

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permits, Variances, Site Plan Review  
BZZ-1843

**Date:** August 23, 2004

**Applicant:** Beta Eta Foundation

**Address of Property:** 1717 University Avenue Southeast

**Project Name:** Delta Tau Delta

**Contact Person and Phone:** Dave Phillips, from Phillips Architects, (763) 571-1911

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

**Date Application Deemed Complete:** July 15, 2004

**End of 60-Day Decision Period:** September 14, 2004

**End of 120-Day Decision Period:** Not applicable

**Ward: 2      Neighborhood Organization:** None specifically

**Existing Zoning:** R6

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 15

**Legal Description:** Not applicable for this application

**Proposed Use:** Fraternity

**Concurrent Review:**

**Conditional Use Permit:** for a fraternity.

**Conditional Use Permit:** to increase the height of the building from 2.5 stories to 5 stories.

**Variance:** to reduce the lot area from the required 10,000 square feet to 7,592 square feet.

**Variance:** to increase the number of persons living in the fraternity from the maximum 32 to 38.

**Variance:** to reduce the number of off-street parking spaces from 19 to 0.

**Variance:** to reduce both the east and west interior side yard setbacks from the required 13 feet to 6 feet.

**Variance:** to reduce the rear yard setback from the required 13 feet to 8 feet.

**Site plan review.**

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX Variances, specifically Section 525.520(2) “to vary the lot area or lot width requirements up to thirty (30) percent...”, Section 525.520(22) “to vary the development standards of Chapter 536, Specific Development Standards...”, Section 525.520(7) “to reduce the applicable off-street parking requirements up to one hundred (100) percent, provided the proposed use or building serves pedestrian or transit-oriented trade or occupancy, or is located near an off-street parking facility that is available to the customers, occupants, employees and guests of the use”, Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations”; and Chapter 530 Site Plan Review.

**Background:** The building located at 1717 University Avenue Southeast was constructed in 1921 for the Delta Tau Delta Fraternity. The applicant has indicated that the existing building no longer meets the needs of the fraternity and cannot compete in the current student housing market. As a result the applicant is proposing to demolish a portion of the existing building and construct an addition that will provide individual bathrooms for each of the bedrooms, a computer/study area and an elevator as well as bring the building into compliance with the current building codes.

In August of 2002 the Heritage Preservation Commission directed the Planning Division to commence a study of the historical significance of properties associated with fraternity and sorority use around the University of Minnesota campus. The Planning Division contracted with Carole Zellie of Landscape Research to conduct the designation study. The designation study was completed in May of 2003. In October of 2003 the Minneapolis City Council passed a resolution creating the University of Minnesota Greek Letter Chapter House Historic District. The subject site is one of the designated properties within the historic district. In July of 2003 the Heritage Preservation Commission approved a Certificate of Appropriateness to allow the applicant to demolish a portion of the existing building and construct a five-story addition on the back of the property. The staff report for the Heritage Preservation Commission meeting and the meeting minutes are attached to this report. Since the Heritage Preservation Commission meeting in July of 2003 it has been determined that the applicant needs to apply for a historic lot width variance and appear before the Heritage Preservation Commission again.

The applicant is proposing to preserve the front 38 feet of the building and construct a 69-foot addition out towards the back of the property. The front portion of the building will be restored to its original design including the historic main entrance, exterior materials and window and door placement. The addition will be constructed to resemble the existing building including exterior materials and window type. However, the addition will be built closer to the interior side property lines than the existing building and will be two stories taller than the existing building in order to identify where the historic portion of the building meets the addition.

The parking requirement for a fraternity is one parking space per two beds. The applicant is proposing to have a total of 38 beds in the building; therefore, the parking requirement is 19 spaces. The applicant is requesting a variance to reduce the parking requirement to zero spaces on site as there are several parking facilities located within the immediate area.

This site is not located within the boundaries of a recognized neighborhood organization. The applicant did contact both the Marcy-Holmes Neighborhood Organization and the Prospect Park East River Road Improvement Association as part of this application.

**CONDITIONAL USE PERMIT** – for a fraternity

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

The Department of 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, morals, comfort or general welfare.**

The Planning Division does not believe that a fraternity will be detrimental to or endanger the public health, safety, morals, comfort or general welfare. The site is located across University Avenue Southeast from the University of Minnesota campus and located in what is known as fraternity row. This site has been home to the Delta Tau Delta Fraternity since 1921 when the existing building was first constructed.

**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 Planning Division does not believe that the fraternity will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. As stated above the site is located in what is known as fraternity row and is one of several existing fraternities in the area.

