

Department of Community Planning and Economic Development – Planning Division
Variances and Site Plan Review
BZZ-5770

Date: October 29, 2012

Applicant: CPM Development, LLC

Address of Property: 525 10th Avenue Southeast

Project Name: 525 10th Avenue Southeast

Contact Person and Phone: Pat Mackey, Mackey Malin Architects (612) 220-6190

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: September 21, 2012

End of 60-Day Decision Period: November 20, 2012

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

Existing Zoning: R5 Multiple-family District and UA University Area Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 15

Legal Description: Not applicable for this application

Proposed Use: Multiple-family dwelling with 10 units

Concurrent Review:

- Variance to reduce the minimum front yard requirement adjacent to 6th Street Southeast from 15 feet to 7 feet to allow the building.
- Variance to reduce the minimum parking requirement from 14 to 11 spaces.
- Variance to increase the percentage of required parking spaces that may be satisfied by providing compact spaces from 25 to 100 percent has been **withdrawn**.
- Site plan review.

Applicable zoning code provisions: Chapter 525, Article IX Variances, specifically section 525.520 (1) “To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations” and (6) “To vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces”; and Chapter 530 Site Plan Review.

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Background: The applicant is proposing to build a 3-story multiple-family dwelling with 10 dwelling units with a total of 29 bedrooms at the property of 525 10th Avenue Southeast. The existing rooming house would be demolished to make way for the new construction. Site plan review is required for any development with five or more dwelling units.

The minimum front yard requirement for the subject property is the district requirement of 15 feet adjacent to 6th Street Southeast. The building would be set back 7 feet from the front lot line. A variance is required to reduce the front yard requirement from 15 feet to 7 feet to allow the building.

The minimum parking requirement is 14 spaces. In the enclosed parking garage, 15 compact spaces were proposed to be provided. Not more than 25 percent of the required spaces can be compact spaces. A variance would be required to increase the percentage of required parking spaces that may be satisfied by providing compact spaces. After the public hearing notices were sent for the October 15, 2012 Planning Commission meeting, modifications were made to the project plans to address concerns raised by Planning Staff. These changes reduce the total number of proposed parking spaces provided on the site. A total of 12 parking spaces, including two accessible spaces and 4 compact spaces, are now proposed. Because the proposed number of compact spaces exceeds the maximum number allowed to count toward meeting the minimum parking requirement, the applicant is requesting a variance to reduce the minimum parking requirement to 11 spaces. The applicant has withdrawn the variance to increase the number of compact spaces allowed to meet the minimum parking requirement.

Correspondence from the neighborhood group, Marcy Holmes Neighborhood Association, was received and is attached to this report. Staff will forward any additional comments, if any are received, at the City Planning Commission meeting.

VARIANCE: To reduce the minimum front yard requirement adjacent to 6th Street Southeast from 15 feet to 7 feet to allow the building.

Findings as required by the Minneapolis Zoning Code:

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

The site is a reverse corner lot with 15 foot minimum front yard requirements adjacent to 6th Street Southeast and 10th Avenue Southeast. The building would be set back 15 feet from the front lot lines, except where a common room on the first floor would extend into the 6th Street Southeast required yard by 8 feet. The common room will provide active functions at street level as required by Chapter 530 Site Plan Review in the zoning code. Without the common room, the required enclosed parking would occupy more than 70 percent of the ground floor building frontage. The size of the site limits where parking can be provided. Below-grade parking is not likely feasible, or at least very expensive. Although the ground floor is primarily occupied by parking required for the proposed use, the use and density is appropriate for this location.

- 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.**

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The variance is requested to allow a common room on the first floor to extend into the 6th Street Southeast required front yard by 8 feet. The rest of the building would be set back 15 feet from the front lot line in compliance with the minimum front yard requirement. The common room will provide active functions at street level as required by Chapter 530 Site Plan Review in the zoning code. Without the common room, the required enclosed parking would occupy more than 70 percent of the ground floor building frontage. For these reasons, the request is reasonable and is in keeping with the spirit and intent of the ordinance and the comprehensive plan.

- 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.**

On this block, there is only one other property, 916 6th Street Southeast, that has frontage on the south side of 6th Street Southeast. This adjacent property has a one-story open front porch that is set back 10 feet from the front lot line. The part of the structure that would extend into the required front yard is designed to look similar to an enclosed front porch with an abundant amount of windows and an entrance. Granting of the variance should have little effect on surrounding properties and would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

VARIANCE: To reduce the minimum parking requirement from 14 to 11 spaces.

