

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permits, Site Plan Review and Plat  
BZZ-5675 & PL-267

**Date:** August 27, 2012

**Applicant:** Jared Schenk, GEM Realty Capital

**Address of Property:** 1313 5<sup>th</sup> Street SE

**Project Name:** UTEC Mixed-Use

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

**Planning Staff and Phone:** Kimberly Holien, (612) 673-2402

**Date Application Deemed Complete:** August 1, 2012

**End of 60-Day Decision Period:** October 2, 2012

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

**Existing Zoning:** C2, Neighborhood Corridor Commercial District, PO, Pedestrian Oriented Overlay District, 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:** Mixed-use development with 326 dwelling units and 47,190 square feet of ground floor commercial space.

**Concurrent Review:**

**Conditional use permit:** for a planned unit development consisting of 326 dwelling units and 47,190 square feet of ground floor commercial space.

**Conditional use permit:** to increase height from 4 stories, 56 feet to 7 stories, 76 feet.

**Site plan review.**

**Plat, preliminary.**

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits; Chapter 527, Planned Unit Development; Chapter 530 Site Plan Review; and Chapter 598 Land Subdivision Regulations.

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**Background:** The development site is located on the east half of the block bounded by 5<sup>th</sup> Street SE, 14<sup>th</sup> Avenue SE, 6<sup>th</sup> Street SE and 12<sup>th</sup> Avenue SE. The site is currently occupied by UTEC, a multiple tenant building in the former John Marshall High School, and a large surface parking lot. The applicant is proposing to demolish the existing building and construct a mixed-use development that ranges from four stories to six stories. An Historic Review Letter was issued by Planning Division staff on May 29, 2012, indicating that the property does not meet the City's thresholds for historical significance. The development will include 326 dwelling units, approximately 47,190 square feet of ground floor commercial space, 23 parking spaces at grade level and 426 underground parking spaces. When the application was first submitted it included 330 dwelling units and 46,500 square feet of ground floor commercial space. The plans were revised after the public hearing notice was sent.

The commercial uses will be on the ground floor and front along 5<sup>th</sup> Street SE and 14<sup>th</sup> Avenue SE. The applicant is proposing three commercial tenant spaces, including a 22,315 square foot grocery store and two general retail uses. Specific tenants for the retail uses have not been identified at this time. Walk-up townhouse style units will front along 6<sup>th</sup> Street SE and wrap around to the west side of the site. Additional housing is located on the interior of the site, framing a large interior courtyard. The principal residential entrance is located in the center of the east elevation, adjacent to a plaza space. There is a second residential entrance in the center of the site facing 5<sup>th</sup> Street SE. Each of the retail uses will be oriented toward and accessed from 5<sup>th</sup> Street SE. The underground parking will have two access points; one from 6<sup>th</sup> Street SE and one from 14<sup>th</sup> Avenue SE. One section of the ground level parking, which is intended to serve the commercial spaces, will be accessed from 5<sup>th</sup> Street SE. The other section of ground level parking is intended for residential move-in and move-out activities and will be accessed from 14<sup>th</sup> Avenue SE. The ground level parking is lined with active uses along the street sides of the building.

The site is essentially designed as five separate buildings with varying degrees of connections. The below grade parking covers the entire site with no interior separations. On the first floor, the walk-up units fronting along 6<sup>th</sup> Street SE are not connected to any other buildings on the site. The remaining buildings are continuous on the ground floor. On the second floor, the development begins to function as five separate buildings with skyway connections. Along 6<sup>th</sup> Street SE, the maximum height of the building is four stories. The remainder of the buildings have a maximum height of five stories, with the exception of the southeast corner, which steps up to a maximum height of six stories, 76 feet. The first floor is over 20 feet in height making it two stories per the zoning code definition. Therefore, the building is technically a maximum of 7 stories. However, for purposes of this report, the building height will be referred to as it is designed to function.

The unit mix includes 68 one bedroom units, 94 two bedroom units, 82 three bedroom units and 82 four bedroom units. The amenities include a ground level courtyard in the center of the site, two second level active green roof spaces, a plaza, an indoor pool, study rooms, a fitness center and community rooms. Additional amenities will be provided per the Planned Unit Development (PUD). The indoor pool will be located west of the entry plaza with an adjacent community amenity space.

In the C2 district, a PUD is a conditional use. Upon approval of a conditional use permit, the action must be recorded with Hennepin County as required by state law.

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The maximum height allowed in the C2 district is four stories or 56 feet. The applicant is proposing a maximum height of seven stories, 76 feet. While height is an allowed exception per the PUD, the applicant has opted to pursue a conditional use permit for increased height.

The applicant is proposing 326 new dwelling units and approximately 47,190 square feet of commercial space on the ground floor. Site plan review is required for any new use with 20,000 square feet of gross floor area and/or five or more dwelling units.

As part of an application for a PUD, any land proposed for the development is required to be platted into one or more lots suitable for the PUD. The applicant has submitted a preliminary plat as part of this application. Before final City approvals can be obtained, the final plat will need to be approved by the planning commission.

The applicant was required to complete a Travel Demand Management Plan (TDMP) as part of this project. The TDMP has been evaluated by staff and is referenced where appropriate in this report.

Staff received a letter from the Marcy-Holmes Neighborhood Association dated June 24, 2012 expressing support for the project. While the project has been modified since that date and the applicant has had additional meetings with the neighborhood association, updated correspondence had not been received as of the writing of this staff report. The June 24, 2012 letter has been attached for review.

**CONDITIONAL USE PERMIT:** to allow a planned unit development with 326 dwelling units and 47,190 square feet of ground floor commercial space.

**Findings as Required by the Minneapolis Zoning Code for Conditional Use Permits:**

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

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

The establishment of a planned unit development with 326 dwelling units and approximately 47,190 square feet of ground floor commercial space should not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards. The site is located within an activity center and there are other high-density residential and commercial uses in the immediate area.

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

The project will not be injurious to the use and enjoyment of other property in the vicinity. The surrounding area is fully developed with a range of commercial uses and residential uses of varying densities. The only property that the site directly abuts is a church (Newman Center) to the west.

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Residential uses on adjacent blocks include single family homes, rooming houses with up to 12 dwelling units and multiple-family residential buildings with up to 128 dwelling units. There are several commercial uses along 5<sup>th</sup> Street SE to the south of the site. The scale and massing of the proposed development is compatible with other commercial and multi-family residential buildings in the immediate area. The proposed development will be designed to give the appearance of several smaller buildings and will provide a variety of unit types, including walk-up units where the area transitions to more low-density residential uses to the north. Existing and future development in the area should not be negatively affected by the development.

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

The site is served by existing infrastructure. The Public Works Department reviewed the project as part of the Preliminary Development Review (PDR) process for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way. The PDR report has been attached for review.

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

The use is not expected to contribute to traffic congestion in the public streets. The project would comply with all minimum parking and loading requirements. The parking requirement for residential uses in the UA University Area Overlay District is one-half space per bedroom but not less than one space per dwelling unit. This project will include 326 dwelling units and 830 bedrooms, for a minimum parking requirement of 415 spaces. The commercial uses do not have a minimum parking requirement due to the site's location in the Dinkytown Pedestrian Oriented Overlay district. A total of 449 parking spaces are proposed; 426 in the underground parking structure and 23 at grade. Access into the underground parking structure will be from 14<sup>th</sup> Avenue SE and from 6<sup>th</sup> Avenue SE. Access into the grade level parking will be from 5<sup>th</sup> Street SE and from 14<sup>th</sup> Avenue SE. The loading requirement for general retail sales and service uses up to 50,000 square feet is one small (12' x 25') loading space. One small loading space has been provided on the north side of the eastern two commercial spaces, with access from 14<sup>th</sup> Avenue SE. The loading requirement for the grocery store is high and requires one large (12' x 50' space). The loading requirement for residential uses with 250 dwelling units or more is also one large (12' x 50') space. A large shared loading space has been provided on the north side of the westernmost commercial space with access from 5<sup>th</sup> Street SE. The bicycle parking requirement for multi-family residential uses in the UA University Area Overlay District is one space for every bedroom, or 830 spaces, of which 90 percent (747) must be fully enclosed and meet the definition for long-term parking. The applicant will be providing 790 long-term spaces within the underground parking garage and 40 within the right-of-way adjacent to the site. The bicycle parking requirement for general retail sales and services uses, including grocery stores, is one space for each 5,000 square feet of gross floor area or a minimum of three spaces, whichever is greater. For the 47,190 square of commercial space proposed, the minimum bicycle parking requirement is nine spaces. An additional nine short-term spaces will be required as a condition of approval.

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The applicant submitted a TDMP that evaluates traffic generated by the proposed use and potential for congestion in the adjacent public streets. The use is expected to generate 325 peak hour trips in the morning hours and 1,922 daily trips. The Traffic Impact Study performed for the proposed project found that the transportation network near the development site operates acceptably and most intersections studied will continue to operate acceptably after the project is completed and fully operational.

