

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permit, Variances and Site Plan Review
BZZ-5421

Date: December 12, 2011

Applicant: Park Tower at Loring LLC

Addresses of Property: 1368 LaSalle Avenue

Project Name: Loring Park Apartments

Contact Person and Phone: Joseph Bagnoli with McGrann Shea Carnival Straughn & Lamb, (612) 338-2525

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

Date Application Deemed Complete: November 16, 2011

End of 60-Day Decision Period: January 15, 2012

End of 120-Day Decision Period: Not applicable for this application

Ward: 7 **Neighborhood Organization:** Citizens for a Loring Park Community

Existing Zoning: OR3, Institutional Office Residence District, B4S-1, Downtown Service District, DP Downtown Parking Overlay District and SH Shoreland Overlay District

Proposed Zoning: B4N, Downtown Neighborhood District, DP Downtown Parking Overlay District and SH Shoreland Overlay District

Zoning Plate Number: 18

Legal Description: Lots 4 through 7, both inclusive, Block 2, J.S. Johnson's Addition to Minneapolis, according to the record plat thereof, Hennepin County, Minnesota. Part of the above being registered land as evidenced by Certificate of Title No. 1181098. Note: The Torrens portion being more particularly described as follows: Lots 6 and 7, Block, J.S. Johnson's Addition to Minneapolis.

Proposed Use: Mixed-use building including 354 dwelling units and 22,704 square feet of ground floor commercial space

Concurrent Review:

Rezoning: of the parcel which is zoned both OR3 and B4S-1 to B4N.

Conditional use permit: to increase the height of the building located in the SH Shoreland Overlay District from 2.5 stories/35 feet to 36 stories/376 feet.

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Variance: to reduce the front yard setback along Spruce Place from the established 2.5 feet to zero feet for the first 40 feet of the property south of the north interior property line.

Variance: to reduce the north interior side yard setback from the required 75 feet to zero feet for the west half of the property.

Site plan review.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits, 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 Chapter 530 Site Plan Review.

Background: The applicant is proposing to construct a new mixed-use building on the site located at 1368 LaSalle Avenue which is currently occupied by a surface parking lot. The proposed development is a 36-story, high-rise building with 354 dwelling units and 22,704 square feet of ground floor commercial space. The ground floor of the building would be occupied by the residential lobby, leasing office and a minimum of two commercial spaces. In addition there would be three loading bays and access to the above ground parking ramp. Floors two through four would be occupied by 289 structured parking spaces, tenant storage lockers and bicycle storage rooms. The fifth floor of the building would be occupied by the residential amenities including a business center, conference rooms, a game room, a theater, a fitness center and a lap pool. There is also a large outdoor space that is available to the residents. The upper levels, floors six through 36, are occupied by 354 dwelling units. The unit mix includes 29 studios, 263 one-bedrooms, 61 two-bedrooms and one three-bedroom.

The applicant is proposing 333 square feet of green space on the ground level. The green space will be located in raised planters along the south and west sides of the building. There will also be 6,082 square feet of green space on the fifth level of the building and 5,358 square feet of green space on the thirty-sixth level of the building. The landscaping on the fifth level of the building will include trees, shrubs, perennials and annuals and the landscaping on the thirty-sixth level of the building will be a sedum mix. The applicant is also proposing to add landscaping to the right-of-way.

The property is currently zoned OR3, Institutional Office Residence District and B4S-1, Downtown Service District. The property is also located in the DP Downtown Parking Overlay District and the SH Shoreland Overlay District. Since the property has split zoning the applicant is proposing to rezone the entire site to the B4N zoning district. The proposed rezoning requires the written consent of the owners of two-thirds of the properties within 100 feet of the property to be rezoned. The City Attorney’s office has reviewed the consent signatures and has deemed that they comply with the statutory requirements.

The height limitation in the B4N zoning district is ten stories or 140 feet in height. However, the property is also located within 1,000 feet of the high-water mark of Loring Pond and is therefore subject to the height requirements of the SH Shoreland Overlay District, which is 2.5 stories or 35 feet, whichever is less. The applicant is requesting a conditional use permit to increase the height of the building from 2.5 stories/35 feet to 36 stories/376 feet.

There is no minimum parking requirement for any use in the B4N zoning district. However, in the downtown zoning districts, when residential parking is provided, one guest parking space is required to be provided for every 50 dwelling units within the building. For 354 dwelling units a total of seven

guest parking spaces need to be provided. The applicant is proposing to provide a total of 289 parking spaces in the building. All of the proposed parking spaces will be available to the public on an hourly basis. Residents of the development will have the option to purchase contracts. A contract may be for a reserved spot or for a non-reserved prepaid spot. In the event that non-reserved contracts are purchased there is the potential that residents choosing to drive during the day and return home in the evening may not have a place to park if the ramp is full even though they have a “contract” as a non-reserved contract spot would not guarantee a parking space. In the event that all of the reserved contracts are purchased by the residents, parking would not be available for public use/purchase.

