

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permits, Variance, Site Plan Review & Plat
BZZ-4225 & PL-232

Date: November 3, 2008

Applicant: Minneapolis Venture LLC

Address of Property: 1800-1814 Washington Avenue South

Project Name: 1810 Washington Avenue South Development

Contact Person and Phone: David Hunt, (612) 455-0710

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

Date Application Deemed Complete: October 9, 2008

End of 60-Day Decision Period: December 8, 2008

Ward: 2 Neighborhood Organization: West Bank Community Coalition

Existing Zoning: C3A Community Activity Center District and PO Pedestrian Oriented Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 21

Legal Description: Not applicable for this application

Proposed Use: Planned unit development including up to 369 dwelling units and approximately 5,500 square feet of commercial floor area.

Concurrent Review:

Conditional use permit to allow a planned unit development.

Conditional use permit to allow 369 dwelling units.

Variance to allow a building wall to be set back more than eight feet from a lot line adjacent to a street in a PO Pedestrian Oriented Overlay District.

Site plan review.

Preliminary plat.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX Variances, specifically Section 525.520 (20) “to vary the standards of any overlay district,

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other than the SH Shoreland Overlay District or the FP Floodplain Overlay District.”; Chapter 527; Chapter 530, Site Plan Review; and Chapter 598, Land Subdivision.

Background: The applicant proposes to construct a mixed-use building with up to 369 dwelling units and approximately 5,500 square feet of ground floor commercial tenant space as a planned unit development at the properties of 1800-1814 Washington Avenue South. The building would have up to 25 floors. Most of the development site is occupied by the Seven Corners Parking Ramp, which will provide parking for the development, the adjacent hotel, and for general public parking. The ramp was purchased by the developer from the City of Minneapolis. The purchase agreement requires that the properties of 1808 and 1814 Washington Avenue South are redeveloped. The purchase agreement also requires that the development is LEED (Leadership in Energy and Environmental Design) certified. A preliminary list of LEED credits provided by the applicant is attached to this report. The development will require the demolition of a building that was formerly occupied by Grandma’s Saloon.

In the C3A district, a PUD and a multifamily dwelling with 5 or more units require a conditional use permit. If the conditional use permits are approved, the actions must be recorded with Hennepin County as required by state law.

In the PO district, the first floor of the building must be located within eight feet of a lot line adjacent to a street. First floor building walls facing Washington Avenue and 19th Avenue would not be within 8 feet of the lot lines. A variance of this standard is required.

A site plan review is required for any new mixed-use building over 20,000 square feet in size.

A plat is required as part of any application for planned unit development approval.

The proposed number of units and nonresidential floor area cannot be increased without meeting the threshold for a required Environmental Assessment Worksheet (EAW).

As of the writing of this report, staff has not received any correspondence from the neighborhood group, West Bank Community Coalition. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT: to allow a planned unit development.

Findings as required by the Minneapolis Zoning Code for the conditional use permit:

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

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

The planned unit development would include residential and retail sales and services uses and/or food and beverage uses. The establishment of these uses in a mixed use building should not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

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 site is adjacent to a hotel. Other uses in the immediate area include high density housing, food and beverage uses, and the University of Minnesota. Interstate-35W is located to the northwest of the site as well. The housing would primarily be occupied by students attending the University. Residents would likely frequent businesses in the surrounding area. The proposed commercial tenants would also provide additional services to the neighborhood. The proposed uses in the planned unit development should have a positive effect on surrounding properties. The height of the building would shadow some surrounding properties. The most impacted would be the residential development located north of the site. The shadow study submitted by the applicant shows that much of the property to the north would be shadowed in the winter months. However, a large part of this property is already shadowed by the parking ramp and the hotel. The property to the north would also be separated from the proposed tower by the parking ramp and the street. The tower would be separated by a distance of approximately 200 feet from the closest part of the building to the north. The proposed building should not important impede views. Taller buildings are also characteristic of the immediate area. Staff believes the impacts of the height of the building will not be significant.

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

The site is served by existing infrastructure. Vehicle access would continue to be from Washington Avenue and 2nd Street. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

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

The existing parking ramp would contain approximately 750 vehicle parking spaces. The applicant has a contractual agreement to provide 220 spaces to the Holiday Inn. The applicant has indicated that approximately 332 spaces (0.9 spaces per dwelling unit) would be provided for the multiple-family dwelling; however, more residential parking can be provided if there is a demand. This is approximately 0.59 spaces per bedroom. Of the remaining parking, approximately 198 spaces would be available for general public parking. The applicant has not determined what uses will occupy the commercial tenant spaces. Even with two restaurants, which would result in the highest parking requirement, the parking requirement for the commercial tenants would not likely exceed 50 spaces. For two retail spaces, the requirement would only be 6 spaces. The general public parking would continue to be available to serve other area businesses.

Approximately 8 parking spaces in the ramp would be available for short-term parking and loading for the residents. The applicant is requesting a designated on-street loading zone on Washington Avenue for the commercial tenant spaces. The proposed loading should accommodate the loading needs of the development.