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

The site is designated as Urban Neighborhood on the future land use map in *The Minneapolis Plan for Sustainable Growth* and is within the boundaries of an Activity Center. The site is one block west of the 15<sup>th</sup> Avenue SE Community Corridor and one block north of the 4<sup>th</sup> Street SE Community Corridor. The Urban Neighborhood designation is due to the fact that the site contains a former school building. The following policies of the Comprehensive Plan apply to the site:

**Land Use Policy 1.1: 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.**

- 1.1.3 Encourage the use of flexible regulatory options that promote high quality development, such as the Planned Unit Development (PUD) tool.
- 1.1.5 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: Ensure appropriate transitions between uses with different size, scale, and intensity.**

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

**Land Use Policy 1.3: Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.**

- 1.3.1 Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings.
- 1.3.2 Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.

**Land Use Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.**

1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

**Land Use Policy 1.12: 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.**

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.

1.12.4 Discourage uses that diminish the transit and pedestrian character of Activity Centers, such as automobile services, surface parking lots, and drive-through facilities.

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.

1.12.9 Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces in Activity Centers.

1.12.10 Encourage developments to incorporate climate sensitive site and building design practices.

**Housing Policy 3.1: Grow by increasing the supply of housing.**

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

**Housing Policy 3.2: Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.**

3.2.1 Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.

**Housing Policy 3.6: Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.**

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

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

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

10.6.4 Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces.

10.6.5 Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level.

10.6.6 Integrate transit facilities and bicycle parking amenities into the site design.

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

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

The applicant is proposing 326 dwelling units on a site that is 3.66 acres in size for a density of 90 dwelling units per acre. This is considered high-density residential development, which includes development with 50-120 dwelling units per acre. While the site is designated as urban neighborhood due to the presence of the former high school building, this level of density is appropriate in an Activity Center. The project includes active commercial uses on the ground floor and would also involve the elimination of a large surface parking lot, which are direct policy recommendations for Activity Centers.

The site is also within the study area of the *Marcy-Holmes Small Area Plan*. The policies of the small area plan are evaluated below in the Site Plan Review section of this report.

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

The use of the site for a planned unit development with 326 dwelling units and 47,190 square feet of ground floor commercial space will conform to the applicable regulations upon the approval of the conditional use permits, site plan review, and plat applications.

**Findings Required for Planned Unit Developments:**

- A. **The planned unit development conforms to the applicable standards for alternatives and amenities. (See Section A Below for Evaluation)**
- B. **Additional uses. (See Section B Below for Evaluation)**
- C. **The planned unit development conforms to the required findings for a planned unit development. (See Section C Below for Evaluation)**

**Section A: Authorized Alternatives and Amenities Provided**

- All planned unit developments shall provide at least one (1) amenity or a combination of amenities that total at least ten (10) points, beyond those required for any alternative(s), and even if no alternative(s) is requested.
- For each alternative requested, an amenity or a combination of amenities totaling at least five (5) points, in addition to the amenity(ies) required in section 527.120(1), shall be provided. For multiple requests of the same alternative only one (1) amenity shall be required for those alternatives.
- Unless otherwise determined by the city planning commission, each phase of the planned unit development shall include the amenities provided for any alternatives in that phase, as a part of the construction of that phase.
- In no case shall any item be counted as an amenity for an alternative if it is utilized to qualify for a density bonus in any zoning district, a floor area ratio premium in the Downtown Districts, or any other amenity in Table 527-1, Amenities.
- Where an amenity is provided that meets the standards required in Table 527-1, Amenities, the full point value assigned to said amenity shall be obtained. Where the amenity does not meet all of the standards required in Table 527-1, Amenities, no points shall be awarded. Partial points for alternatives shall not be awarded, except as otherwise allowed in Table 527-1, Amenities.

***Alternatives requested:***

- **Placement and number of principal residential structures.**

**Number of Principal Residential Structures** – The applicant is proposing multiple residential structures on one lot. The site is essentially designed as five separate buildings with varying degrees of connections. The below grade parking covers the entire site with no interior separations. On the first floor, the walk-up units fronting along 6<sup>th</sup> Street SE are not connected to any other buildings on the site but the remaining buildings are continuous. On the second floor, the development begins to function as five separate buildings with skyway connections. The skyway connections are provided on each of the upper floors.

**To allow alternatives to the building placement requirements in the PO Pedestrian Oriented Overlay District, except where to allow parking between the principal structure and the front or corner side lot line.** – The maximum setback allowed in the PO Pedestrian Oriented Overlay District is eight feet except where a greater setback is required. In this case, a minimum front yard setback of 15 feet is required for the first 40 feet of the site starting at the west property line due to the adjacent residential zoning. However, the maximum eight foot setback applies to the remainder of the site along 5<sup>th</sup> Street SE, 14<sup>th</sup> Avenue SE and 6<sup>th</sup> Street SE. The site plan shows a maximum setback of 15 feet from the corner side lot line (14<sup>th</sup> Avenue SE) in the northeast corner of the site and a maximum setback of 15 feet from the front property line adjacent to 6<sup>th</sup> Street SE. The greater

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setback is requested to allow for walk-up units in this location and amenities such as landscaping and ground level patios. The applicant is also balancing the two setback requirements along 6<sup>th</sup> Street SE; the 15-foot minimum for the west 40 feet and the 8-foot maximum for the remainder of the frontage. The setback of the portion of the building west of the plaza space will also be greater than eight feet.

- **Bulk regulations.**

**Maximum Floor Area** – The maximum FAR allowed in the C2 District is 1.7. The maximum FAR increases to 2.38 when all required parking is enclosed or underground and at least 50 percent of the ground floor is occupied by commercial uses. The applicant is requesting an additional 20 percent bonus as an alternative to the PUD, for a maximum FAR of 2.72. The project includes a 433,410 square foot building on a 159,386 square foot lot, resulting in a floor area ratio of 2.72, within the parameters allowed.

**Building Height:** No alternative requested. However, an application for a conditional use permit for increased height has been submitted.

- **Lot area requirements.** – The minimum lot area requirement in the C2 district is 700 square feet per dwelling unit. The site is 159,386 square feet in area, which allows 227 units. The development qualifies for a 20 percent bonus, or 45 additional dwelling units, by enclosing all of the required residential parking. The site qualifies for a second 20 percent bonus, or 45 more units, for having more than 50 percent of the ground floor occupied by commercial uses. Finally, a third 20 percent bonus is requested as an alternative per the PUD. The number of dwelling units permitted with all three bonuses is 362, requiring a minimum of 440 square feet of lot area per dwelling unit. A total of 326 dwelling units are proposed at 489 square feet of lot area per dwelling unit.
- **Yards.** – No alternative requested.
- **On-premise signs.** – No alternative requested.
- **Off-street parking and loading.** – No alternative requested.

*Points required:*

- Minimum required amenity(ies) – **10 points.**
- Placement and number of principal residential structures – **5 points.**
- Bulk regulations, maximum floor area – **5 points.**
- Lot area requirements – **5 points.**
- **Total – 25 points.**

**Amenities provided:** The applicant has provided a supplemental table (attached to this report) describing all of the amenities proposed. Staff believes 25 points worth of amenities are provided as described below.

Table 527-1 Amenities

The applicant proposes the following amenities from Table 527-1: Outdoor Open Space, Plaza, Pedestrian Improvements, Reflective Roof, Decorative Fencing, Enhanced Exterior Lighting, Water Feature and Recycling Storage Area. The applicant is also taking advantage of the opportunity to propose their own amenity in the form of a green roof that occupies 25 percent of the total roof area for a 5-point amenity, as opposed to the 50 percent required for a 10-point amenity.

*Amenity Proposed by the Applicant: Recreational Green Roof -* **The city planning commission may consider other amenities not listed in Table 527-1, Amenities, that are proportionally related to the alternative requested. The commission may assign one (1), five (5), or ten (10) points based on the proportionality.** The applicant is proposing a green roof equivalent to approximately 28,140 square feet, or 25 percent of the total roof area. In order to be considered for a 10-point amenity, the green roof area would need to be equivalent to 50 percent of the total roof area. Therefore, the applicant is proposing this as an alternative amenity and is requesting five points. The green roof area will be in two sections and would be accessible at the second level of the building. According to the statement prepared by the applicant, these green roof areas are intended to function as seating nooks, recreational lawns, grilling areas and/or courtyards. The green roof areas will be accessible and visible for residents. The green roofs will include a mixture of types. The spaces that face the street but are not accessible or intended for foot traffic will be shallow extensive or stay systems. The green roof areas that are accessible and intended for active use will be more intensive.

This provision is worth 5 points.

*Outdoor Open Space* – The required standards for outdoor open space are:

- **Contiguous ground level outdoor open space that is related to and proportional with the bulk of the building and landscaped with trees and shrubs. Rain gardens, where appropriate, are encouraged.**

The outdoor open space will consist of a large interior courtyard that will function as an outdoor activity space for residents. The landscape plan shows this area as being active green space with no other plantings. In order to qualify as an amenity, staff is recommending that shrubs and perennials be added to the perimeter of this space, particularly where it abuts the ground floor residential amenity space. A minimum of 30 shrub plantings will be required as a condition of approval (one per 500 square feet of open space).