Findings as required by the Minneapolis Zoning Code:

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

Generally, the minimum parking requirement for multiple-family dwellings is one space per unit. In the UA overlay district, 0.5 spaces per bedroom, but not less than one space per dwelling unit, is required. A total of 29 bedrooms are proposed. Therefore, 15 spaces are required. The use qualifies for a 10 percent reduction of the minimum parking requirement because the site is located within 300 feet of a transit stop with midday service headways of 30 minutes or less, which reduces the minimum parking requirement to 14 spaces. A total of 12 parking spaces, including two accessible spaces and 4 compact spaces, are proposed. Because the proposed number of compact spaces exceeds the maximum number allowed to count toward meeting the minimum parking requirement, the applicant is requesting a variance to reduce the minimum parking requirement to 11 spaces. The proposed parking ratio is 1.2 spaces per dwelling unit and 0.41 spaces per bedroom.

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The site is located in close proximity to the University of Minnesota. Other bus routes are also accessible within 3 blocks of the subject site.

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

The purpose of parking regulations is to provide for the parking needs of uses and structures and to enhance the compatibility between parking areas and their surroundings. The proposed parking ratio is 1.2 spaces per dwelling unit and 0.41 spaces per bedroom. The site is located in close proximity to the University of Minnesota and has convenient access to alternative modes of transportation. The proposed amount of parking should be sufficient and encouraging the use of alternative modes of transportation is in keeping with the spirit and intent of the ordinance and the comprehensive plan.

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

The proposed parking ratio is 1.2 spaces per dwelling unit and 0.41 spaces per bedroom. The site is located in close proximity to the University of Minnesota and has convenient access to multiple modes of transportation. Granting the variance should not have any effect on adjacent uses. It would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

SITE PLAN REVIEW

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

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

Section A: Conformance with Chapter 530 of the Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.

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- 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.
- 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

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floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

Conformance with above requirements:

- The minimum front yard requirement adjacent to 10th Avenue Southeast is 15 feet. The building would comply with this requirement. The minimum front yard requirement adjacent to 6th Street Southeast is also 15 feet. Part of the building would be set back 7 feet from the front lot line adjacent to 6th Street Southeast. A variance is required to reduce this yard requirement.
- The areas between the building and the adjacent streets would be landscaped.
- Principal entrances would face both adjacent streets.
- All parking would be enclosed within the building.
- The building would include recesses and projections and other architectural elements, such as windows and varying roof lines, to divide the building into smaller identifiable sections.
- There would not be any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length.
- The primary exterior materials would be durable and include fiber cement siding (Hardie lap and panel), glass, brick veneer, rock-face concrete masonry units, and lattice over the openings for the parking garage. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review. The proposed distribution of materials for each exterior elevation is as follows:

	Front Elevation (10 th Ave)	Side Elevation (6 th St)	Side Elevation (interior yard)	Rear Elevation
Fiber Cement	70%	67.5%	64%	81%
Glass	15%	14%	9.5%	7%
Brick veneer	7%	6.5%	2.5%	5%
Concrete masonry units, rock face	0%	0%	12.5%	5%
Lattice	0%	2.5%	6.5%	7%

The distribution, quality and quantity of the proposed exterior materials are not consistent with the comprehensive plan and small area plan policies that call for high quality design in residential development. The small area plan specifically calls for using brick, stucco, stone, and decorative masonry as high quality primary materials. Fiber cement siding would be the primary exterior material covering almost 70 percent of the total façade area. Although brick is proposed as an exterior material, it would only be used as an accent covering 5 percent of the total façade area. Likewise, only 11.5 percent of the total façade area would be glass. Example images of building designs supported by the small area plan show a more balanced distribution of materials. Alternative compliance is also requested for the window requirements on the 10th Avenue Southeast building elevation. To ensure consistency with the adopted policies and the site plan review standards, staff is recommending that the Planning Commission require the applicant to use brick on no less than 20 percent of the total façade area and no less than 14 percent glass on the total façade area and distribute these materials more or less evenly between all of the facades.