The applicant is designing the parking ramp in such a way that will allow the amount of parking to be increased by an additional 99 parking spaces. Forty-six additional parking stalls would be provided with car lifts. The parking ramp would be structurally designed to accommodate the lifts to allow two vehicles to be parked vertically in one horizontal parking space (“bunk-bed” parking). This type of parking system would require a valet service to operate. Furthermore, the top two levels of the parking ramp could also be operated with valet service which would allow the parking areas to be parked more efficiently, resulting in 53 additional parking stalls being available. The applicant has indicated that the additional parking spaces would be implemented in phases based on need. According to the applicant the need will be dependent on their ability to lease the parking space and operate a successful development.

The applicant has also applied for two setback variances. One is a front yard setback along Spruce Place and the other is a north interior side setback for the western portion of the building. Site plan review is also required.

The threshold for requiring a mandatory Environmental Assessment Worksheet (EAW) is 375 attached dwelling units for residential developments and 400,000 square feet of new commercial gross floor area. For mixed use buildings, if the sum of the quotient obtained by dividing the number of residential units by the applicable residential threshold, plus the quotient obtained by dividing the amount of industrial-commercial gross floor area by the applicable industrial-commercial threshold, equals or exceeds one, then an EAW is required. The proposed development includes 354 attached dwelling units and 22,704 square feet of commercial space. The combined quotients of each use as proposed would not exceed one.

REZONING: of the parcel which is zoned both OR3 and B4S-1 to B4N

Findings as Required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The property is located along West 14th Street between LaSalle Avenue and Spruce Place. The site is located one block west of Nicollet Avenue which is a designated Commercial Corridor in *The Minneapolis Plan for Sustainable Growth*. The site is also located in downtown Minneapolis which is a designated Growth Center in *The Minneapolis Plan for Sustainable Growth*. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the site as Mixed Use. According to the

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principles and polices outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users (Land Use Policy 1.4).
- 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 (Land Use Policy 1.8).
- Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features (Land Use Policy Implementation Step 1.8.1).
- Support development of Growth Centers as locations for concentration of jobs and housing, and supporting services (Land Use Policy 1.15).
- Encourage the development of high- to very high-density housing within Growth Centers (Land Use Policy Implementation Step 1.15.3).
- Grow by increasing the supply of housing (Housing Policy 3.1).
- Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities (Housing Policy 3.2).
- Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes (Housing Policy Implementation Step 3.2.1).

The Planning Division believes that the proposed rezoning would be in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The amendment will allow the applicant to construct a very high-density residential development on the site. Policies within *The Minneapolis Plan for Sustainable Growth* support constructing very high-density housing in this area.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The property immediately adjacent to the site towards the northeast and those properties to the east are zoned B4S-1. The properties located to the south, west and immediately adjacent to the site towards the northwest are zoned OR3. There are a variety of uses located in the general area including residential uses of varying densities, a school, general retail sales and services uses, a hotel and a parking ramp. The Planning Division believes that rezoning the property from both the OR3 and B4S-1 zoning districts to the B4N zoning district would be compatible with the surrounding area.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

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There are many uses permitted in the OR3, Institutional Office Residence District. A sampling of the permitted uses includes:

- Multiple-family dwelling, three (3) and four (4) units
- Community residential facility serving six (6) or fewer persons
- School, grades K-12
- School, vocational or business
- Museum
- Convent, monastery or religious retreat center
- Office
- Laboratory, medical or dental
- Farmers' market

There are many uses permitted in the B4S-1, Downtown Service District. A sampling of the permitted uses includes:

- General retail sales and services
- Bank or financial institution
- Currency exchange
- Grocery store
- Shopping center
- Offices
- Restaurant, fast food
- Hotel
- Reception or meeting hall
- Birth center
- Laboratory, medical or dental
- Multiple-family dwelling, five (5) units or more
- Preschool
- Clun or lodge, with general entertainment
- Library
- Packaging of finished goods
- Post office

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

There has not been a change in the character or trend of development in the general area of the property in question.

CONDITIONAL USE PERMIT: to increase the height of the building located in the SH Shoreland Overlay District from 2.5 stories/35 feet to 36 stories/376 feet

Findings as Required by the Minneapolis Zoning Code:

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

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The height limitation in the B4N zoning district is ten stories or 140 feet in height. However, the property is also located within 1,000 feet of the high-water mark of Loring Pond and is therefore subject to the height requirements of the SH Shoreland Overlay District, which is 2.5 stories or 35 feet, whichever is less. The applicant is requesting a conditional use permit to increase the height of the building from 2.5 stories/35 feet to 36 stories/376 feet. The purpose of the SH Shoreland Overlay District is established to “preserve and enhance the environmental qualities of the surface waters and the natural and economic values of Shoreland areas within the city, to provide for the efficient and beneficial utilizations of those waters and Shoreland area, to comply with the requirements of state law regarding the management of Shoreland areas, and to protect the public health, safety and welfare”.

