

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variances, Site Plan Review and Vacation
BZZ-5455 & Vac-1582

Date: February 21, 2012

Applicant: Uptown Gassen, LLC

Address of Property: 1312 Lake Street West

Project Name: City Walk Uptown

Contact Person and Phone: Gretchen Camp, BKV Group, Inc. (612) 373-9122

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

Date Application Deemed Complete: January 26, 2012

End of 60-Day Decision Period: March 26, 2012

Ward: 10 **Neighborhood Organization:** Lowry Hill East Neighborhood Association (adjacent to Calhoun Area Residents Action Group)

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

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 24

Legal Description: Not applicable for this application

Proposed Use: Mixed use building with ground floor commercial uses and 92 dwelling units

Concurrent Review:

- Conditional use permit to increase the maximum height from 4 stories to 7 stories and from 56 feet to 82 feet, 2 inches at the tallest point.
- Variance to reduce the minimum parking requirement for the commercial uses from 169 to 94 spaces.
- Variance of the PO overlay district standard requiring the first floor of the building to be located not more than 8 feet from a lot line adjacent to a street to allow the first floor to be setback more than 8 feet from Lake Street, Girard Avenue and Lagoon Avenue.

CPED - Planning Division Report
BZZ-5455 & Vac-1582

- Variance of the PO overlay district standard requiring windows on a minimum of 40 percent of the first floor façade of each nonresidential use that faces a public street to allow fewer windows for uses that would face Lake Street, Girard Avenue and Lagoon Avenue.
- Variance of the PO overlay district standard requiring a maximum width of a curb cut to be 20 feet to allow a 25.5 foot wide curb cut on Lagoon Avenue.
- Variance to reduce the minimum interior side yard requirement from 15 feet to 13 feet to allow the building.
- Site plan review to allow a mixed use building with 92 dwelling units.
- Vacation of 22 feet of Lagoon Avenue right-of-way currently occupied by a surface parking lot.

Applicable zoning code provisions: 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,” (6) “To vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces,” and (20) “To vary the standards of any overlay district, other than the SH Shoreland Overlay District or the FP Floodplain Overlay District”; Chapter 530 Site Plan Review.

Background: The subject site, located at 1312 Lake Street West, occupies the west half of the block bounded by Lake Street West, Girard Avenue South, Lagoon Avenue and Fremont Avenue South. A one-story building and a 71-space surface parking are located on the site. The existing building, constructed in 1988, will be demolished. The property is not a locally-designated historic landmark; however, the applicant has not obtained a Historic Review Letter from CPED in order to determine whether or not the structure is a historic resource that may be eligible for local historic designation.

The applicant is proposing to construct a mixed use building with 92 dwelling units and ground floor retail and restaurants. Two levels of below grade parking are proposed. Two restaurants and up to six retail tenant spaces are proposed on the ground level. Each restaurant would have a mezzanine level. A loading area and other back-of-house spaces would be located behind the commercial uses at the interior of the site with access to a private drive that extends from Lake Street to Lagoon Avenue. Access to the below grade parking would occur from the private drive. Five levels of residences would be located above the base of the building. An indoor and outdoor amenities area for the residents would be located on the second level of the building. The applicant is proposing to widen the Girard Avenue sidewalk to provide additional amenities for pedestrians. Widening the sidewalk would eliminate an on-street parking lane. The applicant has been working with Public Works continuously on the street and sidewalk designs and will continue to do so.

For the proposed development, the following applications are required:

- The maximum height allowed in the C3A district is 4 stories or 56 feet, whichever is less. The proposed height is 7 stories, including the mezzanine level for the restaurants, and 82 feet, 2 inches. A conditional use permit is required to increase the maximum height. Upon approval of the conditional use permit, the actions must be recorded with Hennepin County as required by state law.
- The minimum parking requirement for the nonresidential uses is 169 spaces. A total of 104 spaces would be provided in the below grade parking garage for the nonresidential uses, of which 94 would comply with the zoning code minimum drive aisle requirements (the 10 tandem spaces are not

CPED - Planning Division Report
BZZ-5455 & Vac-1582

counted towards meeting the minimum requirement). A variance is required to reduce the minimum parking requirement to 94 spaces.