In addition to the vehicle parking spaces, the applicant is required by the PO overlay district standards to provide bike parking for all uses. The applicant has indicated that they would provide all required residential bike parking (one space per dwelling unit) in the ramp. The applicant is also proposing to provide 42 bike parking spaces adjacent to the residential entrance. The requirement for the nonresidential bike parking would likely not exceed 5 spaces. Because of the sites close proximity to the University of Minnesota, the demand for bike parking will likely exceed the minimum requirement. Staff is recommending that at least 12 bike parking spaces are provided next to the commercial tenant space entrances.

The site is in close proximity to the Cedar-Riverside LRT station and frequent bus transit service as well. A Travel Demand Management Plan had not been submitted at the time this report was written. With additional bike parking, the project should not have a significant effect on congestion in the area.

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

The site is located in an activity center and transit station area designated by *The Minneapolis Plan*. In *The Minneapolis Plan for Sustainable Growth*, the site is also located in a designated activity center and transit station area. The following principles and policies apply to this proposal:

4.7 Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.

Applicable Implementation Steps

Promote the incorporation of residential uses within the same structure as other commercial uses.

Preserve traditional urban form in buildings where it currently exists, and encourage new development to relate to traditional siting and massing, where it is already established.

Develop parking facilities and management strategies that accommodate high customer demand, promote shared facilities and minimize visual impact and adverse effects on pedestrian and sidewalk traffic.

4.18 Minneapolis will encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users.

Applicable Implementation Steps

Ensure that new development density is well integrated with existing neighborhood character through transitions in scale and attention to design.

Support the development of new housing types in the TSA, including townhomes, mansion apartments, garden apartments, granny flats/carriage houses, and multi-family residential buildings.

Recruit land uses that value convenient access to downtown Minneapolis or other institutional or employment centers that are well served by transit.

4.19 Minneapolis will require design standards for TSAs that are oriented to the pedestrian and bicyclist and that enforce traditional urban form.

Applicable Implementation Steps

Ensure that TSA building and site design is oriented to the pedestrian (e.g., reinforcing street walls, anchoring street corners, creating semi-public outdoor spaces, creating visual interest, providing adequate fenestration, and ensuring that principal building entrances open onto public sidewalks).

Preserve traditional urban form where it currently exists within TSAs, and encourage new development to relate to this context.

Ensure that TSA development is well integrated into the surrounding neighborhoods through attention to building design, landscaping, and transitions in density and land use.

9.5 Minneapolis will support the development of residential dwellings of appropriate form and density.

Applicable Implementation Step

Expand the understanding of the role that urban density plays in improving business markets, increasing the feasibility of urban transit systems and encouraging the development of pedestrian-oriented services and open spaces.

9.11 Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.

Applicable Implementation Steps

Enhance unique characteristics of the city's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality public spaces and infrastructure.

Enhance pedestrian and transit-oriented commercial districts with street furniture, tree planting, and improved transit amenities.

Require storefront transparency to assure both natural surveillance and an inviting pedestrian experience.

9.16 Minneapolis will encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs.

Applicable Implementation Steps

Encourage the design of all new buildings to fulfill light, privacy and view requirements for the subject building as well as for adjacent buildings.

Promote the preservation and enhancement of view corridors that focus attention on natural or built features, such as the downtown skyline, landmark buildings, significant open spaces or water bodies.

9.22 Minneapolis will promote increased housing production in designated areas of the City in order to accommodate population growth.

Applicable Implementation Step

Use both infill development and new development opportunities to increase housing in the city.

The *Cedar Riverside Small Area Plan* was adopted by the City Council in April of 2008. The recommended land use for the parcels where new construction is proposed is mixed use. The parcel occupied by the ramp is designated as parking/mixed use land use classification. The following policies from the plan apply to this proposal:

- Parcels identified for future mixed use should continue to include commercial uses with more options for housing and offices, particularly on floors above the ground level.
- If the [Seven Corners parking ramp] site is redeveloped, publicly-accessible parking should still be made available for patrons of nearby businesses.
- General urban design principles include:
 - new development that reflects the historic and eclectic character of the neighborhood;
 - the establishment of a connected network of streets that provide circulation for automobiles, pedestrians, bicyclists and transit, as well as parking and landscaped boulevards that allow for the urban forest to grow and prosper;
 - a prominent public realm of parks, plazas, and open spaces that are accessible, well designed, and safe; and
 - development design that clearly defines street frontages at the pedestrian level of the built environment and that guide the overall form of buildings.

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Staff comment: The proposed development includes up to 369 rental dwelling units and ground floor commercial space. The mixed use development would be very high density, which is appropriate in an activity center and a transit station area in close proximity to downtown and the University of Minnesota. The site is in close proximity to multiple bus routes with frequent headways and light rail transit. Increased density should benefit nearby businesses, the University, and downtown as well.

The building placement and design is oriented towards pedestrians. The ground floor includes an abundant amount of proposed windows, multiple entrances, and a patio area adjacent to the commercial tenant spaces that can accommodate on-site seating. To improve access to the commercial tenant spaces, staff is recommending that all walkways are at least four feet in width. To provide convenient bicycle parking, staff is recommending that at least 12 bicycle parking spaces are located in close proximity to the commercial tenant entrances. The building would have a one-story podium that enforces the street wall. The tower would be located at the interior of the site to lessen negative effects of a large building mass, such as wind, shadows, and loss of views.