- **Walkways and pathways shall be surfaced with pervious pavers, pervious concrete, decorative pavers, stamped concrete, colored concrete, brick or other decorative and durable materials.**

No walkways or pathways are proposed within the central courtyard space.

- **A minimum of thirty (30) percent of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of fifty (50) percent of the provided open space shall be contiguous. The open space must be immediately accessible from the principal structure.**

The minimum required area to qualify for this amenity is 30 percent of the site not occupied by buildings. The net site area minus the building footprint is 46,752 square feet of which 30 percent, or 14,026 square feet must be green space. The total open space in the center of the site is 14,291 and is entirely contiguous. The main portion of the central courtyard is 13,125 square feet in area. Overall there is 22,500 square feet of green space on site.

- **Areas should be designed for winter use and relate to the built form with consideration given to elements such as providing shelter from wind, utilizing seasonally appropriate materials, maximizing access to sunlight and providing for snow and ice removal.**

The central courtyard will be sheltered from the elements as it will be surrounded by the building on all four sides. The north half of the space will have access to sunlight during the winter months, according to the shadow studies provided.

This provision is worth 5 points.

**Plaza – Plaza shall have a minimum area equivalent to 10 percent of the site not occupied by buildings, but not less than 2,000 square feet and shall comply with all provisions in Chapter 535, Regulations of General Applicability. Plazas for commercial or mixed-use development shall be open to the public during daylight hours.** The proposed plaza fronts along 14<sup>th</sup> Avenue SE, near the principal residential entrance. The plaza will be 6,197 square feet in area, equivalent to 13.2 percent of the site not occupied by buildings. The plaza will be directly connected to the public sidewalk and includes an unobstructed walkway with a minimum width of 10 feet that connects to the principal residential entrance. The design allows for pedestrian and bicycle access through and around the plaza. The plaza is unobstructed to the sky. In terms of seating, a minimum of 124 linear feet of seating is required, 25 feet of which must be fixed seating and 25 feet must include backs. The applicant is providing 146 linear feet of seating, 54 feet of which is fixed and 54 feet of which has backs. An additional 92 linear feet of backless seating is proposed. Seating types include benches with backs, game tables and backless benches. The minimum planting requirement for the plaza is one tree for each 1,000 feet of plaza space, or six trees in this case. The plaza will contain eight trees and numerous other shrubs and perennials. For additional amenities, the plaza will also include a kiosk and game tables. The plaza will be surfaced with a combination of stone and asphalt pavers and flagstone stepping stones. It will also include some stone elements from the existing UTEC building.

This provision is worth 5 points.

*Pedestrian improvements* – The required standards for pedestrian improvements are:

- **A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site that exceeds the requirements of Chapter 530, Site Plan Review.** The site occupies what was formerly the right-of-way for 13<sup>th</sup> Avenue SE. This street was vacated many years ago, cutting off through access from 5<sup>th</sup> Street SE to 6<sup>th</sup> Street SE. The site currently contains a surface parking lot in the location of former 13<sup>th</sup> Avenue SE, which allowed bicycle and pedestrian traffic to pass through this block. The proposed development will eliminate the surface parking lot. A pedestrian access will be provided around the west side of the site to allow pedestrian and bicyclists to cross through the center of this block. The pedestrian connection will be a 4-foot wide concrete sidewalk that follows the interior property line and will be open to the public. The entrance to this pedestrian connection will include a pocket park that fronts on 5<sup>th</sup> Street SE.
- **The improvements shall use a combination of landscaping, decorative materials, access control and lighting to create a safe, clear and aesthetically pleasing access through and/or around the site that complies with the Americans with Disabilities Act accessibility requirements.** The pedestrian pathway will be flanked by a significant amount of landscaping on both sides, including canopy trees, shrubs and perennials. The proposed landscaping includes canopy trees on the property to the west. Pedestrian scale lighting will be provided to create a safe access. Several units including walk-up entries that are accessed from this pedestrian walkway, will enhance the

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pedestrian experience with activity. A 4-foot high decorative fence will be located between the pathway and the units to delineate between public and private spaces. The applicant has indicated that access control can be provided if necessary. Staff is not recommending any access control at this time.

This provision is worth 3 points.

**Reflective roofs – Utilize roofing materials for seventy-five (75) percent or more of the total roof surface having a Solar Reflectance Index (SRI) equal to or greater than the values as required by the US Green Building Council (USGBC) for low-sloped and steep-sloped roofs.** Reflective roofing materials with a Solar Reflectance Index equal to or greater than that required by the USGBC will be provided on all roof areas that are not covered with green roof, for a minimum of 75 percent of the total roof area.

This provision is worth 3 points.

**Decorative fencing – Install high-quality decorative metal fencing where visible from the public street, public sidewalk or public pathway. The point for decorative fencing may be obtained when it is included as part of another amenity if it is also provided in other areas on the site. In no case shall chain-link fencing be considered decorative fencing.** There will be a significant amount of fencing provided on site for access control to walk-up units and outdoor yards. This fencing will be decorative, black metal picket fence and will be four feet in height.

This provision is worth 1 point.

**Enhanced exterior lighting – Lighting plan that highlights significant areas of the site or architectural features of the building(s), subject to the standards of Chapter 535, Regulations of General Applicability.** The project will include individual unit entry lighting, decorative retail lighting and building lighting along 14<sup>th</sup> Avenue SE. Pedestrian scale lighting will be provided along the public pathway on the west side of the site. The lighting would comply with Chapter 535 standards, as shown on the attached photometric plan.

This provision is worth 1 point.

**Recycling storage area – Provide an easily accessible area that serves the entire building and is dedicated to the collection and storage of non-hazardous materials for recycling, including but not limited to paper, corrugated cardboard, glass, plastics and metals. The recycling storage area shall be located entirely below grade or entirely enclosed within the building.** Recycling areas will be provided within the building. The grocery store use and retail uses will each have their own recycling areas in the trash rooms on the north side of each space. The residential uses will have a minimum of two recycling chutes within the building. The recycling chutes will be connected to two rooms within the parking garage where it will be stored and management will coordinate collection on pick-up day.

This provision is worth 1 point.

**Water feature- A water feature, including but not limited to a reflecting pond, a children's play feature or a drinking fountain shall be located where it is highly visible to and useable by the public.** The applicant is proposing a drinking fountain within the entry plaza. The fountain will be decorative and will either be designed in collaboration with an artist, or by finding a unique, sculptural pre-fabricated piece. This drinking fountain has not been counted as one of the additional amenities required for the plaza amenity.

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This provision is worth 1 point.

**Points Summary**

<i>Amenity</i>	<i>Points Requested by Applicant</i>	<i>Points Recommended by Staff</i>
Amenity Proposed by the Applicant- 25 percent green roof	5	5
Outdoor Open Space	5	5
Plaza	5	5
Pedestrian Improvements	3	3
Reflective Roof	3	3
Enhanced Exterior Lighting	1	1
Decorative Fencing	1	1
Recycling Storage Areas	1	1
Water feature	1	1
<b>Total</b>	<b>25</b>	<b>25</b>

A total of 25 points are required for the requested alternatives and 25 points have been provided.

**Phasing plan.** – The development would not be phased. The entire project would be constructed at one time.

**Section B: Additional Uses**

- **In general.** The city planning commission may authorize additional uses in the zoning district in which the planned unit development is located as provided below and subject to section 527.210. An amenity is not required in order to allow an additional use.
- **Residence and OR1 Districts.** The city planning commission may authorize additional residential uses, small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics within a planned unit development located in the Residence and OR1 Districts. The additional small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics shall not exceed two thousand (2,000) square feet per use, unless otherwise allowed by the zoning district in which the use is located.
- **OR2 and OR3 Districts.** The city planning commission may authorize additional residential uses and retail sales and services uses as allowed in the C1 District within planned unit developments located in the OR2 and OR3 Districts. Notwithstanding section 547.30(f)(2) and (3), the city planning commission may authorize retail sales and services uses greater than two thousand (2,000) square feet, but not to exceed four thousand (4,000) square feet per use. The city planning commission may allow more than two (2) such retail sales and services uses per zoning lot.

Additional uses are not proposed.

**Section C: Conformance with Required Planned Unit Development Findings**

In addition to the conditional use permit standards contained in Chapter 525, Administration and Enforcement, before approval of a planned unit development the city planning commission also shall find:

**1. That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:**

**a. The character of the uses in the proposed planned unit development, including in the case of residential uses, the variety of housing types and their relationship to other site elements and to surrounding development.**

The proposed planned unit development will be in keeping with the character of the surrounding area and will include a mix of residential unit types and commercial uses. The residential portion of the building will include one, two, three and four bedroom units. Of these, 26 units will be walk-up townhome style units that front along the west property line and the north property line. This style of unit along the north property line will help to transition into the lower density portion of the neighborhood to the north. A number of units will also open up onto central courtyard/green roof spaces and have front porch style entries where adjacent to these amenities. The neighborhood includes a mix of residential densities, the majority of which are student housing. There are multi-family buildings, rooming houses and a few single family homes in the immediate area.

