

Department of Community Planning and Economic Development
Conditional Use Permit, Variances, Site Plan Review
BZZ-6274

Date: November 12, 2013

Applicant: Karen Gjerstad, Architect

Address of Property: 1209 4th Street SE and 1206-1212 5th Street SE

Project Name: Frey Mansion and Hoy House Rehabilitation

Contact Person and Phone: Karen Gjerstad, 612-724-7258

CPED Staff and Phone: Aaron Hanauer, Senior City Planner, (612) 673-2494

Date Application Deemed Complete: October 8, 2013

End of 60-Day Decision Period: December 7, 2013

End of 120-Day Decision Period: N/A

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

Existing Zoning: OR3/Institutional Office Residence District and UA/University Area Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 15

Lot area: 49,015 square feet or approximately 1.13 acres

Legal Description: Not applicable

Proposed Use: Allow for a six-unit apartment building in the existing structure at 1206 5th Street Southeast and a three-unit apartment building in the existing structure at 1212 5th Street Southeast:

Concurrent Review:

- Conditional use permit to allow an amendment to a planned unit development;
- Variance to reduce the number of off-street parking spaces from 12 spaces to 7 spaces (this was noticed from 12 spaces to 5 spaces);
- Variance to reduce the distance of an off-street parking space from a dwelling from six feet to 1.5 feet;

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- Variance to allow off-street parking area between the principal building and the front lot line (withdrawn);
- Site plan review.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits and Chapter 527, Planned Unit Development, Chapter 525, Article IX, Variances, specifically Section 525.520(6) “to vary the minimum number of required off-street parking”. Variances, specifically Section 525.520(8), “to permit parking that cannot comply with the location requirements for on-site parking,” Chapter 530 Site Plan Review.

Background: In 2010, the City Planning Commission (CPC) approved a two-phased, planned unit development (PUD) for 1209 4th Street Southeast, 1206 5th Street Southeast, and 1212 5th Street Southeast. As part of the PUD, the parcels were rezoned from R5 (Multiple-Family) district to the OR3 (Institutional Office Residence) district; the properties retained their University Area Overlay District status. In addition, the applicant also received approval to replat the site from three lots into two new lots. Lot 1 was created for the first phase of the proposed development (406 12th Avenue Southeast) and Lot 2 was created for the second phase of the proposed development (1206-1212 5th Street Southeast).

The first phase, which was completed in 2011 included the demolition of the Heart of the Earth School and the construction of a new, five-story, 102 unit residential building (with 191 bedrooms). The first phase of the project also contained 103 off-street parking spaces, which met the zoning code parking requirement.

The second phase was to include the restoration and renovation of the existing Frey Mansion (1206 5th Street Southeast) into a Native American community/cultural center and the demolition of the Hoy House at 1212 5th Street Southeast to allow for a 15-space surface parking lot. That phase was anticipated to be completed between 2012 and 2014. However, it never came to fruition. Heart of the Earth, Incorporated, who currently owns these properties, has decided to sell the properties and not build a Native American Community Center at this location.

The Frey Mansion and the Hoy House are not locally designated, however, they have been deemed to be historic resources and potentially eligible for local designation; based on their architectural and social significance respectively. The Frey Mansion (1206 5th Street Southeast) is a three-story, 6,930 square foot (excluding basement) Richardsonian Romanesque house with a hipped, copper-covered roof. The building’s physical integrity remains relatively good. It was built in 1892 for Henry Baumgartner Frey and designed by Warren Hayes, a prominent architect in Minneapolis. The most recent use of the Frey Mansion was office/school space for the Heart of the Earth school.

The Hoy House is two-and-a-half stories with 2,900 square foot (excluding basement). It was built prior to 1892 (no building permit is on file for the original construction). The house maintains relatively good integrity on the exterior. It was converted into a duplex in 1955 and in 1983 it was converted into a triplex. The Hoy House, prior to being vacated, was a three-unit building.

Proposal: The applicant, Karen Gjerstad is the project architect. She is representing Roman Gadaskin, who has a purchase agreement for the parcel that contains the Frey Mansion and Hoy House. Mr. Gadaskin is proposing to rehabilitate the Frey Mansion into a six unit, 16-bedroom apartment building. Instead of tearing down the Hoy House for a parking lot, the applicant is proposing to maintain it being a three-unit building (with a total of seven bedrooms). The unit breakdown is proposed to be as follows: one studio, one, one-bedroom, two, two-bedrooms, two, four-bedrooms, and one, five-bedroom unit.

The applicant is proposing to provide seven off-street parking spaces for the two residential structures; four parking spaces would be located along the eastern elevation of the Frey Mansion, one space behind the Frey Mansion and one accessible parking space behind the Hoy House. Similar to the approved PUD, the off-street parking spaces would be accessed from 5th Street Southeast via a one-way driveway. The vehicles would exit via an easement to 4th Street Southeast. The applicant's parking proposal requires two variances: 1. Variance to reduce the number of off-street parking spaces from 12 spaces to 7 spaces; 2. Variance to reduce the distance of an off-street parking space from a dwelling from six feet to 1.5 feet. A third variance was noticed for the off-street parking (variance to allow off-street parking area between the principal building and the front lot line). However, after the public notices were mailed, the applicant modified their parking proposal to move their off-street parking behind the established front yard setback of the principal building. Therefore, the variance to allow off-street parking area between the principal building and the front lot line was withdrawn.