In the Washington Avenue and 19th Avenue right-of-way adjacent to the site, there are currently no trees. The applicant is proposing to add boulevard trees to improve the pedestrian realm. Staff is recommending that the applicant provide additional improvements in the 19th Avenue right-of-way including boulevard trees that extend all the way from Washington Avenue to 2nd Street and an eight foot wide sidewalk adjacent to the property line.

Approximately 200 parking spaces would continue to be available for public parking in the ramp. Parking for the adjacent hotel is also accommodated in the ramp.

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

Upon the approval of the conditional use permits, variance, site plan review and the plat, the project will be in conformance with the zoning code.

Through the planned unit development, the applicant is requesting exceptions to the following standards of the zoning code:

The applicant is requesting that the planning commission authorize an increase in the maximum height of the building and a reduction of the minimum lot area requirement for the dwelling units. Exceptions to these zoning regulations may be authorized only upon the Planning Commission finding that the PUD includes adequate site amenities to address any adverse effects of the exception.

Building Height: Building height in the C3A district is limited to four stories or 56 feet, whichever is less. The building would be 26 stories and 269 feet in height. Although the building would have only 25 floors, by definition of the zoning code it is 26 stories. A story is defined as that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or 14 feet, whichever is less. The first floor would be 18 feet, therefore it is considered two stories.

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The largest massing of the building would be concentrated toward the interior of the site, so it should have little effect to surrounding properties access to light and air. The shadow study submitted by the applicant shows that much of the property to the north would be shadowed in the winter months. However, a large part of this property is already shadowed by the parking ramp and the hotel. The property to the north would also be separated from the proposed tower by the parking ramp and the street. The tower would be separated by a distance of approximately 200 feet from the closest part of the building to the north. Shadowing should not significantly affect any other surrounding properties or public spaces. Large developments and taller buildings, such as the Holiday Inn (12 stories), Riverview Condominiums (25 stories), Seven-Corners Housing (4-10 stories), are characteristic of the area. The building should not impede any views of landmark buildings, significant open spaces, or water bodies.

Minimum Lot Area: As authorized by 527.150 of the zoning code, the Planning Commission can grant a minimum lot area reduction of up to 20 percent through the planned unit development application for the purpose of promoting an integrated development with high quality site amenities. The applicant seeks a 19.5 percent percent reduction in the minimum required lot area (after consideration of the authorized density bonus).

Amenities: Sections 527.140 and 527.150 of the zoning code authorizes the Planning Commission to grant exceptions to the building height limitations and a reduction of the minimum lot area requirements of a district for the purpose of promoting an integrated project that provides additional site amenities. Amenities proposed by the applicant include the following:

- constructing to minimum standards for LEED certification,
- ground floor commercial space,
- an extensive green roof system on over 30 percent of the total roof area,
- a highly reflective roof material for the top of the tower,
- a living wall on the south side of the parking ramp,
- an outdoor garden area between the building and the parking ramp,
- a patio adjacent to the public sidewalks that can accommodate outdoor seating,
- an Hour Car,
- enhanced landscaping that has a variety of plant types and that provide seasonal interest around the new construction on-site,
- and seven boulevard trees in the Washington Avenue right-of-way and three boulevard trees in the 19th Avenue right-of-way adjacent to the new construction.

As mentioned, the enhanced landscaping would be focused around the new construction. Much of the landscaped areas on the east and north sides of the parking ramp are ill-kempt and overgrown with weeds. In the 19th Avenue right-of-way adjacent to the ramp, shrubs that encroach on the sidewalk area are located in the interior boulevard. To improve the pedestrian realm in this area, the streetscape proposed on the south half of the block should be extended to 2nd Street. Specifically, the interior boulevard should be removed, an 8-foot wide sidewalk should be provided adjacent to the property line, and boulevard trees should be provided every 25 feet adjacent to the street. Staff has consulted Public Works and the Park Board on this matter, and no issues were identified. On the north side of the ramp, landscape improvements should also be made to promote an integrated development. At a minimum, the rock mulch should be replaced with shade tolerant plants. Staff recommends that the planning

commission approve the proposed increase in maximum height and reduction in lot area requirement if these additional landscape and streetscape improvements are provided.

Additional Findings Required For Planned Unit Developments:

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

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

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

High density housing and some commercial space is proposed. The existing parking facility would remain. There are other high density residential development and neighborhood serving commercial establishments in the immediate area. A high intensity mixed use development is appropriate on a site located in close proximity to the University of Minnesota, an existing and proposed LRT station, and downtown.

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

The existing access to the parking ramp would remain. The ramp would contain approximately 750 vehicle parking spaces. The applicant has a contractual agreement to provide 220 spaces to the Holiday Inn. The applicant has indicated that approximately 332 spaces (0.9 spaces per dwelling unit) would be provided for the multiple-family dwelling; however, more residential parking can be provided if there is a demand. This is approximately 0.59 spaces per bedroom. Of the remaining parking, approximately 198 spaces would be available for general public parking. The applicant has not determined what uses will occupy the commercial tenant spaces. Even with two restaurants, which would result in the highest parking requirement, the parking requirement for the commercial tenants would not likely exceed 50 spaces. With two retail tenants, only 6 spaces would be required. The general public parking would continue to be available to serve other area businesses.