- In the PO overlay district, the first floor of the building must be located within eight feet of a lot line adjacent to a street unless a greater yard is required. Portions of the building would be set back more than 8 feet from Lake Street, Girard Avenue and Lagoon Avenue. A variance of this overlay district standard is required.
- In the PO overlay district, at least 40 percent of the first floor façade of any nonresidential use that faces a public street or sidewalk must be windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level. Windows must be distributed in a more or less even manner. Required windows are measured between two and 10 feet above the finished level of the floor. Several walls of the commercial uses would contain less than 40 percent windows or doors. A variance of this overlay district standard is required.
- In the PO overlay district, the driveway width for all parking facilities cannot exceed 20 feet of street frontage. The proposed driveway on Lake Street would be 12 feet wide. The proposed driveway on Lagoon Avenue would be 25.5 feet wide. A variance is required to increase the driveway width.
- Where residential uses containing windows face an interior side lot line, an interior side yard of at least five feet plus two feet for each story above the first floor, but not to exceed 15 feet if no other yard requirements apply. Five stories of the residential use would contain windows facing the interior side lot line located on the east side of the property. For a seven-story building, the minimum interior side yard requirement is 15 feet. Where the residential use would contain windows facing the interior side lot line, the walls would be set back 13 feet or more. A variance is required to allow the part of the building with residential windows where it would be located less than 15 feet from the side lot line.
- Site plan review is required for any new mixed use building and for any development with five or more dwelling units.
- The applicant is requesting to vacate 22 feet of the Lagoon Avenue right-of-way directly adjacent to the subject site as shown in the attached survey. The area to be vacated is currently occupied by a surface parking lot. To prevent an irregular right-of-way width on this block, the Public Works Department has extended the request for the full length of the block to Fremont Avenue South as shown in the attached Vacation File No. 1582 maps. The other part of the area to be vacated is also occupied by a surface parking lot that is used by Cheapo Records located on the adjacent property. Lagoon Avenue is a County State Aid route. In June of 2011, the Hennepin County Board passed a resolution to revoke the aforementioned area to the City of Minneapolis.

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

CONDITIONAL USE PERMIT: to increase the maximum allowed height from 4 stories to 7 stories and from 56 feet to 82 feet, 2 inches.

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.

Construction of a mixed use building of seven stories that is 82 feet 2 inches in height at the peak of the roof on this site would 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 height should have little effect on surrounding properties. There is a mix of residential and commercial uses in the immediate area. The scale of surrounding buildings also varies in size from one to 10-story buildings. The site is directly adjacent to a one-story commercial building. The building would be setback 13 feet and more from the adjacent property. It is separated from other properties by surrounding streets. The nearest residential property is located a half a block away. Floors two through five would be set back 24.5 to 35.5 feet from Lake Street, 11 to 21 feet from Girard Avenue, and 1.5 to 42 feet from Lagoon Avenue to reduce adverse affects from the increase in height. The recent trend of development is larger in scale, such as the 10-story, 112 foot tall Mozaic development located directly north of the subject site. The small area plan also supports higher intensity development on this site and surrounding properties in the core of Uptown. Shadow studies submitted by the applicant show that the building would not completely shadow any other property throughout the day.

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 be from Lake Street and Lagoon Avenue. 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 proposed residential use will comply with all minimum vehicle, bicycle and loading requirements. Minimum bicycle and loading requirements for the nonresidential uses will be met as

well. Although a variance is requested to reduce the minimum parking requirement for the nonresidential uses, reducing the height would not have an effect on the variance request. The increased height would not have an effect on congestion in the streets.

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

In *The Minneapolis Plan for Sustainable Growth*, the future land use designation of this site is mixed use. The site is adjacent to Lake Street and Lagoon Avenue, which are both designated as commercial corridors. It is also within the Uptown activity center. The proposed height would be consistent with the applicable principles and policies of the comprehensive plan including the following:

Land Use Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

1.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.

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

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

Uptown Small Area Plan

Adopted by the City Council in 2008, the *Uptown Small Area Plan* recommends mixed use, transit-oriented density development with a height of up to 84 feet as the future land use of the site. The plan discourages one single height limit in the core of Uptown because it “would not be in keeping with residents’ vision of Uptown as a unique urban place with varied buildings and spaces.” The plan also emphasizes that “new growth in the Core should be shaped such that it creates high-quality public spaces. The Plan recommends stepping buildings back on the upper floors on the south sides of Lake Street, Lagoon Avenue, and the Greenway in order to help create an active green public realm. Taller portions of buildings should be stepped back so that their height does not substantially shadow public spaces.”

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.

The proposed development will conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permit, variances, site plan review and street vacation.

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

1. Access to light and air of surrounding properties.

The increase in height would have little effect on the access to light and air of surrounding properties. The upper levels of the building would be setback on all sides of the property. The

building would be setback a minimum of 13 feet from the adjacent commercial property to the east. The building would be separated from all other properties by streets. Floors two through five would be set back 24.5 to 35.5 feet from Lake Street, 11 to 21 feet from Girard Avenue, and 1.5 to 42 feet from Lagoon Avenue to reduce adverse affects from the increase in height.

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

The applicant has provided shadow studies, which are attached to this report. The nearest residential use is located a half block away to the east. Shadowing of residential properties would be minimal. There are not any existing significant public spaces directly adjacent to the site. The building would only shadow the edge of the Mozaic plaza and the greenway for a very short period of time of the year. Staff is not aware of any existing solar energy systems that would be affected by shadowing.