The Planning Division recognizes that the proposed height of the building is a substantial deviation from the height requirement in the SH Shoreland Overlay District but does not believe that increasing the height of the building would be detrimental to or endanger the public health, safety, comfort or general welfare. The location of the proposed building is such that it is a continuance of the tall buildings found in downtown Minneapolis. Within three blocks of the site there are several tall buildings ranging in height between 12 and 36 stories. In addition, the orientation of the street grid south of Grant Street is north-south and east-west. North of Grant Street the orientation of the street grid turns 60 degrees so when looking at the proposed building from Loring Pond it will appear to be located amongst the taller buildings nearby.

2. The conditional use 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, currently utilized as a surface parking lot, is located in a fully developed area. Increasing the allowable building height, therefore, would inevitably have some impacts on the use and enjoyment of surrounding properties. However, the Planning Division does not believe that increasing the height of the building will 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 location of the proposed building is such that it is a continuance of the tall buildings found in downtown Minneapolis. Within three blocks of the site there are several tall buildings ranging in height between 12 and 36 stories. Very few buildings in the surrounding area comply with the SH Shoreland Overlay District height limitations.

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

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

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

The site, currently utilized as a surface parking lot, is located in a fully developed area. Increasing the allowable building height inevitably allows more dwelling units to be constructed on the site which would have some impacts on traffic congestion in the public streets. However, there is no minimum parking requirement for any use in the B4N zoning district. The applicant is proposing to provide a total of 289 parking spaces in the building and is designing the parking ramp in such a way that will allow the amount of parking to be increased by an additional 99 parking spaces. In total there could be 388 parking spaces provided on the site. The applicant has indicated that the additional parking spaces would be implemented in phases based on need. According to the applicant the need will be dependent on their ability to lease the parking space and operate a successful development. The applicant is proposing to provide a shared vehicle on the site that can be used by residents of the building and others.

In addition to the vehicular parking spaces that are being provided on the site there will also be a total of 466 bicycle parking spaces provided. Of the 466 total bicycle parking spaces, 452 of them will be located in enclosed bike lockers or hanging racks inside the building and 14 of them will be provided outdoors. The applicant is also proposing to provide a bicycle rack for employees of the building. In addition access to an on-site shower and locker facility will also be available for the employees.

The site is located on the south side of downtown Minneapolis. The site is located within walking distance of dozens of different bus routes.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

The property is located along West 14th Street between LaSalle Avenue and Spruce Place. The site is located one block west of Nicollet Avenue which is a designated Commercial Corridor in *The Minneapolis Plan for Sustainable Growth*. The site is also located in downtown Minneapolis which is a designated Growth Center in *The Minneapolis Plan for Sustainable Growth*. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the site as Mixed Use. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- 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 (Land Use Policy 1.8).
- Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features (Land Use Policy Implementation Step 1.8.1).
- Support development of Growth Centers as locations for concentration of jobs and housing, and supporting services (Land Use Policy 1.15).

- Encourage the development of high- to very high-density housing within Growth Centers (Land Use Policy Implementation Step 1.15.3).
- Promote building designs and heights that enhance and complement the image and form of the Downtown skyline, provide transition to the edges of Downtown and protect the scale and quality in areas of distinctive physical or historical character (Urban Design Policy 10.1).
- Concentrate the tallest buildings in the Downtown core Centers (Urban Design Policy Implementation Step 10.1.1).
- Building placement should preserve and enhance public view corridors that focus attention on natural or built features, such as landmark buildings, significant open spaces or water bodies (Urban Design Policy Implementation Step 10.1.2).
- Building placement should allow light and air into the site and surrounding properties (Urban Design Policy Implementation Step 10.1.3).

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*. The location of the proposed building is such that it is a continuance of the tall buildings found in downtown Minneapolis. Within three blocks of the site there are several tall buildings ranging in height between 12 and 36 stories. In addition, the orientation of the street grid south of Grant Street is north-south and east-west. North of Grant Street the orientation of the street grid turns 60 degrees so when looking at the proposed building from Loring Pond it will appear to be located amongst the taller buildings nearby.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

With the approval of the rezoning, conditional use permit, variances and site plan review applications this development will meet the applicable regulations of the B4N, Downtown Neighborhood District.

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

In addition to the conditional use permit standards, the Planning Commission shall consider, but not be limited to, the following factors when determining the maximum height:

1. Access to light and air of surrounding properties.

The proposed development would have some impacts on the amount of light and air that surrounding properties receive as the site would be transitioning from a surface parking lot to a 36-story, high-rise building. The base of the building (floors one through four) ranges in height between 56 feet on the south end of the property and 58 feet on the north end of the property. The base portion of the building is proposed to be built up to the north property line. The tower portion of the building (floors five through 36) has an overall height of 376 feet. The tower portion of the building is setback 16 feet from the north edge of the base of the building.

The site is adjacent to a public street on the east, south and west sides of the property. However, the property does share a common lot line with two properties to the north. Towards the northeast side of the property is a one-story commercial building and towards the northwest side of the property is a three-and-a-half story residential building. The adjacent commercial building is located approximately

three feet from the shared property line and the adjacent residential building is located approximately 11 feet from the shared property line. The Planning Division believes that the 11-foot separation between the proposed building and the adjacent residential building to the north is sufficient to provide access to light and air.

