 132 feet per the submitted plans.

**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 application for a variance to allow an increase in the maximum allowable floor area ratio (FAR) from 4.32 to 5.14 for the properties located at 1016, 1024, and 1032 Washington Avenue SE, 1025 Delaware Street SE, and 2408 University Avenue SE.

**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 application for a variance to reduce the setback along the east interior side yard from 15 feet to 0 feet at the closest point for the properties located at 1016, 1024, and 1032 Washington Avenue SE, 1025 Delaware Street SE, and 2408 University Avenue SE subject to the following condition of approval:

1. The setback reductions delineated on the final plans shall match the submitted plans.

**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 application for a variance to allow for an increase in the maximum retail size from 8,000 square feet up to 18,500 square feet for the properties located at 1016, 1024, and 1032 Washington Avenue SE, 1025 Delaware Street SE, and 2408 University Avenue SE subject to the following condition of approval:

1. A floor plan shall be submitted for the larger commercial tenant space in order to verify that the layout does not affect required window openings. No shelving, signage, merchandise, newspaper racks or other mechanisms shall be placed in front of the required ground level transparent windows.

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

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The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the parking requirement for the residential component of the development in the UA Overlay District from 356 spaces to 336 spaces for the properties located at 1016, 1024, and 1032 Washington Avenue SE, 1025 Delaware Street SE, and 2408 University Avenue SE.

**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 **approve** the site plan review application for the construction of a new 6 and 11-story mixed-use development that includes 333 residential dwelling units with 790 bedrooms and approximately 30,500 square feet of ground level commercial/retail space on the properties located at 1016, 1024, and 1032 Washington Avenue SE, 1025 Delaware Street SE, and 2408 University Avenue SE subject to the following conditions:

1. All site improvements shall be completed by August 13, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. Planning Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. A floor plan shall be submitted for the larger commercial tenant space in order to verify that the layout does not affect required window openings. No shelving, signage, merchandise, newspaper racks or other mechanisms shall be placed in front of the required ground level transparent windows.
4. No shelving, signage, merchandise, newspaper racks or other mechanisms shall be placed in front of the required ground level transparent windows in each commercial tenant space.
5. Incorporation of windows, entries, recesses, projections or other architectural elements along the east elevation of the proposed building to break up the blank uninterrupted walls that exceed 25 feet in width per Section 530.120 of the Zoning Code.

**Attachments:**

1. Rezoning Matrix – C2vs. C3A
2. Statement of use / description of the project
3. Findings –CUPs and Variances
4. Correspondence
5. Zoning map
6. Plans – Site, landscape, elevations, floor plans
7. Photos
8. PDR Report