The commercial spaces will front along 5<sup>th</sup> Street SE and 14<sup>th</sup> Avenue SE. Other uses along 5<sup>th</sup> Street SE include high density residential development, restaurants and other general retail sales and services uses. The site is within the boundaries of an Activity Center and is in a Pedestrian Oriented Overlay district. The uses proposed are appropriate in an Activity Center and the commercial uses have been appropriately located within the development.

**b. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access, bicycle facilities and availability of transit alternatives.**

The use is not expected to contribute to traffic congestion in the public streets. The project would comply with all minimum parking and loading requirements. The parking requirement for residential uses in the UA University Area Overlay District is one-half space per bedroom but not less than one space per dwelling unit. This project will include 326 dwelling units and 830 bedrooms, for a minimum parking requirement of 415 spaces. The commercial uses do not have a minimum parking requirement due to the site's location in the Dinkytown Pedestrian Oriented Overlay district. A total of 449 parking spaces are proposed; 426 in the underground parking structure and 23 at grade. Access into the underground parking structure will be from 14<sup>th</sup> Avenue SE and from 6<sup>th</sup> Avenue SE. Access into the grade level parking will be from 5<sup>th</sup> Street SE and from 14<sup>th</sup> Avenue SE. The loading requirement for general retail sales and service uses up to 50,000 square feet is one small (12' x 25') loading space. One small loading space has been provided on the north side of the eastern two commercial spaces, with access from 14<sup>th</sup> Avenue SE. The loading requirement for the grocery store is high and requirements one large (12' x 50' space). The loading requirement for residential uses with 250 dwelling units or more is also one large (12' x 50') space. A large shared loading space has been provided on the north side of the westernmost commercial space with access from 5<sup>th</sup> Street SE. . The bicycle parking requirement for multi-family residential uses in the UA University Area Overlay District is one

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space for every bedroom, or 830 spaces, of which 90 percent (747) must be fully enclosed and meet the definition for long-term parking. The applicant will be providing 790 long-term spaces within the underground parking garage and 40 within the right-of-way adjacent to the site. The bicycle parking requirement for general retail sales and services uses, including grocery stores, is one space for each 5,000 square feet of gross floor area or a minimum of three spaces, whichever is greater. For the 47,190 square of commercial space proposed, the minimum bicycle parking requirement is nine spaces. An additional nine short-term spaces will be required as a condition of approval.

The applicant submitted a TDMP that evaluates traffic generated by the proposed use and potential for congestion in the adjacent public streets. The use is expected to generate 325 peak hour trips in the morning hours and 1,922 daily trips. The Traffic Impact Study performed for the proposed project found that the transportation network near the development site operates acceptably and most intersections studied will continue to operate acceptably after the project is completed and fully operational. The TDMP also includes an analysis of parking available in the immediate area, as the construction of the proposed project would result in the elimination of a large surface parking lot. A count of on-street parking in the adjacent streets found that there are 630 total on-street spaces, including 116 metered spaces, 343 unrestricted spaces, 159 spaces restricted between 9am to 5pm and 12 spaces currently restricted to Sunday parking only. There are also two off-street public parking lots near the proposed development totaling 181 spaces. A 77 space lot is located across 5<sup>th</sup> St SE from the proposed development and a 104 space lot is located on the southwest corner of 13<sup>th</sup> Ave SE and 7<sup>th</sup> St SE.

**c. The site amenities of the proposed planned unit development, including the location and functions of open space, the preservation or restoration of the natural environment or historic features, sustainability and urban design.**

From Table 527-1 of the zoning code, partial Green Roof, Outdoor Open Space, Plaza, Pedestrian Improvements, Reflective Roof, Decorative Fencing, Enhanced Exterior Lighting, a Recycling Storage Area and a Water Feature are proposed in this development. The open spaces will be functional, designed to encourage active use and located in a manner that will make them visible from a majority of the dwelling units within the development. The amenities proposed provide the 25 points required for the requested alternatives.

**d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.**

The site is essentially designed as five separate buildings with varying degrees of connections. The below grade parking covers the entire site with no interior separations. On the first floor, the walk-up units fronting along 6<sup>th</sup> Street SE are not connected to any other buildings on the site but the remaining buildings are continuous. On the second floor, the development begins to function as five separate buildings with skyway connections. Along 6<sup>th</sup> Street SE, the maximum height of the building is four stories. The remainder of the buildings have a maximum height of five stories, with the exception of the southeast corner, which steps up to a maximum height of six

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stories, 76 feet. All building sections will be compatible with one another in appearance but will be broken up into smaller sections to provide relief.

The scale and massing of the proposed building is compatible with other multi-family residential buildings in the immediate area. The neighborhood includes a mix of residential densities, the majority of which are student housing. There are multi-family buildings, rooming houses and a few single family homes and duplexes in the immediate area. To the east/northeast of the site, building heights range from three to five stories. North of the site along 6<sup>th</sup> Street building heights are predominantly 2.5 stories. To the south there are several one and two story commercial buildings and an 18-story residential building. The building is not expected to have significant effects on access to light or air, create significant shadow effects, or impede any significant views. The applicant has provided shadow studies that are further evaluated in the analysis for the conditional use permit for height. A significant amount of landscaping is proposed and all parking will be located underground or will be enclosed.

- e. **An appropriate transition area shall be provided between the planned unit development and adjacent residential uses or residential zoning that considers landscaping, screening, access to light and air, building massing, and applicable policies of the comprehensive plan and adopted small area plans.**

There are no residential uses directly abutting the site. Residential uses are located across 6<sup>th</sup> Street SE to the north and across 14<sup>th</sup> Avenue SE to the east. The residential uses to the north along 6<sup>th</sup> Street SE include rooming houses, duplexes and one single family home. Further to the north the neighborhood includes lower density residential development. The building will be a maximum of four stories along 6<sup>th</sup> Street SE to provide an appropriate transition to these uses. The building massing in this location includes walk-up, townhome style units to provide the perception of lower-density residential development and the setback along the north property line will range from ten feet to 15 feet. To the east, along 14<sup>th</sup> Avenue SE, residential development primarily includes multiple-family residential uses. The building height along this frontage will range from five to six stories, with the tallest portion of the building located at the corner of 14<sup>th</sup> Avenue SE and 5<sup>th</sup> Street SE.

To the west, the site is bordered by a church (Newman Center). Walk-up style units are also located along the west property line. The building setback in this location will be a minimum of 15 feet and landscaping and a pedestrian walkway will be located between the building wall and the property line. The commercial uses will be located along the south side of the site with entrances onto the public sidewalk adjacent to 5<sup>th</sup> Street SE. 5<sup>th</sup> Street SE contains several other commercial uses in this location and the proposed location of the commercial uses within the development is appropriate.

This development would not be expected to have significant impacts on the amount of light and air that surrounding properties receive. Staff would expect some minimal shadowing effects on the adjacent non-residential and residential uses according to the attached shadow survey.

- f. The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.**

The project was reviewed by the Public Works Department as part of the PDR process in terms of its relationship to public facilities, stormwater, erosion control and other aspects. The PDR report in its entirety has been attached for review. The applicant would be required 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 plan be approved.

- g. The consideration, where possible, of sustainable building practices during the construction phases and the use of deconstruction services and recycling of materials for the demolition phase.**

While the existing building does not meet the City's threshold for historical significance, the applicant is encouraged to use sustainable building practices during the construction phases of the project and potentially incorporate materials from the existing building into the new project. Some elements of the existing building will be salvaged and recycled into the project. Selected stone elements from the existing building will be used in the entrance plaza. The flooring from the school gymnasium will be used in the community room of the residential portion of the building and the school trophy case will be used in the residential lobby. The applicant has stated that the decorative wrought iron detail on the exterior of the existing building will be incorporated into the exterior green spaces. The proposed project will have study rooms in the residential portion of the building and classroom desks and chalkboards from the existing building will be placed in these study rooms. The applicant has also indicated that further items may be salvaged and repurposed during the construction process.

- 2. That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.**

Please refer to the preliminary plat section of this report.

**CONDITIONAL USE PERMIT: to increase the maximum height in the C2, Neighborhood Corridor Commercial district from 4 stories, 56 feet to 7 stories, 76 feet.**

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

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

The maximum height in the C2 district is four stories or 56 feet. The applicant is proposing a building height of 76 feet. The maximum height of the building will function as six stories but will be seven

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stories by the zoning code definition because the first floor of the building exceeds 20 feet in height. The portion of the building that fronts along 6<sup>th</sup> Street SE will be four stories and approximately 46 feet in height. The portion of the building that fronts along the west property line and the majority of the building along 5<sup>th</sup> Street SE will be five stories (six per zoning code definition) and approximately 63.5 feet in height. At the corner of 5<sup>th</sup> Street SE and 14<sup>th</sup> Avenue SE the building steps up to six stories (seven per zoning code definition) and approximately 76 feet in height.