2. Shadowing of residential properties, significant public spaces, or existing solar energy systems.

A shadow study showing the development's impacts after sunrise, at noon and before sunset on March 21st, June 21st and December 22nd is included in the staff report. Based on the shadow study it appears that the proposed development would shadow the adjacent and surrounding residential properties and portions of the green space around Loring Pond; however, the shadowing impacts do not appear to be significant given the context of the area. The shadow study indicates that due to the fact that the neighborhood is densely built-out, that during the periods of peak shadowing, much of the surrounding vicinity is currently shadowed by existing buildings. The most significant shadowing impact that the proposed development will create is on the adjacent residential building to the north. According to the materials submitted by the applicant the adjacent building is approximately 44 feet in height and setback approximately 11 feet from the shared property line. It appears that the proposed development will cast a shadow on the adjacent residential building almost all of the time. According to the shadow study the only time the proposed development will not cast a shadow on the adjacent building is in the evenings during the summer. Staff is not aware of any existing solar energy systems that would be affected by shadowing that would result from the increased height.

3. The scale and character of surrounding uses.

The location of the proposed building is such that it is a continuance of the tall buildings found in downtown Minneapolis. Within three blocks of the site there are several tall buildings ranging in height between 12 and 36 stories. In addition, the orientation of the street grid south of Grant Street is north-south and east-west. North of Grant Street the orientation of the street grid turns 60 degrees so when looking at the proposed building from Loring Pond it will appear to be located amongst the taller buildings nearby.

The character of the buildings in the neighborhood is varied. Many of the existing residential buildings in the neighborhood are turn of the century, three to four story brick walk-ups. There are also many townhomes and mid-rise residential buildings in the area that were built in the 1970's and 1980's. In addition, the residential development immediately to the west of the site was redeveloped in 2006. Historically, buildings in the area were built close to one another leaving little to no outdoor space on the lot.

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

The proposed development will block views of the downtown skyline for properties immediately to the south but will add to the skyline for those properties further south. The proposed development will not block views of Loring Pond or the green space around Loring Pond as the block between the development site and the water body and open space is fully developed.

551.490. Conditional Uses and variances: In addition to the conditional use standards contained in Chapter 525, Administration and Enforcement, the city planning commission shall consider the following:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

Public Works will review and approve an erosion control plan and a stormwater management plan prior to the issuance of building permits. The applicant has indicated that the proposed stormwater system will significantly improve the quality of the storm water leaving the site in the future.

2. Limiting the visibility of structures and other development from protected waters.

The requested height increase would substantially increase the visibility of the development from Loring Pond compared to a development built to comply with the SH Shoreland Overlay District or the restrictions of the base zoning district. However, the location of the proposed building is such that it is a continuance of the tall buildings found in downtown Minneapolis. Within three blocks of the site there are several tall buildings ranging in height between 12 and 36 stories. In addition, the orientation of the street grid south of Grant Street is north-south and east-west. North of Grant Street the orientation of the street grid turns 60 degrees so when looking at the proposed building from Loring Pond it will appear to be located amongst the taller buildings nearby.

3. The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.

This development will not impact watercraft usage on Loring Pond.

VARIANCE - to reduce the front yard setback along Spruce Place from the established 2.5 feet to zero feet for the first 40 feet of the property south of the north interior property line

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

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

Front yard setback along Spruce Place: The applicant is seeking a variance to reduce the front yard setback along Spruce Place from the established 2.5 feet to zero feet for the first 40 feet of the property south of the north interior property line. The applicant has indicated that both of the buildings located along Spruce Place are located within a few feet of the property line. To maintain the street edge the applicant is proposing to locate the northern 40 feet of the building up to the front property line. The remainder of the building is setback between three-and-a-half feet and eight feet from the property line. The Planning Division believes this is a reasonable use of the property.

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.

Front yard setback along Spruce Place: The Planning Division believes that the 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 intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. There is an eleven foot wide driveway located on the adjacent property that is located between the building and the subject property. The driveway provides a natural separation between the two properties.

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.

Front yard setback along Spruce Place: The Planning Division believes that the granting of the variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Historically, buildings in the area were built close to the front property line. Constructing the proposed building up to the front property line will maintain the character of the area.

VARIANCE - to reduce the north interior side yard setback from the required 75 feet to zero feet for the west half of the property

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

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

North interior side yard setback: The applicant is seeking a variance to reduce the north interior side yard setback from the required 75 feet to zero feet for the west half of the property. In the B4N zoning district, the interior side yard setback requirement is $5+2x$, where x equals the number of stories above the first floor, where the property abuts a side lot line in a residence or office residence district. The building is 36 stories tall, so the required setback is 75 feet ($2 \times 35 = 70 + 5 = 75$). In the B4N zoning district, the interior side yard setback requirement is zero feet where the property does not abut a side lot line in a residence or office residence district. The property to the north abutting the east half of the property is zoned B4S-1. Given this the setback requirement for the east half of the property is zero feet.