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

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

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

The parking requirement for this development is 19 spaces. The applicant is requesting a variance to reduce the on-site parking requirement to zero spaces as there are several parking facilities located within the immediate area.

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

According to *The Minneapolis Plan*, this property is located in a group quarters area as found on the Land Use Policy map. University Avenue Southeast is also a designated Community Corridor and

Dinkytown (University Avenue Southeast and 14<sup>th</sup> Avenue Southeast) is a designated Activity Center. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Recognize and celebrate its history.
- Continue to preserve the natural ecology and the historical features that define its unique identity in the region.
- Promote preservation as a tool for economic development and community revitalization.
- Encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs.
- Promote more intensive residential development along Community Corridors where appropriate.

This development supports these principles and policies.

**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.**

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

**CONDITIONAL USE PERMIT** – to increase the height of the building from 2.5 stories to 5 stories

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

The Department of 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, morals, comfort or general welfare.**

The Planning Division does not believe that increasing the height of the proposed addition will be detrimental to or endanger the public health, safety, morals or general welfare.

**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 Planning Division does not believe that increasing the height of the building will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. Several new developments in the area around the University of Minnesota have been built to a height of five stories. The closest example of a five story building is the Keeler Apartment building located on 17<sup>th</sup> Avenue Southeast between University Avenue Southeast and 4<sup>th</sup> Street Southeast. If this were a multiple-family housing development the applicant could build a six-story building on the property without asking for a conditional use permit as the R6 zoning district allows

buildings up to six-stories in height.

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

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

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

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

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

See conditional use permit finding number five above.

**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.**

See conditional use permit number six above.

**ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT**

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

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

Increasing the height of the proposed addition should have minimal impact on the amount of light and air that the two adjacent properties receive as they are both located over ten feet away from the subject property.

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

Although the five-story building will cast shadows on adjacent residential properties there are only three residential buildings that will be impacted; the two adjacent buildings and the building located at 317 18<sup>th</sup> Avenue Southeast. The two adjacent buildings are most likely already shadowed to some degree by the existing building and the building located at 317 18<sup>th</sup> Avenue Southeast will only experience shadowing during the late afternoon winter months.

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

The scale of the buildings on the same block as the subject site range between two and four stories in height. In the larger area surrounding the site the scale of the buildings range between one and five stories. Given that the building is historic, the Heritage Preservation Commission felt that adding a five-

story addition to the back of the historic three-story portion of the building was the best alternative to a complete demolition. The architectural style of the addition will match that of the existing building.

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

The subject site is one of the designated properties within the University of Minnesota Greek Letter Chapter House Historic District. In July of 2003 the Heritage Preservation Commission approved a Certificate of Appropriateness to allow the applicant to demolish a portion of the existing building and construct a five-story addition on the back of the property. The five-story addition to the building will not block views of the historic properties on the block.

**VARIANCE** - to reduce the lot area from the required 10,000 square feet to 7,592 square feet

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

**1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**Lot area:** The applicant is seeking a variance to reduce the lot area from the required 10,000 square feet to 7,592 square feet. The applicant has indicated that the lot is currently 7,592 square feet and has been since the Delta Tau Delta Fraternity was first constructed on the property in 1921.

**2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**Lot area:** The fact that the Delta Tau Delta Fraternity has existed on the 7,592 square foot site since 1921 is a unique circumstance of this parcel of land.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**Lot area:** The granting of the lot area variance would not significantly affect the essential character of the area given that the fraternity has existed on the site since 1921 at its current size.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

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

**VARIANCE** – to increase the number of persons living in the fraternity from the maximum 32 to 38

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

**1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**Number of persons living in the fraternity:** The applicant is seeking a variance to increase the number of persons living in the fraternity from the maximum 32 to 38. The fraternity has a Board and Lodging License. The license allows the fraternity to have up to 11 sleeping rooms and up to 30 persons. The calculation is based on the size of the room and a minimum square footage of floor area per person. The proposed development will have a total of 16 sleeping rooms and can accommodate up to 38 persons.

**2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**Number of persons living in the fraternity:** Although no unique circumstance exists on the property that would warrant the granting of this variance, the fact that the site is historically designated and that the Heritage Preservation Commission approved the plans it would be reasonable to approve the variance to increase the number of persons living in the fraternity to 38.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**Number of persons living in the fraternity:** The granting of the variance to increase the number of persons living in the fraternity would not significantly affect the essential character of the area given that the site is located in what is known as fraternity row and is one of several existing fraternities in the area, that there are high-density housing developments located nearby and that the university that this fraternity is affiliated with is located directly across the street from the site.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**Number of persons living in the fraternity:** Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the variance to increase the number of persons living in the fraternity be detrimental to welfare or public safety. Through the remodeling process the building will be brought into compliance with the current building codes