Staff does not believe that allowing a new 7-story structure with a maximum height of 76 feet would be detrimental to or endanger the public health, safety, comfort or general welfare. The proposed project accommodates a mixed-use development at a residential density that is desired in an Activity Center. Further, there are developments of relative comparable height located within the immediate vicinity. To the east/northeast of the site, building heights range from three to five stories. North of the site along 6<sup>th</sup> Street building heights are predominantly 2.5 stories. To the south there are several one and two story commercial buildings and an 18-story residential building. The church to the west is two stories tall. The applicant has provided shadow studies that illustrate the impact on surrounding properties, which would be minimal. The site is 3.66 acres in size and is separated from the nearest residential uses with an 80-foot right-of-way.

**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 is not 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 within an Activity Center. Adopted City policies encourage high density mixed-use development in this location. In order to achieve the desired density in a sensitive manner, an increase in height above the district standards is appropriate.

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

The site is served by existing infrastructure and would have three access points, one each from 5<sup>th</sup> Street SE, 6<sup>th</sup> Street SE and 14<sup>th</sup> Avenue SE. The Public Works Department has reviewed the preliminary plans and will review the final plans for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required 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 plan be approved. This would be required to ensure that all procedures are followed in order to comply with city and other applicable requirements.

**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. As evaluated above, the project would comply with all minimum vehicle and bicycle parking and loading requirements. The applicant submitted a TDMP that evaluates traffic generated by the proposed use and potential for congestion in the adjacent public streets. The use is expected to generate 325 peak hour

trips in the morning hours and 1,922 daily trips. The Traffic Impact Study performed for the proposed project found that the transportation network near the development site operates acceptably and most intersections studied will continue to operate acceptably after the project is completed and fully operational.

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

The site is designated as Urban Neighborhood on the future land use map in *The Minneapolis Plan for Sustainable Growth* and is within the boundaries of an Activity Center. The site is one block west of the 15<sup>th</sup> Avenue SE Community Corridor and one block north of the 4<sup>th</sup> Street SE Community Corridor. General consistency with the Comprehensive Plan has been evaluated above. The following policies of the Comprehensive Plan apply to the request for increased height:

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

1.2.2 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.

**Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.**

1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

**Policy 1.12: 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.**

1.12.5 Encourage a height of at least two stories for new buildings in Activity Centers, in keeping with neighborhood character.

The applicant is proposing a height of seven stories within an Activity Center. The proposed height would allow for additional residential density and would be consistent with the land use policies above. The site is also within the study area of the *Marcy-Holmes Small Area Plan*. The following policies of the small area plan relate to the request for increased height:

*Land Use Objective: Focusing housing demand to acceptable areas on the edges of the neighborhood.*

**Applicable Policies:**

- *Land to the river side of 4th Street SE and the blocks between 14th and 15th Avenues from Dinkytown to the railroad tracks may be considered for higher density multi-family housing development.*

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- *Residential building heights should not exceed four (4) stories in Dinkytown in order to preserve the historical character of the area.*

The *Marcy-Holmes Small Area Plan Supplement* from 2007 makes additional height recommendations for the area bound by 14<sup>th</sup> Avenue to the west and 15<sup>th</sup> Avenue to the east, as follows:

- *Design buildings that complement the historic scale of Dinkytown, 4 stories in height on average.*
- *Encourage redevelopment of relatively taller buildings at intersection of 15th Ave and 8th Street, 6 to 8 stories in height.*
- *Design buildings that are taller than 4 stories with 2-3 story “stepback” sections along the street.*

The site borders 14<sup>th</sup> Avenue SE to the east and is on the edge of the area recommended for increased height in the small area plan. The tallest portion of the proposed building will be located at the corner of 14<sup>th</sup> Avenue SE and 5<sup>th</sup> Street SE. The upper floors of the building will step back per the recommendation above. Staff believes that the proposed building height is consistent with the policies of the Comprehensive Plan and the small area plan.

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

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

The proposed project should not impact access to light and air of surrounding properties. The site is 3.66 acres in size and is separated from the nearest residential uses with an 80-foot right-of-way. The building will be a maximum of four stories along 6<sup>th</sup> Street SE to provide an appropriate transition to the residential uses to the north. The building massing in this location includes walk-up, townhome style units to provide the perception of lower-density residential development and the setback along the north property line will range from ten feet to 15 feet, further reducing the project’s impact on properties to the north. To the east, along 14<sup>th</sup> Avenue SE, residential development primarily includes multiple-family residential uses. The building height along this frontage will range from five to six stories, with the tallest portion of the building located at the corner of 14<sup>th</sup> Avenue SE and 5<sup>th</sup> Street SE. To the west, the site is bordered by a church (Newman Center). Walk-up style units are also located along the west property line. The building setback in this location will be a minimum of 15 feet and landscaping and a pedestrian walkway will be located between the building wall and the property line.

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

According to the shadow studies provided by the applicant, the proposed project should have virtually no shadowing impact on adjacent residential properties in the spring, summer and fall months. During the winter months, the project would produce some shadowing that affects the residential uses to the north and east, particularly in the early morning and late afternoon. There are no significant public spaces adjacent to the site.

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

The proposed height would result in a building that is compatible with the scale and character of surrounding uses. There are developments of relative comparable height located within the immediate vicinity. To the east/northeast of the site, building heights range from three to five stories. North of the site along 6<sup>th</sup> Street building heights are predominantly 2.5 stories. To the south there are several one and two story commercial buildings and an 18-story residential building. The church to the west is two stories tall.

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

The proposed building would not impact view of any landmark buildings, significant open spaces or water bodies.

**SITE PLAN REVIEW**

**Findings as Required by the Minneapolis Zoning Code for the Site Plan Review:**

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

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

**BUILDING PLACEMENT AND DESIGN:**

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

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- **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 530.120 of the zoning code.

- **Ground floor active functions:**

Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.

- **The form and pitch of roof lines shall be similar to surrounding buildings.**

- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

***Conformance with above requirements:***

The building wall will be located up to the property line along 5<sup>th</sup> Street SE except in the southwest corner, where there is a 15-foot setback requirement for the first 40 feet. Along 14<sup>th</sup> Avenue SE the majority of the building wall will be located up to the property line, stepping back to five feet at the principal residential entrance and to 15 feet at the corner of 14<sup>th</sup> Avenue SE and 6<sup>th</sup> Street SE. The building has been stepped back in this corner to allow for additional green space across from the residential uses to the north and east. Alternative compliance is requested to allow the greater setback. Along 6<sup>th</sup> Street SE the building setback ranges from 8 feet to 15 feet and in the northeast corner of the site the building setback along 14<sup>th</sup> Avenue SE is 15 feet. The increased setback in this location is to

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allow for walk-up units. The westerly 40 feet of the north property line is subject to an increased setback of 15 feet due to the adjacent residential zoning. The area between the building walls and the public sidewalk will contain amenities such as ground level patios, sidewalks and a significant amount of landscaping.

The placement of the building and the building design will promote natural surveillance and visibility of the adjacent public spaces and private amenities. The principal residential entrance is located adjacent to the plaza along 14<sup>th</sup> Avenue SE and a second residential entrance is located in the center of the south elevation, facing 5<sup>th</sup> Street SE. Each of the commercial spaces has an entrance facing 5<sup>th</sup> Street SE. The residential units that front along 6<sup>th</sup> Street SE will have individual walk-up entries. The commercial entrances will be emphasized with signage, awnings and glass storefronts. The principal residential entrance will be recessed and have a large metal canopy and a significant amount of glass coverage.

All of the parking proposed for the site would be enclosed or located underground.

The majority of the building is free of any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length. Multiple material changes, recesses and projections are provided, including balconies on all of the upper floors and recesses at entry points. However, on the south interior courtyard elevation there are multiple instances of blank walls that must be modified to include windows, entries, recesses, projections or other architectural elements. This includes portions of the first floor and the upper floors that are visible from 6<sup>th</sup> Street SE. There is also one section of blank wall on the fourth floor of the north end of the west elevation that will need to be modified.

The primary exterior materials would be durable and include brick, fiber cement panels (Hardie panel), metal panels, simulated wood panels (Trespia or similar) and glass. The first floor will be primarily face brick and glass with fiber cement panels and simulated wood panels on the upper floors. The metal panels will function as an accent material. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review. The distribution of materials for each exterior elevation is as follows:

	South Elevation	North Elevation	East Elevation	West Elevation
Glass	25 percent	25 percent	35 percent	25 percent
Metal	10 percent	10 percent	10 percent	10 percent
Wood	8 percent	5 percent	10 percent	8 percent
Brick	25 percent	30 percent	15 percent	25 percent
Fiber Cement	32 percent	30 percent	35 percent	32 percent

The distribution of materials for the elevations facing the interior of the site is as follows:

	Entry Courtyard-South	Central Courtyard- West	Central Courtyard- South	East Courtyard-East	East Courtyard-West
Glass	35 percent	25 percent	25 percent	35 percent	25 percent
Metal	50 percent	25 percent	15 percent	50 percent	25 percent
Wood	-	15 percent	15 percent	-	15 percent
Brick	-	3 percent	5 percent	-	3 percent
Fiber Cement	15 percent	42 percent	40 percent	15 percent	42 percent

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This project is being proposed as a PUD, which allows for flexibility in the use of the land in order to obtain a higher quality of development. While the applicant is providing the required number of amenity points, staff believes that requiring a higher percentage of more durable materials would result in a more attractive, sustainable project consistent with the intent of the PUD chapter. As such, staff is recommending a condition of approval that limits the amount of fiber cement panels on each exterior elevation to 30 percent.