The lot has 131 feet of frontage along Spruce Place and LaSalle Avenue and 329 feet of frontage along 14th Street West. Given the height of the building the buildable area that would be left after the interior

side yard setback is taken into consideration would be 56 feet. The size of the lot is a condition that was not created by the applicant. While the height of the building is responsible for the need for the variance, the proposed height is not inappropriate given its 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.

North interior side yard setback: The Planning Division believes that the 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 intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. There is an eleven foot wide driveway located on the adjacent property that is located between the building and the subject property. The driveway provides a natural separation between the two properties.

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.

North interior side yard setback: The Planning Division believes that the granting of the variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Historically, buildings in the area were built close to one another leaving little to no outdoor space on the lot. Constructing the proposed building up to the north interior property line will maintain the character of the area.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

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

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

- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances, windows, and active functions:
 - Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.

- e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
- f. **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
- g. **In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.**
 - **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
 - **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.**
- **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. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.**

PLANNING DIVISION RESPONSE:

- The building reinforces the street wall, facilitates pedestrian access and maximizes natural surveillance. The base of the building is set close to the front and corner side property lines, there are entrances at street level that can be accessed by residents, guests, employees and customers and there are large windows on all sides of the building that maximize the opportunities for people to observe adjacent spaces and the public sidewalks.
- The site is located on a through lot and it is also a corner lot which requires that all walls abutting the streets be located within eight feet of the property line except where a greater yard is required by the zoning ordinance. In the B4N zoning district the front yard setback is the lesser of the front yard required by such residence or office residence district or the established front yard setback of the adjacent building. The front yard setback along LaSalle Avenue is zero feet, the corner side yard setback along 14th Street West is zero feet and the setback along Spruce Place is zero feet except for the first 40 feet of the property south of the north interior property line the setback is 2.5 feet. The ground floor of the building will be located within eight feet of all three street frontages. Along LaSalle Avenue the ground floor of the building is located between zero and seven feet from the property line, along 14th Street West the ground floor of the building is located between six and eight feet from the property line and along Spruce Place the ground floor of the building is located between zero and eight feet from the property line.

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- The area between the building and the property lines will be used for landscaping and additional sidewalk space. Depending on the commercial tenants the area between the building and the property lines may be used for outdoor seating. If outdoor dining is provided it must be located more than 20 feet from an adjacent residence or office residence district boundary or from a ground floor permitted or conditional residential use.
- The principal entrance to the residential portion of the building is oriented towards Spruce Place. The commercial tenant spaces have entrances facing both LaSalle Avenue and 14th Street West.
- All of the proposed parking is located within the building.
- The exterior materials of the building will include various types of metal and glass. The sides and rear of the building are similar to and compatible with the front of the building.
- The building wall along 14th Street West is approximately 329 feet in length. To break up the building wall the applicant has used a variety of materials to break the facade up into smaller sections.
- The second through fourth floors of the building facing LaSalle Avenue, 14th Street West and Spruce Place and the entire north facade of the building are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. Floors two through four are where the enclosed parking spaces are located and the north wall of the building is located up to the property line so openings aren't allowed per the building code. Although these areas of the building are void of windows, entries, recesses or projections, or other architectural elements the mixture of materials that the applicant has chosen to use are by no means plain. The variety of metal types and glass provide different textures and colors that when combined provide architectural interest. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow these prescribed walls to be over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. The Planning Division believes that strict adherence to the requirements would be impractical since floors two through four are where the enclosed parking spaces are located and the north wall of the building is located up to the property line so openings aren't allowed per the building code.
- At least 30 percent of the first or ground floor and at least 10 percent of the upper floors of the building that face a public street, public sidewalk, public pathway, or on-site parking lot are required to be windows. The window requirement pertains to the LaSalle Avenue, 14th Street West and Spruce Place sides of the building. Please note that the minimum window calculation for the first floor of the building is measured between two and ten feet above the adjacent grade. The analysis of the project's compliance with these requirements follows:
 - LaSalle Avenue: the percentage of windows on the first floor is 73 percent and the percentage of windows on floors five through 36 far exceeds ten percent. There are no windows on floors two through four of the building as these levels of the building are where the enclosed parking spaces are located. Although this side of the building is void of windows the mixture of materials that the applicant has chosen to use are by no means plain. The variety of metal types and glass provide different textures and colors that when combined provide architectural interest. The Planning Division believes that strict adherence to the requirements would be impractical since floors two through four are where the enclosed parking spaces are located and is therefore recommending that the City Planning Commission grant alternative compliance to allow no windows on these floors of the building facing LaSalle Avenue.
 - 14th Street West: the percentage of windows on the first floor is 70 percent and the percentage of windows on five through 36 far exceeds ten percent. There are no windows on floors two

through four of the building as these levels of the building are where the enclosed parking spaces are located. Although this side of the building is void of windows the mixture of materials that the applicant has chosen to use are by no means plain. The variety of metal types and glass provide different textures and colors that when combined provide architectural interest. The Planning Division believes that strict adherence to the requirements would be impractical since floors two through four are where the enclosed parking spaces are located and is therefore recommending that the City Planning Commission grant alternative compliance to allow no windows on these floors of the building facing West 14th Street.