**VARIANCE** - to reduce the number of off-street parking spaces from 19 to 0

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

**1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**Parking reduction:** The applicant is seeking a variance to reduce the number of off-street parking spaces from 19 to 0. The applicant has indicated that given the programming needs of the fraternity and the size of the lot that it is not possible to locate a 19-space parking area on the site. The applicant has also indicated that the fraternity is entering into a parking lease agreement with the University of Minnesota in the parking ramp located on the northeast corner of 4<sup>th</sup> Street Southeast and 17<sup>th</sup> Avenue Southeast which is approximately one block away from the fraternity. There are also several surface parking lots adjacent to the site where fraternity members could park. Please note that the fraternity is located across the street from the University of Minnesota campus and that University Avenue Southeast and 4<sup>th</sup> Street Southeast are both bus routes within the City of Minneapolis.

**2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**Parking reduction:** The fact that the fraternity is a use associated with the University of Minnesota which is located across the street from the site, that there are two bus routes within walking distance of the site and that there are several options for off-street parking in the area are unique circumstances of this parcel of land.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**Parking reduction:** The granting of the variance to reduce the off-street parking requirement would not significantly affect the essential character of the area given that the fraternity is entering into a parking lease agreement with the University of Minnesota in the parking ramp located on the northeast corner of 4<sup>th</sup> Street Southeast and 17<sup>th</sup> Avenue Southeast which is approximately one block away from the fraternity.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**Parking reduction:** Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the off-street parking variance be detrimental to welfare or public safety.

**VARIANCE** - to reduce both the east and west interior side yard setbacks from the required 13 feet to 6 feet

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

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**East and west interior side yard setbacks:** The applicant is seeking a variance to reduce both the east and west interior side yard setbacks from the required 13 feet to 6 feet. The applicant has indicated that the existing building is located seven feet from the east interior side yard setback and eight feet from the west interior side yard setback. In addition, if the interior side yard setbacks were met that there would only be 23 feet of buildable width left on the site. The applicant has indicated that 23 feet is not enough width to meet the programming needs of the fraternity.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**East and west interior side yard setbacks:** The existing setbacks of the building are a unique circumstance of this parcel of land.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**East and west interior side yard setbacks:** The granting of the variance to reduce the east and west interior side yard setbacks would not significantly affect the essential character of the area if the existing setbacks of the building are maintained. Allowing the building to be built closer to the interior property lines brings the building closer to the adjacent buildings and reduces the amount of green space on the site.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**East and west interior side yard setbacks:** Staff believes that the granting of the variance would have little impact on fire safety, nor would the proposed setback variance be detrimental to welfare or public safety.

**VARIANCE** - to reduce the rear yard setback from the required 13 feet to 8 feet

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

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**Rear yard setback:** The applicant is seeking a variance to reduce the rear yard setback from the required 13 feet to 8 feet. The applicant has indicated that due to the lot configuration the requested setback is needed.

**2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**Rear yard setback:** Staff does not believe that a unique circumstance exists on the property that would warrant the granting of the setback variance. The lot is not uniquely configured. The length of the lot is 153 feet which is an average length for lots in the City of Minneapolis. In addition, the majority of the lots along University Avenue Southeast that are occupied by fraternities are of the same length as the subject site.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**Rear yard setback:** The granting of the setback variance would alter the essential character of the area given that the subject building and the two adjacent buildings currently have the same setback as one another from the rear property line.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**Rear yard setback:** Staff believes that the granting of the variance would have little impact on fire safety, nor would the proposed setback variance be detrimental to welfare or public safety.

## **SITE PLAN REVIEW**

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

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

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

#### **BUILDING PLACEMENT AND FACADE**

- 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.
- 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 façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- 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 where visible from a public street or a residence or office residence district.
- Entrances and windows:
  - Residential uses shall be subject to section 530.110 (b) (1).
  - Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

#### **COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- The front 38 feet of the existing building is historic and will remain after the remodeling project is complete. The existing building is setback 38 feet from the front property line along University Avenue Southeast. In addition there is a ten-foot deep open porch attached to the front of the

building that will also remain after the remodeling project is complete.

- The principal entrance to the building is located on the west side of the building. This entrance is the historic main entrance to the building and will remain after the remodeling project is complete. The principal entrance is setback 70 feet from the front property line along University Avenue Southeast.
- The exterior material of the building is brick. The exterior material of the addition will also be brick. The percentage of windows required on the first floor of the building facing University Avenue Southeast is 20 percent. According to the submitted drawings, there is approximately 29 percent windows provided on the 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.**
- **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 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

#### **COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- The principal entrance to the building is connected to the public sidewalk via a five-foot wide walkway.
- The Public Works Department has reviewed and approved of the vehicular access and circulation plan provided by the applicant.
- The applicant has indicated that snow will be stored on the site.