Approximately 8 parking spaces in the ramp would be available for short-term parking and loading for the residents. The applicant is requesting a designated on-street loading zone on Washington Avenue for the commercial tenant spaces. The proposed loading should accommodate the loading needs of the development.

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In addition to the vehicle parking spaces, the applicant is required by the PO overlay district standards to provide bike parking for all uses. The applicant has indicated that they would provide all required residential bike parking (one space per dwelling unit) in the ramp. The applicant is also proposing to provide 42 bike parking spaces adjacent to the residential entrance. The requirement for the nonresidential bike parking would likely not exceed 5 spaces. Because of the sites close proximity to the University of Minnesota, the demand for bike parking will likely exceed the minimum requirement. Staff is recommending that at least 12 bike parking spaces are provided next to the commercial tenant space entrances.

The site is in close proximity to the Cedar-Riverside LRT station and frequent bus transit service as well. The building would have multiple entrances with walkways leading to them from the public sidewalks. To ensure accessible routes, staff is recommending that all walkways are at least four feet in width.

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

Amenities proposed by the applicant include constructing to minimum standards for LEED certification, ground floor commercial space, an extensive green roof system on over 30 percent of the total roof area, a highly reflective roof material for the top of the tower, a living wall on the south side of the parking ramp, an outdoor garden area between the building and the parking ramp, a patio adjacent to the public sidewalks that can accommodate outdoor seating, an Hour Car, enhanced landscaping that has a variety of plant types and that provide seasonal interest around the new construction on-site, and seven boulevard trees in the Washington Avenue right-of-way and three boulevard trees in the 19th Avenue right-of-way adjacent to the new construction. Staff is also recommending that additional amenities are provided, including bicycle parking for the commercial uses, a wider sidewalk and additional boulevard trees in the 19th Avenue right-of-way, and landscape improvements north of the parking ramp.

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

The site is in close proximity to commercial, high density residential, and institutional uses. Large developments and taller buildings, such as the Holiday Inn (12 stories), Riverview Condominiums (25 stories), Seven-Corners Housing (4-10 stories), are characteristic of the area. Quality exterior materials are proposed. The appearance of the new building should enhance the area. The massing of the building would be concentrated at the interior of the site to minimize effects on surrounding developments and the public realm. The building should not block any view corridors. All parking, except the drop-off area located at the interior of the site, would be located in the parking ramp.

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

The Public Works Department has not indicated concerns about the capacity of the public infrastructure in relation to this project. A stormwater management plan is required for the project, which will be reviewed by the Public Works Department.

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

Please refer to the preliminary plat section of this report.

CONDITIONAL USE PERMIT: to allow 369 dwelling units.

Findings as required by the Minneapolis Zoning Code:

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

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

The establishment of a multiple family dwelling with up to 369 units should not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

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 proposed use would primarily provide housing for students attending the University of Minnesota. Residents would likely frequent businesses in the surrounding area. The development of this site with a residential use should have a positive effect on surrounding properties.

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

The site is served by existing infrastructure. Vehicle access would continue to be from Washington Avenue and 2nd Street. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

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

The applicant has indicated that approximately 332 spaces (0.9 spaces per dwelling unit) would be provided for the multiple-family dwelling. This is approximately 0.59 spaces per bedroom. The general parking requirement for a multiple-family dwelling located in the C3A district is one parking space per dwelling unit. Because the site is located in a transit station area PO overlay district, only 90 percent of the primary district requirement would be required. The applicant has indicated that they can provide more residential parking if there is a demand. At least 369 bike parking spaces must be provided for 369 dwelling units. The applicant has indicated that secure bike parking at one stall per unit would be accommodated in the parking ramp. The applicant is also proposing 42 bike spaces adjacent to the residential entrance. The dwelling should have little effect on congestion in the area.

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

Please see finding number 5 under the planned unit development conditional use permit section of this report.

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

Upon the approval of the conditional use permits, variances, site plan review and the plat, the project will be in conformance with the zoning code.

VARIANCE: Variance of the PO Pedestrian Oriented Overlay District standards to allow a building wall to be set back more than eight feet from the lot lines adjacent to Washington Avenue and 19th Avenue.

Findings as required by the Minneapolis Zoning Code:

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

In a PO district, all building walls are required to be located not more than 8 feet from a lot line adjacent to a street. Along Washington Avenue, the building wall would be set back between 3.5 and 14 feet. Along 19th Avenue, the building wall would be set back 10 feet. The grade slopes down from Washington Avenue to 19th Avenue. A level walkway for the commercial uses is proposed between the building and the sidewalk. Setting the building back would allow for amenities to be incorporated without obstructing the sidewalk, including bike storage and landscaping. The applicant would also like a wider area to accommodate outdoor seating. Large outdoor seating areas between the buildings and the curb line are characteristic in the immediate area. The request is reasonable.

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.**

The grade slopes down from Washington Avenue to 19th Avenue. This circumstance has not been created by the applicant.

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.**

The purpose of the PO standards is to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and accessory parking facilities, and by prohibiting certain high impact and automobile-oriented uses. The applicant is proposing seating areas, walkways, and landscaping between the building and the streets where the set back exceeds 8 feet. Large outdoor seating areas between the buildings and the curb line are characteristic in the immediate area. Staff is also recommending that bicycle parking be provided adjacent to the commercial entrances. The alternatives proposed by the applicant should be an asset to the community and are in keeping with the intent of the ordinance.