- Spruce Place: the percentage of windows on the first floor is 70 percent and the percentage of windows on five through 36 far exceeds ten percent. There are no windows on floors two through four of the building as these levels of the building are where the enclosed parking spaces are located. Although this side of the building is void of windows the mixture of materials that the applicant has chosen to use are by no means plain. The variety of metal types and glass provide different textures and colors that when combined provide architectural interest. The Planning Division believes that strict adherence to the requirements would be impractical since floors two through four are where the enclosed parking spaces are located and is therefore recommending that the City Planning Commission grant alternative compliance to allow no windows on these floors of the building facing Spruce Place.
- The windows are vertical in nature and are evenly distributed along the building walls.
- Seventy-three percent of the building frontage along LaSalle Avenue contains active functions, 70 percent of the building frontage along 14th Avenue West contains active functions and 70 percent of the building frontage along Spruce Place contains active functions.
- The principal roof line of the building will be flat. The majority of the buildings in the area 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.**

PLANNING DIVISION RESPONSE:

- All of the principal entrances leading into and out of the building are connected to the public sidewalk either directly or via a walkway.
- No transit shelters are proposed as part of this development.
- All of the proposed parking is located within the building.
- There are no public alleys adjacent to the site.
- There is no maximum impervious surface requirement in the B4N zoning district. According to the materials submitted by the applicant 99 percent of the site will be impervious. The applicant is proposing 333 square feet of green space on the ground level. The green space will be located in

raised planters along the south and west sides of the building. There will also be 6,082 square feet of green space on the fifth level of the building and 5,358 square feet of green space on the thirty-sixth level of the building. The landscaping on the fifth level of the building will include trees, shrubs, perennials and annuals and the landscaping on the thirty-sixth level of the building will be a sedum mix.

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.**

PLANNING DIVISION RESPONSE:

- **This site is exempt from the general landscaping and screening requirements of Chapter 530, Site Plan Review as the site is located in the B4N zoning district and the building is larger than 50,000 square feet.**

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.**

PLANNING DIVISION RESPONSE:

- All of the proposed parking is located within the building.
- The proposed development will block views of the downtown skyline for properties immediately to the south but will add to the skyline for those properties further south. The proposed development will not block views of Loring Pond or the green space around Loring Pond as the block between the development site and the water body and open space is fully developed.
- A shadow study showing the development's impacts after sunrise, at noon and before sunset on March 21st, June 21st and December 22nd is included in the staff report. Based on the shadow study it appears that the proposed development would shadow the adjacent and surrounding residential properties and portions of the green space around Loring Pond; however, the shadowing impacts do not appear to be significant given the context of the area. The shadow study indicates that due to the fact that the neighborhood is densely built-out, that during the periods of peak shadowing, much of the surrounding vicinity is currently shadowed by existing buildings. The most significant shadowing impact that the proposed development will create is on the adjacent residential building to the north. According to the materials submitted by the applicant the adjacent building is approximately 44 feet in height and setback approximately 11 feet from the shared property line. It appears that the proposed development will cast a shadow on the adjacent residential building almost all of the time. According to the shadow study the only time the proposed development will not cast a shadow on the adjacent building is in the evenings during the summer.
- This building should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as the building entrances are located up to the front and corner side property lines, there are windows where people can see in and out along all levels of the building and there are lights located near all of the entrances.
- This site is neither historically designated nor located in a historic district.

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:

- **Use:** Multiple-family dwellings of five or more units are a permitted use in the B4N zoning district. General retail sales and services uses are also a permitted use in the B4N zoning district.
- **Off-Street Parking and Loading:**

Minimum automobile parking requirement: There is no minimum parking requirement for any use in the B4N zoning district. However, in the downtown zoning districts, when residential parking is provided, one guest parking space is required to be provided for every 50 dwelling units within the building. For 354 dwelling units a total of seven guest parking spaces need to be provided. The applicant is proposing to provide a total of 289 parking spaces in the building. All of the proposed parking spaces will be available to the public on an hourly basis. Residents of the development will have the option to purchase contracts. A contract may be for a reserved spot or for a non-reserved prepaid spot. In the event that non-reserved contracts are purchased there is the potential that residents choosing to drive during the day and return home in the evening may not have a place to park if the ramp is full even though they have a “contract” as a non-reserved contract spot would not guarantee a parking space. In the event that all of the reserved contracts are purchased by the residents, parking would not be available for public use/purchase.