- All sides of the building would be similar to and compatible with each other. In addition to the recommendation to require more brick and glass on the building exterior, staff is recommending

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that the Planning Commission require the applicant to distribute these materials more or less evenly between all of the facades.

- Plain face concrete block would not be used as a primary exterior building material on a wall fronting a street.
- The principal entrances would be flanked by windows and sheltered to emphasize their importance.
- The first floor walls facing 6th Street Southeast and 10th Avenue Southeast are subject to the minimum window requirements. Measured between 2 and 10 feet above the adjacent grade, twenty percent of the walls are required to be windows. The amount of windows proposed on these walls meeting these criteria is as follows:
 - 10th Avenue Southeast: 16%
 - 6th Street Southeast: 22.2%

Windows on these levels would be vertical in proportion and distributed in a more or less even manner. Alternative compliance is requested for the amount of windows proposed on the first floor wall facing 10th Avenue Southeast.

- Each wall above the first floor facing 6th Street Southeast and 10th Avenue Southeast is subject to the 10 percent window requirement. The amount of windows proposed on these walls is as follows:
 - 10th Avenue Southeast, Floor 2: 13%
 - 10th Avenue Southeast, Floor 3: 9%
 - 6th Street Southeast, Floor 2: 12.2%
 - 6th Street Southeast, Floor 3: 11.6%

Windows on these levels would be vertical in proportion and distributed in a more or less even manner. Alternative compliance is requested for the amount of windows proposed on the third floor wall facing 10th Avenue Southeast.

- More than 70 percent of the linear frontage of each of the ground floor building walls facing 10th Avenue Southeast and 6th Street Southeast would accommodate spaces with active functions.
- A pitched roof is proposed on the building. The buildings in the immediate area have various roof forms and pitches. The form and pitch of the proposed roof is similar to the buildings with pitched roofs.

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.

Conformance with above requirements:

- A well-lit walkway 4 feet in width would connect the 10th Avenue Southeast public sidewalk to the main entrance.
- Transit shelters are not proposed as part of the development.
- Vehicle access would be from an existing 12-foot wide curb cut on 6th Street Southeast. The driveway extends onto the adjacent residential property. The applicant has indicated that an access easement is being pursued to allow the driveway location. Provided the easement is obtained, the

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access and circulation would have little effect on pedestrian traffic and surrounding residential properties.

- The site is not adjacent to a public alley.
- All parking would be enclosed in the building. The amount of impervious surface proposed for the driveway is not excessive.

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.

Conformance with above requirements:

- The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 10,981 square feet. The building footprint would be approximately 6,684 square feet. The lot area minus the building footprint therefore consists of approximately 4,297 square feet. At least 20 percent of the net site area (859.4 square feet) must be landscaped. Approximately 3,636 square feet of the site would be landscaped. That is equal to 84.6 percent of the net lot area.
- The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 2 and 9 respectively. Three canopy trees (2 existing) and 21 shrubs are proposed on-site.
- The remainder of the landscaped area would be covered with ornamental trees, perennials, sod, and wood mulch.

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- The overall location of landscaped areas would be dispersed throughout the site. However, the location of the trees, shrubs, and perennials are concentrated in the yards closest to the adjacent streets. Sod planted between the building and interior lot lines would not complement the scale of the development. The enclosed parking garage would face the interior side lot lines on the first floor. These walls would contain openings to allow ventilation. To increase the amount of landscaping in these areas and to provide enhanced screening for the openings, staff is recommending that the Planning Commission require the applicant to install green screens.

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.

Conformance with above requirements:

- No curbing is proposed. The driveway would be graded to drain out the curb cut because it collects some stormwater runoff from the subject site and the adjacent property.
- The proposed building would not impede views of important elements of the city.
- To the extent practical, the building would be located and arranged to minimize shadowing on public spaces and adjacent properties.
- The building is designed with recesses and projections to minimize the generation of wind currents at the ground level.
- The development includes some environmental design elements to prevent crime. Windows would be provided on all sides of the building. Staff is also recommending that the planning commission require the applicant to provide additional fenestration. Entrances would be illuminated. Sidewalks would lead to the ground floor entrances. The main entrance would be emphasized with more architectural details to differentiate it from the other entrances.
- The existing structure is not locally designated. The applicant obtained a Historic Review Letter from CPED. It was determined that the existing structure is not a historic resource that may be eligible for local historic 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 site is zoned R5 with the UA Overlay District. A multiple family dwelling with 5 or more units is a permitted use in the R5 district.