#### **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 shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **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.**
- **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 530.160 (b).

- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**
- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**
- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.**
- **All other areas not governed by sections 530.150, 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 530.220.**
- **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 530.60, as provided in section 530.230.**

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- The applicant has indicated that approximately 65 percent of the site not occupied by the building will be landscaped. The landscaping requirement for this development is 4 trees and 20 shrubs. The applicant did not submit a landscaping plan as part of this application. Staff is recommending that the applicant meet the tree and shrub requirement on the site.
- The applicant is not proposing to have any fences on the site. However, in order to keep vehicles from parking on the back portion of the site staff is recommending that there be a fence installed along the rear property line.

**ADDITIONAL STANDARDS**

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **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.**

- **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.**

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- A lighting plan showing footcandles was not submitted as part of the application. Staff is recommending that a lighting plan showing footcandles be submitted as part of the final plans.
- The five-story addition to the building will not block views of the historic properties on the block or within the larger historic district.
- Although the five-story building will cast shadows on adjacent residential properties there are only three residential buildings that will be impacted; the two adjacent buildings and the building located at 317 18<sup>th</sup> Avenue Southeast. The two adjacent buildings are most likely already shadowed to some degree by the existing building and the building located at 317 18<sup>th</sup> Avenue Southeast will only experience shadowing during the late afternoon winter months.
- This development should not contribute to the wind tunnel effect.
- The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. In order to be in compliance with the CPTED requirements, sufficient lighting needs to be located over or near all of the entrances, the area well located on the west side of the building needs to be protected so people do not fall into it, access control needs to be provided on the site so people do not cut through the site and a barrier needs to be provided between the loading zone and the yard.
- The subject site is one of the designated properties within the University of Minnesota Greek Letter Chapter House Historic District. In July of 2003 the Heritage Preservation Commission approved a Certificate of Appropriateness to allow the applicant to demolish a portion of the existing building and construct a five-story addition on the back of the property.

**Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan**

**ZONING CODE**

See conditional use permit finding number six above.

**THE MINNEAPOLIS PLAN**

See conditional use permit finding number five above.

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

There are no small area plans adopted by the city for this particular location.

**ALTERNATIVE COMPLIANCE**

**The Planning Commission may approve alternatives to any major 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, 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.**

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- Alternative compliance is not warranted for this development.

**RECOMMENDATIONS**

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for the Delta Tau Delta fraternity located at 1717 University Avenue Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to increase the height of the building from 2.5 stories to 5 stories located at 1717 University Avenue Southeast subject to the following conditions:

1. The addition shall be no taller than five stories.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance application to reduce the lot area from the required 10,000 square feet to 7,592 square feet for the property located at 1717 University Avenue Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and approve the variance application to increase the number of persons living in the fraternity from the maximum 32 to 38 for the property located at 1717 University Avenue Southeast subject to the following conditions:

1. There shall be no more than 38 persons residing in the building at any one time.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and approve the variance application to reduce the number of off-street parking spaces from 19 to 0 for the property located at 1717 University Avenue Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and approve the variance application to reduce the east interior side yard setback from the required 13 feet to 7 feet and approve the variance application to reduce the west interior side yard setback from the required 13 feet to 8 feet for the property located at 1717 University Avenue Southeast subject to the following conditions:

1. The addition shall be built in line with the existing interior side yard setbacks of the building.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and deny the variance application to reduce the rear yard setback from the required 13 feet to 8 feet for the property located at 1717 University Avenue Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the site plan review application for 26 dwelling units located at 1717 University Avenue Southeast subject to the following conditions:

1. The tree and shrub requirement shall be met on the site.
2. A fence shall be installed along the rear property line in order to keep vehicles from parking on the back portion of the site.
3. The applicant shall submit a lighting plan showing footcandles as part of the final plans.
4. Approval of the final site, landscaping, fence and elevation plans by the Community Planning and Economic Development Department – Planning Division.
5. All site improvements shall be completed by August 23, 2005, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
6. If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before exterior building permits are issued.

**Attachments:**

1. Statement of proposed use
2. CUP and variance findings
3. July 1, 2004 letter to CM Zerby
4. July 1, 2004 e-mails to the Prospect Park Neighborhood Group and Marcy Holmes
5. Heritage Preservation Report from July 8, 2003 and meeting minutes
6. Map of the University of Minnesota Greek Letter Chapter House Historic District
7. Zoning Map
8. Site plan, floor plans and elevations
9. Photographs of the site and surrounding area