The proposed alterations which include a change of use (in Phase II) and changes to the proposed parking were not considered minor alterations. Therefore, the proposed amendment to the PUD required a conditional use permit.

Staff has not received official correspondence from the Marcy Holmes Neighborhood Association or other stakeholders prior to the printing of this report. All correspondence received prior to the Planning Commission meeting will be forwarded on for consideration.

CONDITIONAL USE PERMIT – Allow an amendment to a planned unit development for a six-unit apartment building in the existing structure at 1206 5th Street Southeast and a three-unit apartment building in the existing structure at 1212 5th Street Southeast:

Findings as Required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic Development 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 proposed amendments to the planned unit development proposal will not be detrimental to or endanger the public health, safety, comfort or general welfare of the area. The applicant is proposing

to renovate the Frey Mansion and the Hoy House into residential structures (their original use) instead of converting the Frey Mansion into a community center with a surface parking lot. The applicant's proposal will help with public safety by activating the buildings and having more eyes on the street. Currently, the buildings do not have authorized people living there.

It is recognized that the applicant's proposal does not provide the required amount of off-street vehicular parking. However, the applicant is providing as much off-street parking as possible on the site while trying to maintain the residential character of the homes along 5th Street Southeast. In addition, the subject buildings' proximity to the University of Minnesota campus and the Dinkytown Activity Center will help reduce the number of vehicles needed by tenants and the number of vehicular trips taken to and from the subject property.

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

The amended planned unit development proposal will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. The applicant is proposing to have both structures be multifamily residential, which is the use of the other buildings on the block. The parcels to the west are primarily a mix of single family and multifamily structures. The structures to the east are mainly larger multifamily residential structures.

Having two rehabilitated and active buildings will benefit the residents of the 412 Lofts (Phase I of the PUD) and the surrounding residential uses with more eyes on the street. The proposed density of the project is compatible with the surrounding uses and the build-out of the proposal will enhance the surrounding neighborhood and help support the commercial uses within the Dinkytown Activity Center. The additional housing will also provide for additional housing opportunities near the University of Minnesota

From a neighborhood character standpoint, the rehabilitation of the structures will complement the late 19th and early 20th century character along 5th Street Southeast from 11th Avenue Southeast to the midblock of 12th Avenue Southeast as well as the houses on the east side of 12th Avenue Southeast between 5th Street Southeast and 6th Street Southeast. The applicant's proposal will also allow for the continued preservation of two historic resources and provide relief from other existing single and two-family dwellings within the larger residential neighborhood/context to be demolished or converted into multifamily structures.

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

Adequate utilities, access roads, drainage, necessary facilities will be provided. The Phase I portion of the proposal is accessed off of 12th Avenue Southeast via one curb cut to the partial two-story underground parking garage. The access for Phase II is not proposed to change with the proposed

amendment to the PUD. Vehicles would access the site from 5th Street Southeast and exit via an existing cross-access easement onto 4th Street SE.

The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required to continue to work closely with the Public Works Department, the Plan Review Section of CPED and the various utility companies during the duration of the development should the applications be approved. This would be required to ensure that all procedures are followed and that the development complies with all city and other applicable requirements. The applicant is aware that all applicable plans are expected to incorporate any applicable comments or modifications as required by the Public Works Department.

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

Adequate measures have been taken to minimize traffic congestion in the public streets. The subject site is located in the University Area (UA) Overlay District which requires one-half parking space per bedroom but not less than one space per dwelling unit. The first phase of the planned unit development contains 102 units with 198 bedrooms. Therefore, the first phase was required to provide 102 off-street parking spaces. The applicant provided 103 off-street parking spaces.

The revised Phase II is proposed to have nine residential units with 23 bedrooms. Therefore, the proposed project would be required to provide one-half parking space per bedroom, or 12 off-street parking spaces. Given the limited real estate on the subject parcel, the applicant is proposing to provide only seven off-street parking spaces. A variance of the UA Overlay District standards is required and analyzed in the variance section of the report below.

Overall, the entire residential project will have 111 units with 221 bedrooms. The parking requirement for the entire project is 115 off-street parking spaces and the applicant is providing 110 off-street parking spaces; a parking variance of five spaces or, 4.3 percent.

To help minimize traffic congestion in the public streets, the project will exceed the minimum bike parking requirement. The UA Overlay District requirement for bike parking is one bicycle parking space per bedroom. Therefore, Phase I was required to provide 198 bike parking spaces; the applicant provided 205 secured bike parking spaces. Phase II is required to provide 23 bike parking spaces for the 23 bedrooms. The applicant is proposing to provide 29 bike parking spaces.

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

The proposed amendment to the PUD is consistent with the applicable policies of the comprehensive plan. The proposed amendment involves adding nine residential units with 23 additional bedrooms. In addition, the proposed amendment will preserve two historic resources (Frey Mansion and the Hoy House) rather than just one as was proposed originally.