Parking and Loading:

Minimum automobile parking requirement: Generally, the minimum parking requirement is one space per unit. In the UA overlay district, 0.5 spaces per bedroom, but not less than one space per dwelling unit, is required. A total of 29 bedrooms are proposed. Therefore, 15 spaces are required. The use qualifies for a 10 percent reduction of the minimum parking requirement because the site is located within 300 feet of a transit stop with midday service headways of 30 minutes or less, which reduces the minimum parking requirement to 14 spaces. At least one accessible space is required. Not more than 25 percent of the required spaces can be compact spaces. A total of 12 parking spaces, including two accessible spaces and 4 compact spaces, are proposed. Because the proposed number of compact spaces exceeds the maximum number allowed to count toward meeting the minimum parking requirement, the applicant is requesting a variance to reduce the minimum parking requirement to 11 spaces.

Maximum automobile parking requirement: There is not a maximum parking requirement for dwellings except for parking that is not enclosed. All parking spaces would be enclosed.

Bicycle parking requirement: In general, the minimum bicycle parking requirement is equal to one space per two dwelling units. In the UA overlay district, one bicycle or one scooter parking space is required per bedroom. Not less than 90 percent of the required bicycle parking spaces must meet the standards for long term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, required long-term bicycle parking spaces must be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. In the UA overlay district, the required spaces also cannot be located in any required yard or between the principal building and the public street. The total minimum requirement is 29 spaces, of which at least 26 must meet the long-term parking requirements. The applicant would provide 30 long-term bicycle spaces.

Loading requirement: A loading space is not required for multi-family dwellings with less than 100 units. No on-site loading space is proposed.

Access: Vehicle access would be from an existing 12-foot wide curb cut on 6th Street Southeast. The driveway extends onto the adjacent residential property. The adjacent property is properly zoned to allow the shared access. However, subsequent approval of the site plan is not to be construed as an approval of construction activity or improvements on the adjacent property without authorization from the adjacent property owner.

Proposed Lot Area: The proposed lot area is 10,981 square feet.

Maximum Floor Area: The maximum floor area ratio (FAR) allowed in the R5 District is 2.0. The development qualifies for a 20 percent density bonus because all required parking would be located within the building. Therefore the maximum FAR increases to 2.4. The building would have a total of approximately 13,616 square feet, which is an FAR of approximately 1.24.

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Minimum Lot Area: The minimum lot area requirement in the R5 district is 700 square feet per dwelling unit, or 7,000 square feet for 10 units.

Dwelling Units per Acre: The applicant proposes a density of 39.7 dwelling units per acre.

Building Height: The maximum height allowed in the R5 district is 4 stories or 56 feet, whichever is less. The height is determined by the vertical distance from the natural grade measured at a point 10 feet away from the front center of the building adjacent to 6th Street Southeast to the average distance between the eave edge and the ridge level for a gable roof. The proposed height is 3 stories and approximately 36 feet.

Yard Requirements:

Front yard requirements: The property is a reverse corner lot.¹ For a reverse corner lot, both lot lines that abut a street are considered front lot lines and a required front yard needs to be provided and maintained along each of the lot lines. In the R5 district, the minimum front yard requirement is 15 feet or the established setback of the adjacent residential structure, whichever is greater.

- *6th Street Southeast:* The dwelling located to the west is set back less than 15 feet from the lot line adjacent to 6th Street Southeast; therefore, the minimum front yard required for the subject property is the district requirement of 15 feet. The building would be set back 7 feet from the front lot line. A variance is required to reduce the front yard requirement from 15 feet to 7 feet to allow the proposed building setback. Eave overhangs extending not more than 3 feet into the yard are permitted obstructions.
- *10th Avenue Southeast:* The dwelling located to the south is set back 15 feet from the lot line adjacent to 10th Avenue Southeast; therefore, the minimum front yard required for the subject property is also 15 feet. The building would be set back 15 feet from the front lot line. Eave overhangs extending not more than 3 feet into the yard and walkways up to 6 feet in width are permitted obstructions.