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.**

The granting of the variance should not affect public safety or increase congestion in the public streets if walkways at least four feet in width are provided.

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 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.**

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

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

- **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. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

Conformance with above requirements:

The placement of the building would reinforce the street wall along Washington Avenue and 19th Avenue. Windows would be located on all sides of the building to maximize natural surveillance. Ground level entrances would be provided for the residential and nonresidential uses. Walkways would connect all entrances to the public sidewalks; however, not all entrances would be accessible. One entrance adjacent to 19th Avenue would only be accessible by climbing stairs. Reducing the size of the column would allow access without climbing stairs. Staff is recommending that all walkways are at least four feet in width.

Not all of the first floor building walls would be within 8 feet of lot lines fronting streets. Along Washington Avenue, the building wall would be set back between 3.5 and 14 feet. Along 19th Avenue, the building wall would be set back 10 feet. In a PO district, all building walls are required to be located not more than 8 feet from a lot line adjacent to a street. The applicant is proposing a patio for outdoor seating, walkways, and landscaping between the building and the streets where the set back exceeds 8 feet. The right-of-way grade slopes down on Washington Avenue towards the 19th Avenue intersection. The larger set back also accommodates stairs to account for the grade changes in order to provide multiple entrances. For these reasons, staff believes alternative compliance is warranted. Staff is also recommending approval for the variance of the PO standard.

A patio, seating areas, walkways, and landscaping are proposed between the building and the streets.

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One nonresidential entrance would face Washington Avenue and 19th Avenue.

The required parking would be provided in the parking ramp. The residential drop-off area with short-term parking would be located at the interior of the site.

To divide the building into smaller, identifiable sections, recesses and projections, multiple entrances, windows and other architectural features have been incorporated.

The building walls would include sufficient architectural detail and would make generous use of windows to avoid large blank walls.

The primary exterior materials, including brick, precast concrete, stone, and glass, would be durable. Brick, stone and glass are proposed on the first floor. The applicant has indicated that the proposed architectural precast concrete on the walls above the first floor would have integral coloration that simulates brick and stone. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.

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

All sides of the buildings would be compatible.

The main residential entrance would be surrounded by windows, recessed, and sheltered by the upper levels of the building to emphasize its importance. Windows are required on the Washington Avenue and 19th Avenue elevations. On all levels of each residential elevation, the proposed amount of windows greatly exceeds the minimum requirements. All windows would be vertical in proportion and distributed in a more or less even manner.

The entrances for the nonresidential uses would also be recessed, surrounded by large windows, and sheltered by canopies to emphasize their importance. Multiple entrances would be provided. All nonresidential walls are subject to the minimum window requirements. In the PO overlay district, 40 percent of the walls facing a street are required to be windows. The overlay district requirement supersedes the site plan review requirement of 30 percent windows. Both the Washington Avenue and 19th Avenue elevations would contain more than 40 percent windows. All windows would be vertical in proportion and distributed in a fairly even manner. The applicant has indicated that the windows would be clear glass with a light transmittance ratio of 0.6 or greater. Shelving, mechanical equipment or other similar fixtures are not allowed to block views into and out of the building in the area between 4 and 7 feet above the adjacent grade.

The roofs on the building would be flat. Nonresidential buildings and multi-family buildings in the area also have flat 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:

Walkways would be at least 4 feet in width except where the building wall extends out adjacent to the 19th Avenue entrance. The width between the building wall and the retaining wall in that location is approximately 2.5 feet. To ensure adequate access, staff is recommending that all walkways are at least 4 feet in width.

A transit shelter is not adjacent to the site.

The existing access from Washington Avenue and 2nd Street would remain. The 2nd Street access is exit only. Conflicts with surrounding residential properties and pedestrians should not increase.

There are no public alleys adjacent to the site.

The majority of the parking would be located in the ramp. The short-term parking/drop-off area would be tucked under upper levels of the building. The site plan minimizes the use of impervious surfaces for parking.

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.**

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- **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 91,768 square feet. The building footprints would be 74,024 square feet in area. The lot area minus the building footprints therefore consists of approximately 17,744 square feet. At least 20 percent of the net site area (3,548.8 square feet) must be landscaped. The applicant's landscape plan proposes to landscape 5,116 square feet, or 28.8 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 7 and 36 respectively. The applicant is proposing 3 canopy trees and 104 shrubs (these counts do not include plants proposed in the right-of-way). The applicant is also proposing 34 ornamental trees, perennials, and ornamental grasses throughout the site. In addition to the plants proposed on-site, the applicant would provide 10 canopy trees in the public right-of-way. Most of the site would be occupied by the building or parking areas limiting where canopy trees could be planted. Staff is also recommending that additional trees are planted in the 19th Avenue right-of-way. For these reasons, staff recommends that alternative compliance is granted.

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A 7-foot wide landscaped yard with screening that is 3 feet high and at least 60 percent opaque and one tree is required between the short-term parking/ drop-off area adjacent to the residential entrance and Washington Avenue. The parking area would be set back 40 feet from Washington Avenue. Landscape planters with 11 ornamental trees would be located between the parking area and the street. For these reasons, staff recommends that alternative compliance is granted.