The applicant is designing the parking ramp in such a way that will allow the amount of parking to be increased by an additional 99 parking spaces. Forty-six additional parking stalls would be provided with car lifts. The parking ramp would be structurally designed to accommodate the lifts to allow two vehicles to be parked vertically in one horizontal parking space (“bunk-bed” parking). This type of parking system would require a valet service to operate. Furthermore, the top two levels of the parking ramp could also be operated with valet service which would allow the parking areas to be parked more efficiently, resulting in 53 additional parking stalls being available. The applicant has indicated that the additional parking spaces would be implemented in phases based on need. According to the applicant the need will be dependent on their ability to lease the parking space and operate a successful development.

Maximum automobile parking requirement: The maximum parking requirement for a multiple-family dwelling of five or more units in the B4N zoning district is 1.6 parking spaces per dwelling unit. For 354 dwelling units the maximum parking requirement would be 566 spaces.

The maximum parking requirement for general retail sales and services uses is one space per 500 square feet of gross floor area. There is approximately 22,704 square feet of commercial space in the building which would have a maximum parking requirement of 45 spaces.

A total of 289 parking spaces will be provided. The applicant is designing the parking ramp in such a way that will allow the amount of parking to be increased by an additional 99 parking spaces for a

total of 388 spaces.

Bicycle Parking: The bicycle parking requirement for a multiple-family dwelling of five or more units is one space per two dwelling units. The bicycle parking requirement for this development is 177. Not less than 90 percent of the required bicycle parking spaces shall meet the standards for long-term bicycle parking. Required long-term bicycle parking spaces shall 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.

The bicycle parking requirement for general retail sales and services uses in the B4N zoning district is four spaces per use. As submitted, there will be a minimum of two commercial tenant spaces in the building.

There will be a total of 466 bicycle parking spaces provided on the site. Of the 466 total bicycle parking spaces, 452 of them will be located in enclosed bike lockers or hanging racks inside the building and 14 of them will be provided outdoors.

Loading: Two small loading spaces (10 feet by 25 feet) or one large loading space (12 by 50 feet) is required for this residential portion of the development and one small loading space is required for the commercial portion of the development. There will be three small loading spaces provided on the ground floor of the building.

- **Maximum Floor Area:** There is no maximum FAR in the B4N zoning district. However, there is a minimum FAR of 2.0 in the B4N zoning district. The lot in question is 43,444 square feet in area. The applicant proposes a total of 510,258 square feet of gross floor area, an FAR of 11.75.
- **Building Height:** The height limitation in the B4N zoning district is ten stories or 140 feet in height. However, the property is also located within 1,000 feet of the high-water mark of Loring Pond and is therefore subject to the height requirements of the SH Shoreland Overlay District, which is 2.5 stories or 35 feet, whichever is less. The applicant is requesting a conditional use permit to increase the height of the building from 2.5 stories/35 feet to 36 stories/376 feet.
- **Minimum Lot Area:** There is no minimum lot area requirement for a multiple-family dwelling of five or more units or general retail sales and services uses in the B4N zoning district.
- **Dwelling Units per Acre:** The site is 43,444 square feet or .9973 acres in size. There are 354 dwelling units per acre proposed on the site.
- **Yard Requirements:** In the B4N zoning district the front yard setback is the lesser of the front yard required by such residence or office residence district or the established front yard setback of the adjacent building. The front yard setback along LaSalle Avenue is zero feet and the front yard setback along Spruce Place is zero feet except for the first 40 feet of the property south of the north interior property line the setback is 2.5 feet.

The corner side yard setback in the B4N zoning district is zero feet.

In the B4N zoning district, the interior side yard setback requirement is $5+2x$, where x equals the number of stories above the first floor, where the property abuts a side lot line in a residence or office residence district. In the B4N zoning district, the interior side yard setback requirement is zero feet where the property does not abut a side lot line in a residence or office residence district. The western portion of the property abuts a property in the office residence district and the eastern portion of the property abuts a property in a downtown district. Given this the setback requirement for the east half of the property is zero feet and the setback requirement of the west half of the property is 75 feet ($2 \times 35 = 70 + 5 = 75$).

- **Specific Development Standards:** There are no specific development standards for residential uses or general retail sales and services uses.
- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the B4N zoning district one can have two-and-a-half square feet of signage for every one foot of primary building wall. Wall signs are limited to 120 square feet in size. Projecting signs are limited to 48 square feet in size. The height limitation for both wall signs and projecting signs is 28 feet. Freestanding signs are limited to 32 square feet and can be no taller than 8 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one. The applicant is not proposing any signage at this time.
- **Refuse storage:** There will be a trash and recycling room located on the first floor of the building.
- **Lighting:** A lighting plan showing footcandles was not submitted as part of the application materials. The Planning Division is recommending that the final lighting plan conform to the standards of Chapter 535, Regulations of General Applicability.