Interior side yard requirements: An interior side yard is required along the west lot line. The minimum interior side yard requirement for the building is equal to $5+2x$, where x is equal to the number of stories above the first floor. A 3-story building is proposed; therefore the minimum requirement is 9 feet. The building would be set back 9 feet from the side lot line. Driveways leading to properly located parking areas and eave overhangs extending not more than 2 feet into the yard are permitted obstructions.

Rear yard requirements: A rear yard is required along the south lot line. The minimum requirement for the building is equal to $5+2x$, where x is equal to the number of stories above the first floor. A 3-story building is proposed; therefore the minimum requirement is 9 feet. The building would be set back 9 feet. Eave overhangs extending not more than 2 feet into the yard are permitted obstructions.

Lot Coverage: The maximum lot coverage allowed in the R5 district is 70 percent. For the proposed site, 7,686.7 square feet of coverage is allowed. The proposed footprint is approximately 6,684 square feet, which would cover 60.8 percent of the site.

¹ The zoning code defines a reverse corner lot as “A corner lot that includes more than one (1) lot line adjacent to streets of which one (1) lot line is substantially a continuation of the front lot line of the adjacent property to the rear.”

Impervious Surface Coverage: The maximum impervious surface coverage allowed in the R5 district is 85 percent. For the proposed site, 9,333.85 square feet of coverage is allowed. The proposed amount of impervious surface is approximately 7,345 square feet, which covers 66.9 percent of the site.

Specific Development Standards: Not applicable for multiple-family dwellings with 5 or more units located in the UA overlay district.

Signs: Signs are regulated by Chapter 543 On-Premise Signs in the zoning code. A corner lot with 10,000 to 43,559 square feet of area located in the R5 district is allowed two nonilluminated, flat wall identification signs not exceeding 32 square feet. The maximum allowed height of those signs is 14 feet or the top of the wall, whichever is less. The applicant has indicated that no signage is proposed. Any new signage will require Zoning Office review, approval, and permits.

Refuse Screening: Refuse and recycling storage containers are required to be enclosed on all four sides by screening compatible with the principal structure not less than two 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 refuse and recycling storage containers would be enclosed in the building.

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

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

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

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

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

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

- (1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

MINNEAPOLIS PLAN: In *The Minneapolis Plan for Sustainable Growth*, the future land use designation of this site is urban neighborhood. The University of Minnesota is designated as a growth center. The plan does not include growth center boundaries, but it does provide the following guidance for development around the University of Minnesota:

The area around the University includes significant residential densities, in part due to the large student population. However, surrounding neighborhoods, some of the oldest in the city, are concerned about spillover impacts of the University on their residential character. Consideration needs to be given to limiting negative impacts on these areas.

The applicable principles and policies of the comprehensive plan include the following:

Chapter 1. Land Use

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

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

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

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

Chapter 3. Housing

Policy 3.1: Grow by increasing the supply of housing.

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

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

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

Chapter 10. Urban Design

Policy 10.4: Support the development of residential dwellings that are of high quality design and compatible with surrounding development.

10.4.1 Maintain and strengthen the architectural character of the city's various residential neighborhoods.

10.4.2 Promote the development of new housing that is compatible with existing development in the area and the best of the city's existing housing stock.

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

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

10.6.3 Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses.

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

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

Policy 10.18: Reduce the visual impact of automobile parking facilities.

10.18.6 The ground floor of parking structures should be designed with active uses along the street walls except where frontage is needed to provide for vehicular and pedestrian access.

Policy 10.19: Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces, buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.

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Policy 10.22: Use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land.

Master Plan for Marcy Holmes Neighborhood

Adopted by the City Council in 2003, the *Master Plan for Marcy Holmes Neighborhood* recommends multi-family residential development with a height of up to 4 stories as the future land use of the site. The following design guidelines from the small area plan apply to this development:

Site Design

- Place buildings to preserve cohesive street character

Landscaping

- Use a combination of shrubs, perennials, and overstory and ornamental trees
- Include open space within building complexes
- Encourage indoor/outdoor living
- Accentuate, rather than screen, buildings

Building Materials

- Use high quality primary materials: brick, stucco, stone, decorative masonry
- Include complementary accent materials: stone, metal, glass, brick

Rooflines

- Use varied rooflines, especially on long buildings
- Step back or accent rooflines to create visual interest

Ground Level Treatment

- Place buildings close to pedestrian ways
- Accentuate entries and ground floor with complementary design
- Use ramps, stairs, and other grade separation techniques to distinguish between public and private space

Building Massing

- Buildings should not appear as high-rise structures
- Long building facades should be broken up with green spaces, balconies, parking courts, pathways, or changes in material and design

In the plan, the following is strongly discouraged in the design guidelines:

- Blank first floors caused by an under-building parking garage.
- Long, straight, unembellished facades.
- Front yard setbacks that are unusable by the tenants.
- Inadequate number of windows.
- Lack of landscaping – particularly gravel instead of living vegetation.