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The subject parcels are in an area where the additional residential units are appropriate. The properties are adjacent to the Dinkytown Activity Center and within a few block of the University of Minnesota Growth Center. Activity centers and growth centers tend to have a concentration of higher density residential uses. Activity centers are heavily oriented towards pedestrians, and maintain a traditional urban form and scale, which the proposed amendment will do. In addition, the planned unit development is located along a designated community corridor, 4th Street Southeast, and within a block of the University Avenue Southeast community corridor. Community corridors allow for high density in specified areas, such as activity centers. The Minneapolis comprehensive plan future land use map identifies the parcels of the PUD as within the urban neighborhood district. The urban neighborhood district is primarily residential with the more intense residential uses near or within activity centers and near growth centers.

The proposal to amend the PUD is consistent with the following provisions of *The Minneapolis Plan for Sustainable Growth*:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation step: (1.1.5) “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 1.3 of *The Minneapolis Plan for Sustainable Growth* states, “Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.” This policy includes the following applicable implementation step: (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 of *The Minneapolis Plan for Sustainable Growth* states, “Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.” This policy includes the following applicable implementation step: (1.8.1) “Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.”

Land Use Policy 1.9 of *The Minneapolis Plan for Sustainable Growth* states, “Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.”

Land Use Policy 1.12 of *The Minneapolis Plan for Sustainable Growth* states, “Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.” This policy includes the following applicable

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implementation step: (1.12.7) “Encourage the development of medium- to high-density housing immediately adjacent to Activity Centers to serve as a transition to surrounding residential areas.”

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

Housing Policy 3.2 of *The Minneapolis Plan for Sustainable Growth* states, “Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.” This policy includes the following applicable implementation step: (3.2.1) “Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.”

Housing Policy 3.6 of *The Minneapolis Plan for Sustainable Growth* states, “Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.”

Historic Preservation Policy 8.1 of *The Minneapolis Plan for Sustainable Growth* states, “Preserve, maintain, and designate districts, landmarks, and historic resources which serve as reminders of the city's architecture, history, and culture.” This policy includes the following applicable implementation step (8.1.3) “Encourage new developments to retain historic resources, including landscapes, incorporating them into new development rather than removal.”

Policy 8.7: Create a regulatory framework and consider implementing incentives to support the ethic of “reduce, reuse, and recycle” and revitalization for buildings and neighborhoods.

The *Marcy-Holmes Neighborhood Master Plan* also provides guidance for the subject site (adopted in 2003 and amended in 2007). The proposed amendment is consistent with the land use, character and design, and historic preservation chapters and policies of the Marcy Holmes Neighborhood Master Plan. From a land use perspective the parcels of the planned unit development were identified as being multifamily, which is the applicant's proposal. The proposed plan will indirectly help preserve existing single and two-family homes on the west side of Interstate 35W (identified as the single-family core) from being converted into buildings with three units or more by increasing the supply of residential units in the University of Minnesota area. In addition, the small area plan states in the character and design chapter that “rehabilitation is strongly encouraged over demolition and rebuilding,” which is the applicant's proposal. The Frey Mansion was specifically mentioned in the historic preservation chapter as a historic resource that should be preserved and a designation study prepared for local designation. The preservation of the Hoy House is also significant in that it has been deemed a historic resource and will provide historic context for the Frey Mansion.

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

The City Planning Commission can approve alternatives to the zoning regulations applicable to the zoning district in which the planned unit development is located where the planned unit development includes site amenities. Site amenities are subject to the following standards:

- All planned unit developments shall provide at least one amenity or a combination of amenities that total at least ten 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 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 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.

Minimum required amenity(ies) of 10 points.

In 2010, the PUD received the minimum ten points for the following:

1. Conservation of the built environment involves the significant renovation, rehabilitation and adaptive reuse of an existing building(s), rather than demolition. The applicant is proposing to conserve the built environment as the Frey Mansion would be significantly renovated, rehabilitated and adaptively reused as part of phase two of the PUD. The conservation of the built environment is worth five points.
2. Decorative pavers, pervious pavers, stamped concrete, colored concrete, pervious concrete, brick or other decorative or durable materials need to be provided for a minimum of 75 percent of surface parking and/or loading areas, drives aisles, driveways and walkways that comply with the Americans with Disabilities Act accessibility requirements. The applicant is proposing to provide pervious pavers within the outdoor courtyard area, colored concrete within the driveway leading to the underground parking garage, and colored patterned concrete for the sidewalks within the first phase of the PUD. The second phase of the PUD incorporates colored concrete within the entire surface parking lot. This provision is worth 3 points.
3. Decorative fencing requires the installation of high-quality decorative metal fencing where visible from the public street, public sidewalk or public pathway. The applicant is proposing to provide decorative fencing on the premises along both sides of the driveway leading to the

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underground parking proposed as part of phase one of the PUD. Decorative fencing is also proposed as part of phase two along the east property line adjacent to the surface parking lot. This provision is worth 1 point.