All sides of the building would be compatible to each other and similar in appearance.

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

Multiple entrances would be provided for the building. The primary residential entrance faces 14<sup>th</sup> Avenue SE. The residential units that front along 6<sup>th</sup> Street SE and the west property line will be walk-up units with individual entries. A second residential entrance opens onto the public sidewalk adjacent to 5<sup>th</sup> Street SE. The commercial spaces will each have an entrance that opens directly onto the public sidewalk adjacent to 5<sup>th</sup> Street SE.

The window requirements for the commercial uses are 30 percent of the walls on the first floor and ten percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot. For the residential uses, the window requirement is 20 percent of the walls on the first floor and 10 percent on the upper floors. However, the entire site is located in the Pedestrian Oriented Overlay district, so the requirement on the first floor for all street-facing elevations is increased to 40 percent. On the first floor facing 5<sup>th</sup> Avenue SE, windows are provided for 59.7 percent of the total elevation. On the first floor of the north elevation, facing 6<sup>th</sup> Street SE, windows are provided for 44.8 percent of the elevation. The window percentage on the east elevation, facing 14<sup>th</sup> Avenue SE, is equivalent to 67 percent of the first floor elevation. All upper floors exceed the 10 percent minimum glazing requirement. The proposed windows are more or less evenly distributed and vertical in proportion. Tenants for the commercial spaces have not been identified and therefore detailed floor plans were not submitted as part of the application. As a condition of approval, shelving, mechanical equipment or other similar fixtures shall not be allowed to block views into and out of the building at eye level, or in the area between four (4) and seven (7) feet above the adjacent grade.

The first floor of the building contains active functions for more than 70 percent of each wall that fronts on a public street or public pathway.

The proposed roofline is primarily flat, consistent with other commercial and multi-family residential buildings in the area.

The underground parking will be entirely subterranean and will not be visible from the public streets. The ground floor parking will be enclosed and entirely screened by the proposed building.

**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.

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- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

***Conformance with above requirements:***

The primary building entrances for the residential uses will open directly onto the public sidewalk. One entrance opens onto the sidewalk adjacent to 5<sup>th</sup> Street SE and one opens onto the sidewalk adjacent to 14<sup>th</sup> Avenue SE. Several walk-up townhome units are also proposed within the development. The walk-up units that front along 6<sup>th</sup> Street SE will be connected to the public sidewalk with walkways that are a minimum of four feet in width. The walk-up style units along the west property line will be connected to the pedestrian pathway with 4-foot sidewalks. The commercial spaces will all open directly on to the public sidewalk. The ground level parking in the interior of the site will be connected to the public sidewalk with walkways that are a minimum of four feet in width. The underground parking garage will be accessible from the interior of the building.

A transit shelter is not proposed or adjacent to the site.

Vehicle access into the site currently comes from 5<sup>th</sup> Street SE. This access point will be maintained and will provide access into the grade level parking near the grocery use. This access point will be used for delivery vehicles as well. Access into the underground parking will be from 14<sup>th</sup> Avenue SE and 6<sup>th</sup> Street SE. The driveway from 14<sup>th</sup> Avenue SE will also provide access into the smaller grade level parking area near the residential entry. This grade level parking will be used for move-in and move-out activities and includes a small loading space. The proposed access points and traffic circulation should minimize vehicular conflicts with pedestrians. Several pedestrian walkways have been incorporated into the site design to clearly direct pedestrian movements, including a pedestrian pathway along the west edge of the property to provide through-block access. The public sidewalk around the perimeter of the site will maintain a minimum width of 8 feet.

The site is not directly adjacent to any residential uses and there are no alleys on the block.

All of the parking proposed for the site would be located underground or enclosed in the center of the site. Vehicle circulation for the underground parking will occur entirely within the structure and circulation for the grade level parking will occur in the center of the site within the parking areas. The site plan has been designed to minimize the use of impervious surfaces with a significant amount of landscaping and green roofs.

**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.**

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- Screening shall be satisfied by one or a combination of the following:
  - A decorative fence.
  - A masonry wall.
  - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.
- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.
- All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

***Conformance with above requirements:***

The zoning code requires that at least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 159,386 square feet. The building footprint is 112,634 square feet. The net lot area is 46,752 square feet, of which at least 20 percent (9,350 square feet) must be landscaped. The applicant is proposing a landscaped area of 22,500 square feet, or 48.1 of the net site area. The landscaped area includes a large center courtyard, landscaping around the perimeter of the site and within the plaza space.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 19 and 94 respectively. The applicant is proposing 11 canopy trees and 192 shrubs on site. The landscape plan also includes approximately 19 on-site ornamental trees. An additional 30 canopy trees are proposed within the right-of-way and seven are proposed on the west side of the pedestrian pathway on the church property. Alternative compliance is requested for the number of canopy trees. Staff recommends granting alternative compliance given the number of ornamental trees on site and the number of canopy trees proposed within the right-of-way. As an additional alternative for this requirement, staff is recommending that a minimum of 30 shrubs shall be planted within the courtyard space in order to qualify for the Outdoor Open Space Amenity per Table 527-1, Amenities, of the zoning code.

All parking will be provided underground or enclosed within the building and no additional landscaping standards apply.

**ADDITIONAL STANDARDS:**

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

*Conformance with above requirements:*

Continuous concrete curbing would be provided for the length of the driveways. Storm sewer for roof and site drainage will be piped to an on-site stormwater management system which connects to the city storm sewer system. Provisions for on-site retention of stormwater were reviewed by Public Works as part of the PDR process and that report is attached for review.

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

Staff would expect some minimal shadowing effects on the adjacent non-residential and residential uses according to the attached shadow survey. The building steps down on the north side of the site near the lower density residential uses. The highest point of the building is located in the southeast corner of the site closer to the core of the Activity Center. The site will be separated from adjacent residential uses with an 80-foot public right-of-way which limits the impact of any shadowing. No significant shadowing of public spaces is expected.

Wind currents should not be a major concern.

The development would include crime prevention through environmental design. The applicant has provided a significant amount of window coverage on all sides of the building to provide opportunities for tenants and commercial patrons to observe adjacent spaces. Enhanced lighting would be provided throughout the site and particularly along the pedestrian pathway on the west side of the property. Information submitted by the applicant indicates that lighting levels would enhance security without creating glare or excessive lighting. Walkways, landscaping and fencing would be provided to guide pedestrian movement in and around the site and to distinguish between public and private spaces.

The site contains a building that formerly housed the John Marshall High School. The site is not located in an historic district and the existing structure is not designated. A Historic Review Letter was issued by Planning Division staff on May 29, 2012, indicating that the property does not meet the City's thresholds for historical significance. As stated above, the applicant will be salvaging and repurposing some elements of the existing building.

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

**ZONING CODE:** The site is zoned C2, Neighborhood Corridor Commercial district. A PUD is a permitted conditional use in the C2 district.

**Parking and Loading:**

*Minimum automobile parking requirement:* The parking requirement for residential uses in the UA University Area Overlay District is one-half space per bedroom but not less than one space per dwelling unit. This project will include 326 dwelling units and 830 bedrooms, for a minimum parking requirement of 415 spaces. The commercial uses do not have a minimum parking requirement due to the site's location in the Dinkytown Pedestrian Oriented Overlay district. A total of 449 parking spaces are proposed to meet the minimum requirement; 426 in the underground parking structure and 23 at grade.

*Maximum automobile parking requirement:* There is no maximum parking requirement for dwellings except for parking that is not enclosed. All parking for the proposed development will be enclosed or underground.

*Bicycle parking requirement:* The bicycle parking requirement for multi-family residential uses in the UA University Area Overlay District is one space for every bedroom, or 830 spaces, of which 90 percent (747) must be fully enclosed and meet the definition for long-term parking. The applicant will be providing 790 long-term spaces within the underground parking garage and 40 within the right-of-way adjacent to the site. The bicycle parking requirement for general retail sales and services uses, including grocery stores, is one space for each 5,000 square feet of gross floor area or a minimum of three spaces, whichever is greater. For the 47,190 square of commercial space proposed, the minimum bicycle parking requirement is nine spaces. An additional nine short-term spaces will be required as a condition of approval.