Perennials, ground covers, and ornamental grasses would cover all areas that are not paved or landscaped with trees or shrubs in the areas south of the ramp. Other areas around the ramp are overgrown with weeds. These areas need to be improved. Staff is recommending that at a minimum the rock mulch is replaced by shade tolerant plants.

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:

Continuous six inch by six inch concrete curbing is proposed around the surface parking areas. Most of the site is occupied by buildings leaving little opportunity for on-site filtration of stormwater.

The new building should not block or impede the views of any important elements of the city.

The building's tower would be located at the interior of the site. Shadowing from the building should have little impact on public spaces and adjacent properties.

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The building's tower would be set back 12 to 30 feet from the ground floor building walls adjacent to Washington Avenue and 19th Avenue. The one-story podium at the base of the building should minimize the generation of wind currents at ground level.

The site design would include crime prevention design elements. Abundant windows on all sides of the building and multiple entrances would allow for natural surveillance and visibility. The proposal controls and guides to movement on the site with clearly defined walkways. The 3-foot high, opaque fence around the seating area guides pedestrian traffic without inhibiting views to and from the street. The plaza located between the building and the ramp would have gates to control access.

The building formerly occupied by Grandma's Saloon would be demolished. The building is not a historically designated landmark and is not listed as eligible for 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 located in the C3A district and PO overlay district. The applicant is proposing a planned unit development (PUD) with up to 369 dwelling units and commercial uses. The applicant has indicated that general retail sales and services uses and/or food and beverage use(s) would occupy the commercial tenant spaces. General retail sales and services uses and most food and beverage uses are permitted in the C3A district. A multi-family dwelling and planned unit development are conditional uses in the C3A district.

Parking and Loading: The parking requirement for a planned unit development is as approved by the conditional use permit. Multiple-family housing, general retail sales and services, and/or food and beverage uses are the principal uses of the PUD. The existing parking ramp would contain approximately 750 parking spaces. The applicant has a contractual agreement to provide 220 spaces to the Holiday Inn. The applicant has indicated that approximately 332 spaces (0.9 spaces per dwelling unit) would be provided for the multiple-family dwelling. This is approximately 0.59 spaces per bedroom. The general parking requirement for a multiple-family dwelling located in the C3A district is one parking space per dwelling unit. Because the site is located in a transit station area PO overlay district, only 90 percent of the primary district requirement is required. The applicant has indicated that they can provide more residential parking if there is a demand. Of the remaining parking, approximately 198 spaces would be available for general public parking. The applicant has not determined what uses will occupy the commercial tenant spaces. In a transit station area PO overlay district, only 75 percent of the primary district requirement for a nonresidential use is required. Even with two restaurants, which would result in the highest parking requirement, the parking requirement for the commercial tenants would not likely exceed 50 spaces. With two retail tenants, only six spaces would be required. Note that a zoning code text amendment that would reduce the minimum parking requirement for most uses will be considered by the City Planning Commission on November 17th.

The loading requirement for a planned unit development is as approved by the conditional use permit. Approximately 8 parking spaces in the ramp would be available for short-term parking

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and loading for the residents. The applicant is requesting a designated on-street loading zone on Washington Avenue for the commercial tenant spaces. The proposed loading should accommodate the loading needs of the development.

Signs: Some signage for the parking ramp exists. Directional wall signs are located above the ramp entrance and exits. Also, a back-lit freestanding sign is located at the Washington Avenue curb cut. In 2005, a variance was obtained to allow the sign with a condition of approval that “the sign is not designed and used as a flashing sign as defined in 520.160 of the zoning code.” A portion of the sign is a flashing sign (A sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination or the illusion of intermittent flashing light by any means. Also, any mode of lighting which resembles zooming, twinkling or sparkling.) because it contains variable messages. A flashing sign is allowed in the C3A district, but can only contain the time and temperature. The copy on this sign is not limited to time and temperature, therefore it is in violation of the zoning ordinance. The applicant has indicated that no new signage is proposed at this time. Any new signage will require Zoning Office review, approval, and permits.

Maximum Floor Area: The proposed lot area is 91,768 square feet. The maximum FAR allowed is 2.7. The development qualifies for a density bonus for providing all required residential parking within a structure of more than one level. Density bonuses are increased to 30 percent in the PO overlay district. The density bonus therefore increases the maximum FAR to 3.51. The building would have a total of 320,120 square feet, which is an FAR of 3.49.

In the C3A zoning district, the maximum floor area of retail sales and services uses cannot exceed 4,000 square feet. If there is no parking between the building and the street and the building is at least two stories in height the maximum floor area of the retail sales and services uses may be increased to 8,000 square feet. The tenant spaces would be less than 8,000 square feet.

Minimum Lot Area: As previously noted, the overall lot has 91,768 square feet (2.1 acres). The minimum area required for a PUD is two acres. The lot area of the PUD must also meet the minimum lot area requirements for uses within the PUD. The C3A district requires not less than 400 square feet of lot area per dwelling unit. This would allow 229 dwelling units on the site. The applicant qualifies for a density bonus to increase the number of dwelling units by providing all required residential parking in a structure of more than one level. Density bonuses are increased to 30 percent in the PO overlay district. Therefore the density bonus would allow up to 297 dwelling units. This would reduce the required lot area per dwelling unit to 308.9 square feet. The applicant is proposing 369 dwelling units at 248.6 square feet of lot area per dwelling unit. The applicant has requested an exception of the lot area requirement through the planned unit development by 19.5 percent (up to a 20 percent reduction is allowed) to allow the proposed density. Staff is recommending that the planning commission grant the requested exception.