Staff comment: The proposed development is consistent with the above policies and guidelines, except those related to exterior materials and landscaping. The distribution, quality and quantity of the

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proposed exterior materials are not consistent with the policies that call for high quality design in residential development. The small area plan specifically calls for using brick, stucco, stone, and decorative masonry as high quality primary materials. On each proposed building elevation, fiber cement siding would be the primary exterior material covering almost 70 percent of the total façade area. Although brick is proposed as an exterior material, it would only be used as an accent covering 5 percent of the total façade area. Likewise, only 11.5 percent of the total façade area would be glass. Example images of building designs supported by the small area plan show a more balanced distribution of materials. To ensure consistency with these policies, staff is recommending that the Planning Commission require the applicant to use brick on no less than 20 percent of the total façade area and no less than 14 percent glass on the total façade area and distribute these materials more or less evenly between all of the facades.

The overall location of landscaped areas would be dispersed throughout the site. However, the location of the trees, shrubs, and perennials are concentrated in the yards closest to the adjacent streets. Sod planted between the building and interior lot lines would not complement the scale of the development. The enclosed parking garage would face the interior side lot lines on the first floor. These walls would contain openings to allow ventilation. To increase the amount of landscaping in these areas and to provide enhanced screening for the openings, staff is recommending that the Planning Commission require the applicant to install green screens.

ALTERNATIVE COMPLIANCE:

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

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

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

Minimum window requirements

The first floor walls facing 6th Street Southeast and 10th Avenue Southeast are subject to the minimum window requirements. Measured between 2 and 10 feet above the adjacent grade, twenty percent of the walls are required to be windows. Alternative compliance is requested for the window requirement on the 10th Avenue Southeast building elevation where only 16 percent of the wall would be windows. Please note that windows in doors do count towards meeting the minimum window requirements. To comply with the window requirement, an additional 22 square feet of windows would need to be provided.

Each wall above the first floor facing 6th Street Southeast and 10th Avenue Southeast is subject to the 10 percent window requirement. Alternative compliance is requested for the amount of windows

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proposed on the third floor wall facing 10th Avenue Southeast where only 9 percent of the wall would be windows. To comply with the window requirement, an additional 6 square feet of windows would need to be provided.

Meeting these requirements is not impractical. Further, policies in the comprehensive plan and small area plan call for residential development of high quality design. Staff is recommending that the Planning Commission not grant alternative compliance and require compliance with these requirements.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission **approve** the variance to reduce the minimum front yard requirement adjacent to 6th Street Southeast from 15 feet to 7 feet to allow the building for the property located at 525 10th 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 **approve** the variance to reduce the minimum parking requirement from 14 to 11 spaces for the property located at 525 10th Avenue Southeast.

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

The variance to increase the percentage of required parking spaces that may be satisfied by providing compact spaces from 25 to 100 percent for the property located at 525 10th Avenue Southeast has been **withdrawn**.

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 above findings and **approve** the application for site plan review for a new multiple-family dwelling with 10 units for the property located at 525 10th Avenue Southeast, subject to the following conditions:

1. Windows on the 10th Avenue Southeast building walls shall be provided as required by section 530.120 of the zoning code.

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2. Brick shall be used on no less than 20 percent of the total façade area and glass windows shall be used on no less than 14 percent on the total façade area. These materials shall be distributed more or less evenly between all of the facades.
3. Green screens shall be installed at the openings of the ground level parking garage facing the interior lot lines. The structure of the green screens shall be durable and decorative.
4. Department of Community Planning and Economic Development – Planning Division staff review and approval of the final elevations, floor, site, lighting and landscape plans.
5. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by October 29, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

- 1) PDR report
- 2) Applicant's statement of proposed use and responses to findings
- 3) Correspondence
- 4) Zoning map
- 5) Plans
- 6) Photos