*Loading:* The loading requirement for general retail sales and service uses up to 50,000 square feet is one small (12' x 25') loading space. One small loading space has been provided on the north side of the eastern two commercial spaces, with access from 14<sup>th</sup> Avenue SE. The loading requirement for the grocery store is high and requires one large (12' x 50' space). The loading requirement for residential uses with 250 dwelling units or more is also one large (12' x 50') space. A large shared loading space has been provided on the north side of the westernmost commercial space with access from 5<sup>th</sup> Street SE.

**Maximum Floor Area:** The maximum FAR allowed in the C2 District is 1.7. The maximum FAR increases to 2.38 when all required parking is located underground and at least 50 percent of the ground floor is occupied by commercial uses. The applicant is requesting an additional 20 percent bonus as an alternative to the PUD, for a maximum of 2.72. The project includes a 433,410 square foot building on a 159,386 square foot lot, resulting in a floor area ratio of 2.72, within the parameters allowed.

**Minimum Lot Area:** The minimum lot area requirement in the C2 district is 700 square feet per dwelling unit. The site is 159,386 square feet in area, which allows 227 units. The development qualifies for a 20 percent bonus, or 45 additional dwelling units, by enclosing all of the required

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residential parking. The site qualifies for a second 20 percent bonus, or 45 more units, for having more than 50 percent of the ground floor occupied by commercial uses. Finally, a third 20 percent bonus is requested as an alternative per the PUD. The number of dwelling units permitted with all three bonuses is 362, requiring a minimum of 440 square feet of lot area per dwelling unit. A total of 326 dwelling units are proposed at 489 square feet of lot area per dwelling unit.

**Dwelling Units per Acre:** The applicant is proposing 326 dwelling units on a site that is 3.66 acres in size for a density of 90 dwelling units per acre. This is considered high-density residential development, which includes development with 50-120 dwelling units per acre. This level of density is appropriate in an Activity Center.

**Building Height:** In the C2 district, the maximum height is limited to 4 stories or 56 feet, whichever is less. Building heights within the proposed development will range from four stories to a maximum of six stories, 76 feet. However, the height of the first floor exceeds 20 feet, making the building a maximum of seven stories per the zoning code definition. The applicant is requesting a conditional use permit to increase height. For a detailed analysis of this request, please see the conditional use permit section of this report.

**Yard Requirements:** Where a street frontage includes a property zoned as a residence or office residence district or includes structures used for permitted or conditional residential purposes and property zoned as a commercial district, a front yard equal to the lesser of the front yard required by such residence or office residence district or the established front yard of a residential structure shall be provided in the commercial district for the first 40 feet from such residence or office residence district boundary. The parcel to the west is zoned R5 and the front yard setback requirement in the R5 district is 15 feet. Therefore, a minimum front yard setback requirement of 15 feet applies for the west 40 feet of the subject site along both the north and south property lines. The required setback has been provided in both locations.

Residential uses in the C2 district have a minimum side yard and rear yard setback requirement of  $5+2x$ , but not more than 15 feet, where the use contains windows facing an interior side yard or rear yard. This requirement applies along the west property line and the portion of the north property line that abuts the adjacent church property. A 15 foot setback has been provided in both locations.

Along the north, south and east property lines the site is subject to a maximum setback of eight feet per the PO Pedestrian Oriented Overlay District requirements, with the exception of those portions that are subject to a greater setback noted above. As part of the PUD, an alternative is requested to allow a setback greater than eight feet along the north property line and in the northeast corner of the site. Staff is recommending approval of this greater setback as it will allow for walk-up units and amenities between the building and the street and provide a greater transition between the site and the residential uses to the north.

**Building Lot Coverage:** There are no lot coverage limitations in the C2 district.

**Impervious Surface:** There are no impervious surface limitations in the C2 district.

**Specific Development Standards:** The specific development standards for PUDs are the requirements in Chapter 527 of the zoning code, which have been evaluated above.

**Refuse Screening:** Refuse storage containers would be stored in the buildings. Each of the commercial uses will have trash rooms on the north side of the tenant spaces, near the ground level parking. The residential uses will have trash and recycling chutes that connect to trash rooms in the below-grade parking. A minimum of two chutes will be provided for trash and recycling.

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

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

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

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

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

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

- (1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.

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- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

The applicant has submitted lighting information that indicates the proposed lighting will comply with the above standards.

**Fences:** Fences are subject to the regulations found in Chapter 535, Article VI of the zoning code. The fencing proposed would primarily be ornamental black metal fence at a height of four feet and would comply with these requirements.

**Signs:** Only generic signage has been shown on the plans at this time, as tenants have not been identified for all of the commercial spaces. A revised elevation was submitted for the south elevation that shows a building identification sign at a height greater than 28 feet, which is the maximum allowed in the C2 district. The applicant has indicated that a master sign plan will be submitted at a later date. The master sign plan will require additional City approvals and if the height of the building identification sign exceeds 28 feet it would require an amendment to the PUD and an additional five amenity points. Any proposed signage must comply with the requirements of Chapter 543 of the zoning code and will require Zoning Office review, approval, and permits.

### MINNEAPOLIS PLAN

Please refer to the conditional use permit section of this report.

### SMALL AREA PLANS

The site is within the study area of the *Marcy Holmes Master Plan*. The future land use of the site in the small area plan is identified as institutional due to the presence of the existing school building. Further in the plan there is a recommendation for structured parking on the site due to the presence of the existing surface parking lot. The following policies of the small area plan apply:

***Housing Objective:*** *Housing construction to replace deteriorated units and provide for a balance of housing types.*

*Applicable Policies:*

- *The Marcy-Holmes neighborhood supports new multi-family housing construction on the fringe of the neighborhood in the following locations:*
  - *In the blocks between 14th and 15th Avenue SE outside of Dinkytown.*

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**Land Use Objective:** *Focusing housing demand to acceptable areas on the edges of the neighborhood.*

**Applicable Policies:**

- *Land to the river side of 4th Street SE and the blocks between 14th and 15th Avenues from Dinkytown to the railroad tracks may be considered for higher density multi-family housing development.*
- *Residential building heights should not exceed four (4) stories in Dinkytown in order to preserve the historical character of the area.*

**Staff comment:** The site is bordered by 14<sup>th</sup> Avenue SE on the east and there are no specific recommendations for the use of the existing building. The applicant has applied for a conditional use permit to increase height to seven stories, 76 feet. That request has been evaluated above.

**Economic Development Objective:** *Attraction of additional commercial activities, primarily neighborhood retail.*

**Applicable Policies:**

- *The neighborhood will focus attention on Central Avenue, East Hennepin Avenue, and Dinkytown for core neighborhood services such as groceries, hardware, and pharmacies.*
- *Dinkytown will be primarily, though not exclusively, a pedestrian-oriented place for walk-in business from University students, faculty, employees, visitors to the University, and nearby residents.*
- *All businesses should have active, glass storefronts, with individual business entrances on the sidewalk.*
- *The neighborhood supports a diverse mix of businesses. The Dinkytown district should not be dominated by restaurants and drinking establishments.*

**Staff comment:** Three commercial spaces are proposed on the first floor. Each space will have a glass storefront with individual entrances onto the public sidewalk adjacent to 5<sup>th</sup> Street SE. One of the commercial spaces will be a grocery store, providing a core neighborhood service as called for in the small area plan. Tenants for the other two spaces have not been identified at this time.

**Public Realm Objective:** *Improved quality of neighborhood streets, in order to achieve a balance between pedestrian, bicycle, and vehicular uses.*

**Applicable Policies:** *The neighborhood recognizes a hierarchy of streets. This hierarchy will be used to determine appropriate street character and streetscape treatments throughout the neighborhood, and includes the following designations:*

- **Greenway Corridors** *are designed for minimal traffic movement and high pedestrian amenity. In addition, they have a more intensively greened character than other neighborhood streets, and they provide immediate access to parks, trails, and bikeways.*
- *Greenway Corridor designation applies to 5<sup>th</sup> Street and Main Street, including the “missing link” parkway connection.*

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- *Greenway Corridors should include planted boulevards and street trees, traffic calming measures such as curb bump-outs or variety in pavement, pedestrian-scale lighting, and sidewalks.*

*Staff comment:* 5<sup>th</sup> Street SE runs along the south side of the property and is a designated “greenway corridor” in the plan. The site plan shows 13 boulevard trees along 5<sup>th</sup> Street SE with landscaped beds in between. The sidewalk width in this location is a minimum of 13 feet.

***Transit and Transportation Objective:*** *Parking solutions that avoid parking problems and increased traffic in the neighborhood.*

***Applicable Policies:***

- *The neighborhood also supports the concept of a Dinkytown parking ramp possibly on the site of the Tech Center parking lot or in the block bounded by 14th Avenue, 4th Street, 15th Avenue, and 5th Street.*

*Staff comment:* The subject site is specifically called out in this policy as being an appropriate location for a district parking ramp, due to the existing surface parking lot on the site. The applicant is proposing to accommodate all of the required residential parking below grade. Enclosed surface parking will be provided on the ground floor for the commercial spaces, though these uses do not have a minimum parking requirement.