Dwelling Units Per Acre: The applicant proposes a density of 175.1 dwelling units per acre.

Height: Building height in the C3A district is limited to four stories or 56 feet, whichever is less. The new construction could be up to 26 stories and 269 feet in height. Although the building

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would have only 25 floors, by definition of the zoning code it is 26 stories. A story is defined as that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or 14 feet, whichever is less. The first floor would be 18 feet, therefore it is considered two stories. The planning commission may grant increases in height through the planned unit development application. Staff is recommending that the planning commission approve the proposed increase in height.

Yard Requirements: A yard is required where windows for the residences face the interior lot line adjacent to the hotel property. The minimum side yard requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor, but not to exceed 15 feet. A 26-story building is proposed, therefore the minimum requirement is 15 feet. The building would be set back more than 15 feet.

PO Pedestrian Oriented Overlay District Standards: General standards apply to all development located in the PO overlay.

- The first floor of the building must be located within eight feet of a lot line adjacent to a street. Adjacent to Washington Avenue, the first floor building wall would be set back 3.5 to 14 feet from the lot line. Adjacent to 19th Avenue, the first floor building wall would be set back 10 feet. The applicant is requesting a variance.
- The first floor façade of the building that faces a public street or a sidewalk is required to have at least 40 percent clear or lightly tinted glass that allows views into and out of the building at eye level and are distributed in a more or less even manner. Therefore the walls fronting Washington Avenue and 19th Avenue are subject to this provision. Each first floor wall facing a street would have more than 40 percent windows. The applicant has indicated that the glass will be clear.
- Pole signs, back-lighted awning and canopy signs, and back-lighted insertable panel projecting signs are prohibited. This standard cannot be varied or allowed as an exception through the PUD. The applicant has indicated that no signage is proposed at this time.
- Accessory parking is required to be located at the rear or interior of the site, within the building, or entirely below grade. Long term parking would be located in the parking ramp. Short-term parking in the drop-off area adjacent to the residential entrance would be located at the interior of the site. The maximum amount of accessory parking spaces cannot exceed the minimum parking requirements more than 150 percent. Excess parking in the existing ramp would be available to the public. The driveway width for all parking facilities cannot exceed 20 feet of street frontage. The existing driveways do not exceed 20 feet in width.

Additional standards apply to development located in the Cedar-Riverside LRT Station PO overlay.

- For nonresidential uses, at least one bicycle space must be provided for each ten accessory automobile parking spaces. General public parking that would include parking for the commercial tenant spaces is proposed. The applicant has not determined what uses will

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occupy the commercial tenant spaces. Even with two restaurants, which would result in the highest parking requirement, the parking requirement for the commercial tenants would not likely exceed 50 spaces. Therefore, 5 bicycle spaces need to be provided. Staff is recommending that at least 12 bicycle parking spaces are provided adjacent to the commercial tenants to accommodate the higher bicycle parking demand as a condition of approval for the planned unit development. For multiple-family dwellings, a minimum of one secured bicycle parking space must be provided for each dwelling unit. Bicycle parking must be in enclosed and secured or supervised areas providing protection for each bicycle from theft, vandalism or weather. The applicant has indicated that secure bike parking at one stall per unit would be accommodated in the parking ramp. On the final plans, each bicycle parking space must be identified to show that sufficient space has been provided.

- A minimum floor area ratio of 1.0 is required. The development would have an FAR of 3.49.

Specific Development Standards: Sit-down restaurants and coffee shops are subject to development standards. Where alcoholic beverages are served in sit-down restaurants, not less than 60 percent of total gross sales revenue must be from the sale of food and beverages not containing alcohol, and the use must comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter. Restaurants and coffee shops are required to regularly inspect the premises, all adjacent streets, sidewalks and alleys for the purposes of removing any litter found thereon.

Hours of Operation: In the C3A District, nonresidential uses may be open to the public during the following hours: Sunday through Saturday from 6:00 a.m. to 1:00 a.m.

Lighting: Lighting proposed for the development 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 shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) 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 from any permitted or conditional residential use.
- (3) Lighting shall not 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.

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- (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.

Dumpster screening: Refuse storage containers must be screened from public streets and residential uses. All refuse storage containers would be contained within the building.

Screening of mechanical equipment: Mechanical equipment proposed for the development must comply with Chapter 535 screening requirements:

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.

(b) Exceptions. The following mechanical equipment shall be exempt from the screening requirements of this section:

- (1) Minor equipment not exceeding one (1) foot in height.
- (2) Mechanical equipment accessory to a single or two-family dwelling.
- (3) Mechanical equipment located in an I2 or I3 District not less than three hundred (300) feet from a residence or office residence district.