4. The applicant is proposing to provide enhanced landscaping on the site. Enhanced landscaping must incorporate a landscaping plan of exceptional design that has a variety of native tree, shrub and plant types that provides seasonal interest and that exceeds the requirements of Chapter 530, Site Plan Review. The landscaped areas shall have a resource efficient irrigation system and be prepared by a licensed landscape architect. Mature deciduous trees in excess of the standards are proposed within the public right-of-way as is new landscaping and sod. Raised planters and outdoor seating are proposed within the courtyard. The plan has a variety of native tree, shrub and plant types that provide seasonal interest and that exceed the requirements of the Chapter 530. The landscape areas also have a resource efficient irrigation system. This provision is worth 1 point.

The first phase of the PUD also provided amenities/points in order to reduce the yard requirements for the placement of the new apartment building. The applicant installed the proposed amenities and successfully reduced the setback requirements for the new construction.

The applicant is requesting a modification to the minimum 10 points for a PUD. The revised PUD plans would continue to rehabilitate the Frey Mansion (five points), install the decorative fencing along 5th Street Southeast (one point), and plant a landscape plan that is consistent the enhanced landscape plan that was approved in 2010 (one point). However, the applicant is requesting the ability to not install colored concrete within the parking area between the Frey Mansion and the Hoy House. Therefore, they would not receive three points for decorative or pervious surface for on-site parking and loading areas, drives, driveways and walkways,. Instead, the applicant is requesting five points for the significant renovation and rehabilitation of the Hoy House, rather than demolition. The applicant's proposed renovation plan includes the following work to the Hoy House:

- New roof;
- Tuckpointing the brick;
- Removal of red paint on the front façade brick;
- Repair to the soffits and facias on the front porch;
- New windows;
- New concrete stoop at the rear entrance;
- New door at the rear entrance;
- Refinishing or replacement of front door;
- Repair chimney stone, repair and/or replacement of wood soffits, fascia and siding at rear addition of the Hoy House.

If the Planning Commission approves the five points for the rehabilitation of the Hoy House, the applicant would meet the minimum 10 point requirement for a PUD.

Placement and number of principal residential structures: No alternative requested.

Bulk regulations - floor area: No alternative requested.

Bulk regulations - height: No alternative requested.

Lot area requirements: No alternative requested

Yards: No alternative are requested for Phase II.

On-premise signs: No alternative requested. No signage is proposed at this time.

Off-street parking and loading: : No alternative requested, however, a variance of the University Area Overlay District parking standards is being processed separately for the revised Phase II plans. See the variance section listed below for further details.

Amenities provided: The applicant is not proposing additional alternatives to the zoning ordinance standards other than the listed variances. Therefore, additional amenities are not required.

Phasing plan: In 2010, the applicant received approval for a two-phase PUD. The first phase, which included the demolition of the Heart of the Earth School and construction of a new five-story, 102 unit residential building was completed in 2011. The applicant is proposing to modify the plans for the second phase of the PUD. The original plans for Phase II was to rehabilitate the Frey Mansion and demolish the Hoy House for a parking lot. This was planned to be completed between 2012 and August 6, 2014. Although, the proposal is now to rehabilitate the Frey Mansion and the Hoy House into residential structures, the applicant plans to pull all building permits by the August 2014 deadline and complete all rehabilitation work by the August deadline or shortly after.

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.**

Phase I and Phase II would provide a mix of rental housing including studios and apartments with one to five bedrooms. Phase II includes the restoration of two historic Minneapolis resources that are potentially eligible for local designation, the Frey Mansion and the Hoy House. Both phases of the proposed development would fit in well with the neighborhood context as the surrounding area includes a mixture of residential, commercial and institutional uses that are of varying heights, style, and designs. The preservation of the Frey Mansion and the Hoy House will also preserve the late 19th/early 20th century character along 5th Street Southeast. The southern block face of 5th Street Southeast between 11th and 12th Avenue retains most of the original residential structures as well as the eastern block face of 12th Avenue Southeast between 5th Street Southeast and 6th Street Southeast.

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 proposed revised plan is not expected to have a negative impact on traffic movement in the vicinity. Phase I exceeded their off-street vehicle parking requirement. The requirement was 102 spaces and the applicant provided 103 spaces. The off-street parking requirement for Phase II is 12 off-street parking spaces. Due to the limited amount of real estate, the applicant is proposing to provide seven off-street parking spaces. Therefore, Phase II would provide five less parking spaces than what is required. The applicant has submitted a variance request to reduce the number of off-street parking spaces and is evaluated in the variance section below in full detail. Even though the applicant has not provided all of the required parking, the location of the PUD (near the University of Minnesota activity center and growth center) and the applicant's efforts to provide alternatives to vehicle parking, will help reduce the impact. The subject parcels are close to several transit routes, within walking distance of the University of Minnesota, and are within an area of Minneapolis that has lower than average vehicular ownership. Furthermore, the subject parcels have excellent walk, transit, and bike scores; 92, 83, and 98 (out of a possible 100), and amongst the highest Nice Ride usage in the City of Minneapolis (Source: Walk Score and Federal Highway Administration), Both phases are also providing more than the required bike parking on site.

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.

Phase I of the project included the installation of decorative pavers, decorative fencing, enhanced landscaping and lighting, a small green roof, reflective roofing, buried utilities, etc. Phase II of the project will also have decorative fencing and enhanced landscaping. In addition, the applicant is proposing conservation of the built environment with the rehabilitation of the Frey Mansion and the Hoy House.