MINNEAPOLIS PLAN:

The property is located along West 14th Street between LaSalle Avenue and Spruce Place. The site is located one block west of Nicollet Avenue which is a designated Commercial Corridor in *The Minneapolis Plan for Sustainable Growth*. The site is also located in downtown Minneapolis which is a designated Growth Center in *The Minneapolis Plan for Sustainable Growth*. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the site as Mixed Use. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Support the development of residential dwellings that are of high quality design and compatible with surrounding development (Urban Design Policy 10.4).
- Support the development of multi-family residential dwellings of appropriate form and scale (Urban Design Policy 10.5).
- Large-scale, high-rise, multi-family residential development is more appropriate in the Downtown Minneapolis Growth Center (Urban Design Policy Implementation Step 10.5.3).
- 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 (Urban Design Policy 10.6).

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- Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within require setbacks (Urban Design Policy Implementation Step 10.6.1).
- Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces (Urban Design Policy Implementation Step 10.6.4).
- Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level (Urban Design Policy Implementation Step 10.6.5).
- Design streets and sidewalks to ensure safety, pedestrian comfort and aesthetic appeal (Urban Design Policy 10.16).
- Encourage wider sidewalks in commercial nodes, activity centers, along community and commercial corridors and in growth centers such as Downtown and the University of Minnesota (Urban Design Policy Implementation Step 10.16.1).
- Provide streetscape amenities, including street furniture, trees, and landscaping, that buffer pedestrians from auto traffic, parking areas, and winter elements (Urban Design Policy Implementation Step 10.16.2).
- Reduce the visual impact of automobile parking facilities (Urban Design Policy 10.18).
- Design parking structures so sloping floors do not dominate the appearance of the walls (Urban Design Policy Implementation Step 10.18.5).
- The ground floor of parking structures should be designed with active uses along the street walls except where frontage is needed to provide vehicular and pedestrian access walls (Urban Design Policy Implementation Step 10.18.6).

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

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.**

PLANNING DEPARTMENT RESPONSE:

- **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.** The second through fourth floors of the building facing LaSalle Avenue, 14th Street West and Spruce Place and the entire north facade of the building are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. Floors two through four are where the enclosed parking spaces are located and the north wall of the building is located up to the property line so openings aren't allowed per the building code. Although these areas of the building are void of windows, entries, recesses or projections, or other architectural elements the mixture of materials that the applicant has chosen to use are by no means plain. The variety of metal types and glass provide different textures and colors that when combined provide architectural interest. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow these prescribed walls to be over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. The Planning Division believes that strict adherence to the requirements would be impractical since floors two through four are where the enclosed parking spaces are located and the north wall of the building is located up to the property line so openings aren't allowed per the building code.
- **Ten percent of the upper floors of the building that face a public street, public sidewalk, public pathway, or on-site parking lot are required to be window.** There are no windows on floors two through four of the building facing LaSalle Avenue, 14th Street West or Spruce Place as these levels of the building are where the enclosed parking spaces are located. Although these side of the building are void of windows the mixture of materials that the applicant has chosen to use are by no means plain. The variety of metal types and glass provide different textures and colors that when combined provide architectural interest. The Planning Division believes that strict adherence to the requirements would be impractical since floors two through four are where the enclosed parking spaces are located and is therefore recommending that the City Planning Commission grant alternative compliance to allow no windows on floors these floors of the building facing LaSalle Avenue, 14th Street West and Spruce Place.

RECOMMENDATIONS:

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and the Minneapolis City Council adopt the above findings and **approve** the rezoning from both OR3 and B4S-1 to B4N for the property located at 1368 LaSalle Avenue.

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

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The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit to increase the height of the building located in the SH Shoreland Overlay District from 2.5 stories/35 feet to 36 stories/376 feet located at 1368 LaSalle Avenue 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 Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the front yard setback along Spruce Place from the established 2.5 feet to zero feet for the first 40 feet of the property south of the north interior property line located at 1368 LaSalle Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the north interior side yard setback from the required 75 feet to zero feet for the west half of the property located at 1368 LaSalle Avenue subject to the following condition:

1. The tower portion of the building shall be setback a minimum of 16 feet from the north property line.

Recommendation of the Department of Community Planning and Economic Development – 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 site plan review application for the property located at 1368 LaSalle Avenue subject to the following conditions:

1. Seven of the parking spaces within the parking structure shall be reserved for guests.
2. The final lighting plan shall conform to the standards of Chapter 535, Regulations of General Applicability.
3. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.

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4. All site improvements shall be completed by January 13, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Preliminary Development Review report from October 26, 2011, meeting
2. Statement of proposed use and description of the project
3. November 16, 2011, letter confirming parking counts
4. Rezoning comparison table
5. Rezoning, conditional use permit and variance findings
6. Travel Demand Management Plan
7. November 2, 2011, letter to Council Member Goodman
8. November 2, 2011, letter to CLPC
9. November 14, 2011, CLPC meeting minutes
10. Letters from surrounding property owners
11. Zoning map
12. Civil plans, landscape plans, architectural plans
13. Vehicle movement plans
14. Project renderings
15. Material palette – sample images
16. Shadow studies – existing, 35-foot high building, 84-foot high building and the proposed building
17. Historic photos and current photos of the neighborhood
18. Photos of the site and the surrounding area
19. Photo simulations of the skyline