The applicant has indicated that the exact location, quantity and size of the mechanical equipment are not yet known, but it is likely some would be located in the parking ramp and on top of the tower enclosed in a penthouse. The applicant would like to limit the amount of equipment placed on the one-story podium roof facing Washington Avenue. All mechanical

equipment and screening must be shown on the final plans.

MINNEAPOLIS PLAN: Please see finding number 5 under the conditional use permit for the planned unit development section of this report.

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 for the following standards:

- Location of the buildings within 8 feet from a lot line adjacent to a street

Not all of the first floor building walls would be within 8 feet of lot lines fronting streets. Along Washington Avenue, the building wall would be set back between 3.5 and 14 feet. Along 19th Avenue, the building wall would be set back 10 feet. In a PO district, all building walls are required to be located not more than 8 feet from a lot line adjacent to a street. The applicant is proposing patios, walkways, and landscaping between the building and the streets where the set back exceeds 8 feet. The right-of-way grade slopes down on Washington Avenue towards the 19th Avenue intersection. The larger set back also accommodates stairs to account for the grade changes in order to provide multiple entrances. For these reasons, staff believes alternative compliance is warranted. Staff is also recommending approval to vary the PO standard.

- Walkway width

Walkways would be at least 4 feet in width except where the building wall extends out adjacent to the 19th Avenue entrance. The width between the building wall and the retaining wall in that location is approximately 2.5 feet. To ensure adequate access, staff is recommending that all walkways are at least 4 feet in width.

- Number of required canopy trees

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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 7 and 36 respectively. The applicant is proposing 3 canopy trees and 104 shrubs (these counts do not include plants proposed in the right-of-way). The applicant is also proposing 34 ornamental trees, perennials, and ornamental grasses throughout the site. In addition to the plants proposed on-site, the applicant would provide 10 canopy trees and perennials in the public right-of-way. Most of the site would be occupied by the building or parking areas limiting where canopy trees could be planted. Staff is also recommending that additional trees are planted in the 19th Avenue right-of-way. For these reasons, staff recommends that alternative compliance is granted.

- Landscaped yard and screening between a parking area and a street

A 7-foot wide landscaped yard with screening that is 3 feet high and at least 60 percent opaque and one tree is required between the short-term parking/ drop-off area adjacent to the residential entrance and Washington Avenue. The parking area would be set back 40 feet from Washington Avenue. Landscape planters with 11 ornamental trees would be located between the parking area and the street. For these reasons, staff recommends that alternative compliance is granted.

PRELIMINARY PLAT

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

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

The land is proposed to be platted into one lot. The subdivision is in conformance with the applicable design requirements of the land subdivision regulations except for Section 598.230 (5), which requires utility easements not less than 5 feet wide on side lot lines and not less than 10 feet wide on rear lot lines where no alleys are provided. In order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (5) is required to allow the reduction of drainage and utility easements where the lots abut the adjacent property. While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

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- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

No utility easements would be provided along any interior lot lines or rear lot lines. The site has frontage on three streets. The parking ramp directly abuts the interior and rear lot lines. Because the site has adequate street frontage, staff is recommending that the planning commission grant the variance to 0 feet.

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

The plat should have no impact on the surrounding area.

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

The site is basically level and does not present the other noted hazards. The utility easement variances should have little effect on surrounding uses.

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

Minimal changes to the grade are proposed. The site would have frontage on three public streets. Vehicle access to two streets would remain.

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

The Public Works Department will review the project for appropriate drainage and stormwater management.

RECOMMENDATIONS

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a planned unit development for the properties located at 1800-1814 Washington Avenue South, subject to the following conditions:

- 1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
- 2) At least 12 bicycle parking spaces shall be provided in close proximity to the commercial entrances.
- 3) In the 19th Avenue right-of-way, additional trees shall be planted spaced no less than 25 feet apart and an 8 foot wide sidewalk shall be maintained adjacent to the property line.
- 4) Landscaped areas on the north side of the parking ramp shall be improved. At a minimum, shade tolerant plants shall be provided and the rock mulch shall be removed.
- 5) Approval of the final plat.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a multiple-family dwelling with 369 units for the properties located at 1800-1814 Washington Avenue South, subject to the following condition:

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

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the PO Pedestrian Oriented Overlay District standard to allow a building wall to be set back more

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than eight feet from the lot lines adjacent to Washington Avenue and 19th Avenue for the properties located at 1800-1814 Washington Avenue South.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review to allow a planned unit development located at the properties located at 1800-1814 Washington Avenue South, subject to the following conditions:

- 1) Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site and landscape plans.
- 2) Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by November 3, 2010, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
- 3) All walkways shall be at least four feet in width as required by section 530.130 of the zoning code.
- 4) First 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 4 and 7 feet above the adjacent grade as required by section 530.120 of the zoning code.
- 5) The existing freestanding sign cannot contain variable messages as required by Chapter 543 On-Premise Signs.
- 6) The applicant shall provide not less than the minimum number of bicycle parking spaces as required by section 551.175 of the zoning code. Each bicycle parking space shall be identified on the final plans.
- 7) All mechanical equipment shall be screened as required by section 535.70 of the zoning code.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary plat for the properties located at 1800-1814 Washington Avenue South.

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Attachments:

1. Preliminary Development Review comments
2. Statement of proposed use and findings
3. Correspondence
4. Zoning map
5. Plans
6. Site photos