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 building proposed as part of Phase I is five stories in height and contain two levels of below ground parking. The building has been designed to resemble traditional U-shaped/plaza style apartment buildings which are found nearby and throughout Minneapolis. The second phase involves the restoration of two larger nineteenth century residential structures. The preservation of both structures will help provide additional context to the similar aged homes along 5th Street Southeast to the west and 12th Avenue Southeast to the north.

The applicant has made efforts to make the parking area for Phase II compatible with the planned unit development and surrounding development. The parking area is proposed to

provide seven off-street parking spaces and be at the back portion of the lot in order to preserve the residential character of the front yards of the Frey Mansion and the Hoy House.

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.

An appropriate transition area is proposed between the PUD and the adjacent residential uses as landscaping and screening are being provided.

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 applicant would need to continue to work closely with the Public Works Department, the Plan Review Section of CPED and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements. The City of Minneapolis will review and approve the applicant's stormwater management plan and erosion control plan.

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.

The applicant is proposing to rehabilitate two historic structures, which both retains the historic character of the area, but also preserves the embodied energy within both structures.

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

The platting of the site is in compliance with Chapter 598, Land Subdivision Regulations.

VARIANCE – (1) Variance to reduce the number of off-street parking spaces from 12 spaces to 7 spaces; (2) Variance to reduce the distance of an off-street parking space from a dwelling from six feet to 1.5 feet.

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

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

Variance of reduce the number of off-street parking spaces from 12 spaces to 7 spaces: The subject parcels are located within the University Area Overlay District. The UA Overlay District has a parking requirement of one-half (½) parking space per bedroom but not less than one (1) space per

dwelling unit. Phase II is proposed to have nine residential units and 23 bedrooms. Therefore, the off-street parking requirement will be 12 off-street parking spaces to accommodate for the 23 bedrooms. The applicant is proposing to provide seven off-street parking spaces, which provides 0.3 stalls-per bedroom, rather than the required 0.5 spaces. However, when combining Phase I and Phase II, the PUD will have 111 units, 221 bedrooms, and 110 off-street parking spaces. The ratio of off-street parking stalls to bedrooms for the entire project will be .49, just slightly below the 0.5 standard.

Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. These circumstances were not created by persons presently having an interest in the property and not based on economic considerations alone. For Phase II, the applicant has limited real estate to place off-street parking. The applicant is attempting to provide as much parking on a confined site, while preserving two historic resources and their residential character.

Variance to reduce the distance of an off-street parking space from a dwelling from six feet to 1.5 feet: The zoning code requires that parking spaces be at least six feet from the dwelling (537.80). Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. These circumstances were not created by persons presently having an interest in the property and not based on economic considerations alone. The subject site has limited real estate to place off-street parking. The only places to locate parking are between the two residential structures and to a lesser extent at the rear of the property. The distance between the Frey Mansion and the Hoy House is 30 feet. In order to provide the proposed parking while having a 12-foot wide drive aisle, the applicant needs to have vehicle parking 1.5 feet from the Frey Mansion and the Hoy House.

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

Variance of reduce the number of off-street parking spaces from 12 spaces to 7 spaces: The proposal to reduce the required off-street parking from 12 spaces to seven spaces for the residential development is reasonable and would be in keeping with the spirit and the intent of the ordinance and the comprehensive plan. The subject site will benefit from its location near the University of Minnesota, being within three blocks of three high frequency bus routes (Route 2, Route 3, Route 6). In addition, the planned unit development is providing more bike parking than is required. Similar residential developments in and around the University of Minnesota campus have provided between 0.21 and 0.61 parking spaces per bedroom (the applicant's proposal is has an off-street parking to bedroom count of 0.49). In addition to being well situated for providing some flexibility with the off-street parking standards, the proposal is in compliance with the comprehensive plan's heritage preservation policies of protecting two historic resources, the Frey Mansion and the Hoy House.

Variance to reduce the distance of an off-street parking space from a dwelling from six feet to 1.5 feet: The proposal to reduce the distance of an off-street parking space from a dwelling from six feet to 1.5 feet is a reasonable and would be in keeping with the spirit and the intent of the ordinance and the comprehensive plan. The intent of establishing a minimum spacing requirement between parking spaces and a residential building is to reduce the negative impact of vehicle lights shining in the living area and the possibility of a vehicle hitting the building. The applicant's proposal will limit

the negative impacts of off-street parking close to the residential structure. The first floor of the Frey Mansion is five feet from the ground and the applicant is proposing wheel stops for each of the parking spaces

The applicant is also proposing to have a parking space within six feet of the Hoy House at the rear of the property. The proposed location of this parking space will not have lights shining in the house and it is unlikely vehicle will hit the building given its location.

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

Variance of reduce the number of off-street parking spaces from 12 spaces to 7 spaces: The proposal to reduce the parking requirement for the residential development would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The proposal is contextually appropriate given its location within a pedestrian and transit-oriented area.

Variance to reduce the distance of an off-street parking space from a dwelling from six feet to 1.5 feet: The proposal to reduce the distance of an off-street parking space from a dwelling from six feet to 1.5 feet would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The applicant is proposing to retain the residential character of the front of the house.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If**

located on corner lot, the building wall abutting each street shall be subject to this requirement.