***Character and Design Objective:*** *Preservation of the small town feel of the neighborhood.*

***Applicable Policies:***

- *The neighborhood is generally opposed to the following actions that would hurt the preservation of the small town character of the neighborhood:*
  - *New construction, generally. Rehabilitation is strongly encouraged over demolition and rebuilding.*
  - *Construction that is too big for a site. This means new buildings that are out of scale and proportion with existing buildings. They may be taller, have straight facades that ignore the architectural rhythm created by existing buildings, or occupy most of the site because of underground parking.*

*Staff comment:* The applicant is proposing to demolish the existing UTEC building as part of the project. As noted in the background of this report, Planning Division staff has evaluated the existing building and determined that it does not meet the threshold for historical significance. The proposed project will be large but has been designed to give the appearance of several smaller buildings with skyway connections.

***Character and Design Objective:*** *Preservation of the small town feel of the neighborhood.*

***Applicable Policies:***

- *The neighborhood is opposed to actions that would tend to destroy cultural landscapes. These include:*
  - *Neglecting the street trees and greenery in the neighborhood.*

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- *Development of apartment buildings that are located in the single family core of the neighborhood.*
- *Large scale (large footprint) buildings or buildings taller than four (4) stories in Dinkytown that conflict with the existing character of the area.*

*Staff comment:* A total of 30 boulevard trees and a number of other plantings are proposed as part of the project to add greenery to the neighborhood. The subject site is not part of the single family core or the core of Dinkytown. The plan identifies building heights of four stories for the subject site and specifies that higher densities and building heights are appropriate on the east side of 14<sup>th</sup> Avenue SE, which borders the site to the east. The applicant is proposing four stories on the north side of the site, five stories on the west side and six stories on the east. The height has been supported by the Marcy Holmes Neighborhood. The project is also consistent with the multiple-family design guidelines of the plan, as follows:

- *Building Materials:*
  - *Use high quality primary materials: brick, stucco, stone, decorative masonry*
  - *Include complementary accent materials: stone, metal, glass, brick*
- *Rooflines:*
  - *Use varied rooflines, especially on long buildings*
  - *Step back or accent rooflines to create visual interest*
- *Ground Level Treatment:*
  - *Place buildings close to pedestrian ways*
  - *Accentuate entries and ground floor with complementary design*
  - *Consider ground floor retail opportunities*
  - *Use ramps, stairs, and other grade separation techniques to distinguish between public and private space*
- *Building Massing:*
  - *Buildings should not appear as high-rise structures*
  - *Long building facades should be broken up with green spaces, balconies, parking courts, pathways, or changes in material and design*

## **ALTERNATIVE COMPLIANCE:**

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

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **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 to allow a building setback greater than eight feet along 6<sup>th</sup> Street SE and in the northeast corner of the site adjacent to 14<sup>th</sup> Avenue SE. The building setback is also greater than eight feet west of the plaza space. Along 6<sup>th</sup> Street SE the building setback ranges from

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eight feet to 15 feet and in the northeast corner of the site the building setback along 14<sup>th</sup> Avenue SE is 15 feet. The increased setback in this location is to allow for walk-up units. The area between the building wall and the public sidewalk will contain amenities such as ground level patios, sidewalks and a significant amount of landscaping. Staff recommends granting alternative compliance.

Alternative compliance is requested to allow blank, uninterrupted walls in excess of 25 feet on the south interior courtyard elevation and on the fourth floor of the north end of the west elevation. Staff is not recommending granting alternative compliance as this interior courtyard space will function as an amenity for the development and will be an active space. The blank walls on the upper floors will also be visible from 6<sup>th</sup> Street SE. As a condition of approval, these blank walls will need to be broken up with entries, windows, recesses, projections or other architectural elements.

Alternative compliance is requested for the number of canopy trees. A minimum of 19 canopy trees are required and 11 are proposed on site. Staff recommends granting alternative compliance given the number of ornamental trees (19) on site and the number of canopy trees (30) proposed within the right-of-way. As an additional alternative, staff is recommending that a minimum of 30 shrubs shall be planted within the courtyard space in order to qualify for the Outdoor Open Space Amenity per Table 527-1, Amenities, of the zoning code.

### **PRELIMINARY PLAT**

#### **Findings as required by the Minneapolis Zoning Code for the preliminary plat:**

**1. The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning code ordinance and policies of the comprehensive plan.**

The subdivision is in conformance with the applicable zoning code regulations and policies of the comprehensive plan. The land currently consists of approximately 13 underlying platted lots. The land is proposed to be platted into one lot. A subdivision for a PUD is required to include a deed restriction as required by section 598.260 of the subdivision ordinance.

**598.260. Planned unit development and cluster design.** Individual lots within planned unit developments and cluster developments shall be exempt from the public street frontage requirement of section 598.230 and the design requirements of sections 598.240 and 598.250. The design of a subdivision for a planned unit development or cluster development shall implement the site plan as approved by the planning commission and shall include a deed restriction designating the following:

- (1) The relationship between all common spaces and each individual lot (rights in the common spaces and proportionate ownership accruing to the individual lot).
- (2) Provision for access to each lot that does not have frontage on a public street.
- (3) A requirement that an owners' association be created. The duties and responsibilities of the owners' association shall include maintaining the elements of the planned unit development or cluster development as authorized under the zoning ordinance or other applicable regulations.
- (4) A provision that the taxes, special assessments, and other charges and fees that would normally be levied against the common spaces shall be levied against the individual lot occupied or to be

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occupied by buildings in direct proportion to the interest that is stated in the deed restriction and shall provide that such levies shall be a lien against the individual lots.

(5) A requirement that any disposition of any of the common property situated within the planned unit development or cluster development shall not be made without the prior approval of the planning commission.

**2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

The plat should have no impact on the surrounding area.

**3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision and the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard.**

The site is basically flat and does not present any other noted hazards.

**4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

The proposed lot is buildable with minimal alterations and will have frontage on three public streets.

**5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practical, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.**

The Public Works Department has reviewed the project for appropriate drainage and stormwater management. Specific comments related to stormwater can be found in the attached PDR report. The amount of stormwater runoff from the site should be minimized.

## **RECOMMENDATIONS**

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit to allow a planned unit development with 326 dwelling units and 47,190 square feet of ground floor commercial space located at the property of 1313 5<sup>th</sup> Street SE, subject to the following conditions:

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- 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) As required by section 527.120 of the zoning code, the development shall comply with the standards for some combination of the following amenities from Table 527-1, Amenities totaling a minimum of 25 points: Recreational Green Roofs equivalent to 25 percent of the total roof area, Outdoor Open Space, Plaza, Pedestrian Improvements, Reflective Roof, Decorative Fencing, Enhanced Exterior Lighting, Water Feature and Recycling Storage Area.
- 3) The applicant shall implement all amenities as required by section 527.120 of the zoning code by August 27, 2014.
- 4) A minimum of 30 shrubs shall be planted within the courtyard space in order to qualify for the Outdoor Open Space Amenity per Table 527-1, Amenities, of the zoning code.
- 5) The applicant shall make consideration for the salvage and reuse of existing building elements per Section 527.260 of the zoning code, including but not limited to stone elements, flooring from the gymnasium, the trophy case, decorative wrought iron detailing from the building exterior, classroom desks and chalkboards.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit to increase height from 4 stories, 56 feet to 7 stories, 76 feet for the property at 1313 5<sup>th</sup> Street SE, subject to the following conditions:

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

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review for the property located at 1313 5<sup>th</sup> Street SE, subject to the following conditions:

- 1) Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, floor, site, lighting and landscape plans.

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- 2) Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by August 27, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
- 3) Blank walls in excess of 25 feet on the south interior courtyard elevation and the west elevation shall be modified to include windows, entries, recesses, projections or other architectural elements in compliance with Section 530.120 of the zoning code.
- 4) Cement board (Hardi) panels shall not exceed more than 30% coverage on any single exterior elevation of the proposed building.
- 5) 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, in compliance with Section 530.120 of the zoning code.
- 6) At least 40 percent of the first floor façade for each of the non-residential uses shall be windows or doors of clear or lightly tinted glass that allow view into and out of the building at eye level, in accordance with Section 551.120 of the zoning code.
- 7) A minimum of 790 long-term bicycle parking spaces shall be provided within the underground parking area and a minimum of 49 short-term bicycle parking spaces shall be provided, in compliance with Section 541.180 of the zoning code.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary plat for the property located at 1313 5<sup>th</sup> Street SE, subject to the following condition:

- 1) The plat shall include a deed restriction as required by section 598.260 of the subdivision ordinance.

**Attachments:**

- 1) Applicant's statement of proposed use, responses to findings and site amenities table
- 2) Reuse plan for elements of the existing building
- 3) Zoning map
- 4) PDR Report
- 5) Letter from the Marcy-Holmes Neighborhood Association dated June 24, 2012
- 6) Historic Review letter
- 7) Correspondence
- 8) Plans
- 9) Photos of the property and existing structures