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

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.**
 - For Phase II, the placement of the Frey Mansion and the Hoy House are an existing condition. However the rehabilitation of the existing structures will reinforce the late 19th and early 20th century building presence along 5th Street Southeast, maximize natural surveillance with activated buildings, maximize visibility with retaining the large amount of windows, and facilitate pedestrian access with maintaining the walkways that connect the public sidewalks to the front entrances.
 - The location of the first floor of the Frey Mansion (1206 5th Street Southeast) and the Hoy House (1212 5th Street Southeast) is an existing condition and is not proposed to change. The Frey Mansion will maintain being 29.2 feet from 5th Street Southeast property line and the Hoy House will maintain its 10.4 foot setback from the 5th Street Southeast property line.
 - The area between the existing buildings and the 5th Street Southeast lot line will include amenities. The applicant is proposing to install a decorative metal fence and enhanced landscaping along 5th Street Southeast.
 - Both the Frey Mansion and the Hoy House are oriented so that a principal entrance faces the public street.
 - The applicant is proposing that the on-street parking be located to the rear or interior of the

site.

- The applicant is not proposing new construction. Currently, the buildings walls provide architectural detail and 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.
- The existing buildings provide architectural elements including recesses, projections, windows, entries that face the front property line, and open front porches.
- The existing buildings do not have blank, uninterrupted walls that exceed 25 linear feet.
- The existing buildings exterior materials are durable. The Frey Mansion is constructed of stone and the Hoy House of brick.
- The existing buildings exterior materials and appearance of the rear and side walls are similar to and compatible with the front of the building. The Frey Mansion has stone on all four side, and the Hoy House has a masonry veneer on all four sides.
- The existing buildings are not proposed to contain plain face concrete block as an exterior material.
- The Frey Mansion and the Hoy House are proposed to be residential structures; their original use. The principal entrances will be clearly defined and emphasized through the use of a front porch. The window percentages of both houses facing 5th Street Southeast will be maintained at their current levels.
- Both houses will have active functions on the first floor. Neither structure will have parking, loading, storage, or mechanical equipment on the first floor.
- The hipped roof of the Frey Mansion and the gable roof of the Hoy House are similar to the surrounding late 19th century and early 20th century buildings that have gable and hipped roofs.
- A parking garage is not proposed for the rehabilitation of the Frey Mansion or the Hoy House.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
 - **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
 - **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
 - **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
 - **Site plans shall minimize the use of impervious surfaces.**
-
- A clear and well-lighted walkway four feet in width is proposed to be maintained for both structures from their front entrances to the public sidewalk on 5th Street Southeast.
 - No transit shelter is proposed for this project.
 - Vehicular access and circulation is designed to minimize conflicts with pedestrian traffic and surrounding residential uses. The proposed walkways leading from the sidewalk to the front

entrance will provide a safe route for pedestrians. Similar to the initial planned unit development proposal for Phase II, the applicant is proposing to access the surface vehicle parking spaces via a one-way drive from 5th Street Southeast. The vehicles would exit via a one-way easement to 4th Street Southeast.

- Traffic is directed to minimize impact upon other residential properties and meets the requirement outlined in Section 530.150 (b).
- The site plan minimizes the use of impervious surfaces. The proposed amendment to Phase II will have approximately 368 square feet less of impervious surface compared to the original proposal for Phase II. The original Phase II had 9,688 square feet of impervious. The proposed modified Phase II would have 9,340 square feet of impervious surface.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

- The composition and location of landscaped areas will complement the scale of the development and its surroundings. The applicant is proposing to complete a landscaping plan that is consistent with the enhanced landscape plan that was approved in 2010. As proposed, the entire PUD proposal meets the 20 percent landscape requirement. The total site area of the PUD is 49,015 square feet or 1.13 acres. The proposed building footprints on the site would be 25,205 square feet (Phase I: 21,317 square feet + Phase II: 2,384 square feet + 1504 square feet) A total of 5,041 square feet of landscaping would be necessary to meet the 20 percent requirement. The applicant is providing 13,633 square feet of landscaping (Phase I: 8,673 square feet + Phase II: 4,960 square feet), which is 42 percent of the site. The zoning code also requires that there be at least one tree for every five hundred (500) square feet of required landscaping and one shrub for every 100 square feet of required landscaping. Therefore, the PUD will be required to provide 11 trees and 51 shrubs. When completed, Phase I and Phase II would provide 11 canopy trees and more than 100 shrubs. In addition, the PUD includes the planting of 12 canopy trees in the right-of-way (which do not count towards the on-site landscaping requirement).
- For Phase II, the proposed parking and loading facilities will comply with the screening and tree requirements Section 530.170 (b) requirements. The applicant is providing screening that will consist of plantings that are three feet in height and not less than 60 percent opaque in the front yard and 95 percent opacity on the side and rear. In addition, the parking area will have more than one tree for every 25 linear feet of parking area. The parking area is approximately 30 feet wide at its widest area. The applicant is proposing to have two canopy trees along the 5th Street Southeast parking area to help screen the vehicle parking. The applicant is providing a landscaped yard of at least seven feet wide in the front. Along the eastern and southern property line, the applicant is proposing to have two-foot wide landscaped yards with screening that is three feet in height. This will meet the University Area Overlay District requirement (551.1320). However, it does not meet the site plan review requirement of having a seven foot landscaped yard when abutting a residence. Alternative compliance is required.
- The revised Phase II proposal does not contain corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation.
- The parking lot is proposed to contain seven parking spaces and is not subjected to the requirement that no parking space shall be located more than 50 feet from the center of an on-site deciduous tree. Parking lots with 10 or more spaces are required to meet this standard.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**

- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
 - **Natural surveillance and visibility**
 - **Lighting levels**
 - **Territorial reinforcement and space delineation**
 - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**
 - The proposed parking lot would be designed with wheel stops. The site has been designed to accommodate on-site retention and filtration.
 - The proposed site plan will not change building structure size and will not block views of important elements of the city.
 - No changes are proposed to the buildings, which will not impact shadowing on public spaces and adjacent properties.
 - No changes are proposed to the buildings, which will not impact wind currents at ground level.
 - The proposed site plan includes crime prevention design elements. The applicant is providing additional site lighting, the majority of the window openings that will be maintained will provide adequate natural surveillance and visibility, the shrubs and decorative metal fence will help with territorial reinforcement, and the walkways connecting the sidewalks to the front entrances will provide natural access control.
 - While there are no officially designated historic structures on the subject site, the redevelopment includes the renovation and restoration of the Frey Mansion and Hoy House, which are considered eligible for local designation.

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

ZONING CODE - The proposed use of the site as a phased PUD is conditional use in the OR3 District. The subject parcels are also located in the University Area Overlay District. If all land use/zoning applications are approved, including the conditional use permit for a planned unit development and implementation of associated amenities, variances, and site plan review, the proposal would comply with all provisions of the OR3 and UA overlay districts. As stated in condition #5 of the conditional use permit, the proposed rehabilitation of the Frey Mansion and the Hoy House are consistent with the Marcy Holmes Small Area Plan.

Parking and Loading:

Minimum automobile parking requirement: The subject parcels are located within the University Area Overlay District. The UA Overlay District has a minimum parking requirement of one-half (½) parking space per bedroom but not less than one (1) space per dwelling unit. Phase I exceeded their

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off-street vehicle parking requirement. The requirement was to provide 102 off-street parking spaces for their 102 unit, 198-bedroom apartment building. The applicant provided 103 spaces.

The revised Phase II is proposed to have nine residential units and 23 bedrooms. Therefore, the off-street parking requirement will be 12 off-street parking spaces to accommodate for the 23 bedrooms. The applicant is proposing to provide seven off-street parking spaces, which provides 0.3 stalls-per bedroom, rather than the required 0.5 spaces. A variance of the UA Overlay District standards is required and analyzed above.

Maximum automobile parking requirement: With the proposed amendment, the entire PUD would be residential. Per Table 541-1, there is not a maximum number of off-street parking stalls per dwelling unit. Section 541.450 states that the total number of vehicles located on a zoning lot shall not exceed two vehicles per dwelling unit, excluding those parked within an enclosed structure. The proposed development would not exceed this requirement. The entire PUD would have seven surface parking spaces for a 111-unit building; the rest of the off-street parking is underground parking.

Bicycle parking requirement: Typically, Chapter 541 would require a total of one bike parking space per two units for the phase one residential development, however, due to the location of the property within the UA Overlay District, at least one bicycle parking space per bedroom must be provided. Phase I was a development of 191 bedrooms, therefore, the bike parking requirement was 191 spaces. The applicant installed 205 secured bicycle parking spaces within the underground parking garage. Phase II contains 23 bedrooms and is required to provide 23 bike parking stalls. The applicant is proposing to provide 29 bike parking stalls; 21 bike parking stalls in the basements of the residential structures and eight bike parking spaces behind the residential structures. The bike parking stalls in the basement will be installed in a secured area that will provide protection from theft, vandalism, and weather, and shall be accessible to intended users as required by Section 541.180.

Loading: The minimum loading requirement for phase of the PUD is one small space for the residential component (since it had between 100 and 250 units). The loading space is being provided within the underground parking garage. The second phase of the development has no loading requirement as the use has less than 100 units.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The development complies with this provision as there is a trash and recycling room located within the underground parking garage as part of Phase I. A screened dumpster is proposed to be located behind both structures that meets the requirements of Section 535.80.

Signs: No signs have been proposed. All signs will be expected to comply with Chapter 543 of the Zoning Code. Any new signage requires a separate permit from the Zoning Office.

Lighting: The applicant is proposing to install decorative pedestrian and wall mounted light fixtures throughout the site. All lighting will need to be downcast and shielded to avoid undue glare. All

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lighting shall comply with Chapters 535 and 541 and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

Maximum Floor Area: The maximum F.A.R. for the proposed uses within the OR3 district is the gross floor area of the buildings which would be approximately 122,767 square feet (Phase I: 112,803 square feet + Frey Mansion: 6,928 square feet + Hoy House: 3,306 square feet) divided by the area of the lot which is 49,015 square feet. The outcome is 2.5 which is less than the maximum of 3.5 that is permitted in the OR3 District. The proposal is in compliance with this requirement.

Minimum Lot Area: The planned unit development exceeds the minimum lot area requirement of one acre.

Dwelling Units per Acre: With 111 dwelling units on a site having 49,015 square feet of lot area, the proposal would include approximately 98 dwelling units per acre.

Height: Maximum building height for principal structures located in the OR3 district is six stories or 84 feet, whichever is less. Both the existing and proposed structures comply with this requirement. The proposed new construction would be five stories or 52 feet. The existing structures are three stories and two stories.

Yard Requirements:

The front yard requirements for new construction (Phase I)

- 4th Street SE: 19 feet (subject to a front yard increase per Section 547.160(b))
- 5th Street SE: 15 feet
- Interior side yard/rear yard (5+2x): 13 feet

For Phase I, the applicant provided amenities to reduce the yard requirements for the new construction. For Phase II, the applicant is not proposing new construction or changes to the front yard setbacks. The Frey Mansion will maintain being 29.2 feet from 5th Street Southeast property line and the Hoy House will maintain its 10.4 foot setback from the 5th Street Southeast property line.

Building coverage: The maximum building coverage in the OR3 district is 70 percent. The footprint of the Phase I apartment building is 21,682 square feet, the footprint of the Frey Mansion is 2,535 square feet, and the footprint of the Hoy House is 1,518 square feet. The total building coverage of all three buildings would be 25,735 square feet. With a lot of 49,015 square feet, the lot coverage would be 52.5 percent.

Impervious surface area: The maximum impervious surface coverage in the OR3 district is 85 percent. With the proposed amendment to the planned unit development, the impervious surface for the entire Lot I has 26,062 square feet of impervious surface and Lot II is proposed to have 9,325 square feet of impervious surface. Therefore, the project would have 35,387 square feet of impervious surface; which is 72 percent of the entire parcel.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH:

The proposed project is in compliance with the Minneapolis Plan for Sustainable Growth. See conditional use permit finding 5 for a review of the project in compliance with the policies and implementation steps of the comprehensive plan. The policies and implementation steps outlined in finding 5 of the conditional use permit apply to the proposed site plan application.

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

The proposed project is in compliance with the Marcy Holmes Small Area Plan. See conditional use permit finding 5 for a review of the project in compliance with the policies and implementation steps of the Marcy Holmes Neighborhood Plan. The policies and implementation steps outlined in finding 5 of the conditional use permit apply to the proposed site plan application.

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.**
- *Seven-foot wide landscaped yard requirement/screening requirement:* Section 530.170 of the zoning code requires that off-street parking areas abutting a residence shall provide a seven foot wide landscaped area. For Phase II, the applicant is proposing to provide a landscaped yard of two foot wide along the eastern and southern property line, rather than the required seven feet. Alternative compliance is required. CPED staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance. The applicant has done a good job of balancing the landscaping standards with the off-street parking requirement standards with limited lot area. Allowing deviance from the seven foot wide landscaped yard will allow for two additional parking spaces. The applicant is proposing to meet the University Area Overlay requirement that there be a landscaped yard of two feet with screening that is three feet in height and will help reduce the negative impact of not meeting the landscaped yard requirement.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to allow an amendment to a planned unit development at 1209 4th Street SE, 1206 & 1212 5th 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 two years of approval.
2. As required by section 527.120 of the zoning code, the development includes the following amenities from Table 527-1, Amenities: conservation of the built environment (Frey Mansion and Hoy House), decorative fencing completed along 5th Street Southeast, enhanced landscaping, enhanced exterior lighting, and a recycling storage area.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the number of off-street parking spaces from 12 spaces to 7 spaces for Phase II of the planned unit development for the properties located at 1206 and 1212 5th Street Southeast.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the distance of an off-street parking space from a dwelling from six feet to 1.5 feet at 1206 and 1212 5th Street Southeast.

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

The variance application to allow an off-street parking area between the principal building and the front lot line at 1206 and 1212 5th Street Southeast has been **withdrawn**.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application to allow for the rehabilitation of the Frey Mansion and the Hoy House at 1206 and 1212 5th Street Southeast subject to the following conditions:

1. CPED Staff review and approval of the final site, elevation, lighting and landscaping plans. Per Section 541.380, required parking spaces, driveways, access aisles and landscaping shall not be used for the purpose of snow storage.
2. All site improvements shall be completed by November 12, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. All parking spaces and aisles shall be clearly marked on the pavement, using paint or other marking devices approved by the city engineer. The markings shall conform to the approved parking plan and be maintained in a clearly legible condition.
4. All units shall meet the requirements of maximum occupancy standards of the district, as required by section 547.50 of the zoning code.

Attachments:

1. Project description and statement to findings
2. Correspondence council member and neighborhood
3. Authorization letters from property owners
4. Zoning Map and aerials
5. Survey, proposed site plan
6. 1206 5th Street Southeast: proposed floor plans and elevations
7. 1212 5th Street Southeast: proposed floor plans and elevations
8. Bedroom count summary
9. Photo key and photos
10. 2010 approved site plan and landscape plan
11. Frey Mansion and Hoy House historic narrative