3. The scale and character of surrounding uses.

The scale of surrounding uses varies in size from one to 10-story buildings. The site is directly adjacent to a one-story commercial building. The recent trend of development is larger in scale, such as the 10-story, 112 foot tall Mozaic development located directly north of the subject site. The small area plan also supports higher intensity development on this site and surrounding properties.

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

The building should not significantly block views of landmark buildings, significant open spaces, or bodies of water.

VARIANCE: To reduce the minimum parking requirement for the commercial uses from 169 to 94 spaces.

Findings as required by the Minneapolis Zoning Code:

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

A minimum of 169 spaces are required for the size of the proposed restaurant and retail tenant spaces after the bicycle parking incentive reduction is applied. The applicant is proposing to provide 104 on-site parking spaces, including 10 tandem spaces, for the commercial uses. The 10 tandem spaces do not count toward meeting the minimum parking requirement because they do not comply with the minimum drive aisle width requirement. Therefore the nonresidential portion of the proposed development is deficient 75 spaces. The parking requirement for the residential portion of the development will be met on site.

The subject site is located in an activity center that is walkable and is in close proximity to multiple transit routes, bicycle corridors and public parking facilities. Serving eight bus routes, the Uptown Transit Center is located two blocks from the site. There are several bus routes that also run directly adjacent to the site. The Midtown Greenway is located one block from the site. There are six public

CPED - Planning Division Report
BZZ-5455 & Vac-1582

parking facilities within three blocks of the site. For this project's TDMP, a survey was done to compile available parking information on a weekend when parking demand is highest. The survey took into consideration the parking required for the Calhoun Square development and did not include the parking spaces that will become available with the completion of the Mozaic parking ramp. The survey results found that there are more than 250 spaces in these facilities that are available during peak demand periods.

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

The purpose of parking regulations is to provide for the parking needs of uses and structures and to enhance the compatibility between parking areas and their surroundings. The site has convenient access to alternative modes of transportation with frequent service and nearby public parking facilities. The survey conducted for the project's TDMP found that there are more than 250 spaces in these facilities that are available during peak demand periods. Additional parking will become available with the completion of the Mozaic parking ramp. Over-saturating the parking supply could detract from the existing and envisioned pedestrian character of the area. Encouraging the use of alternative modes of transportation and shared parking is in keeping with the spirit and intent of the ordinance and the comprehensive plan.

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

Because multiple alternative transportation and public parking facility options are available in the immediate area, granting of the variance should not increase congestion in the area or effect surrounding properties. It would also not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

VARIANCE: Of the PO Overlay District standard requiring the first floor of the building to be located within 8 feet of a lot line adjacent to a street to allow the first floor to be set back more than 8 feet from Lake Street, Girard Avenue and Lagoon Avenue.

Findings as required by the Minneapolis Zoning Code:

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

In a PO district, all ground floor building walls are required to be located not more than eight feet from a lot line adjacent to a street. Adjacent to Lake Street, most of the first floor would be within eight feet of the lot line. The wall for the residential entrance would be setback 10 feet and the walls near Girard Avenue would be setback 10 to 60.75 feet for an outdoor restaurant seating area. Adjacent to Lagoon Avenue, the first floor would be within eight feet of the lot line except at the

CPED - Planning Division Report
BZZ-5455 & Vac-1582

northwest corner where the wall would be setback 66.75 feet for an outdoor restaurant seating area. Adjacent to Girard Avenue, the walls of the retail tenant spaces would be within eight feet of the lot line. The wall of restaurant space A would be set back 20.25 feet and the wall of restaurant B would be set back 19.5 to 38.75 feet to accommodate the outdoor seating areas. A sculpture element is also proposed in the Restaurant B seating area near the street corner. The small area plan encourages wide sidewalks and other pedestrian improvements. Setting the building back would allow for amenities to be incorporated without obstructing the adjacent sidewalks.

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

The PO Pedestrian Oriented Overlay District is established 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 standard pertaining to the placement of buildings is intended to reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation. In general, policies of the comprehensive plan also support the intent of this ordinance. The small area plan encourages wide sidewalks and other pedestrian improvements. To improve the public realm, proposed ground level pedestrian amenities between the building and the lot lines adjacent to the streets include a sculpture and outdoor seating areas. Setting the building back would allow for amenities to be incorporated without obstructing the adjacent sidewalks. The street wall would still be reinforced because the outdoor seating areas would be covered by a second level of outdoor seating, which is also sheltered by the residential terrace above that extends out to the corners of the site. An abundant amount of windows would be provided on the ground level and mezzanine level that would allow views of the adjacent spaces. The request is reasonable and consistent with the spirit and intent of the ordinance and the comprehensive plan.

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

Setting the building back would allow for pedestrian amenities to be incorporated without obstructing the adjacent sidewalks. An abundant amount of windows would be provided at the ground level and mezzanine level to allow views of the adjacent spaces. Granting of the variance would have little effect on surrounding properties and would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

VARIANCE: of the PO Overlay District standard requiring windows on a minimum of 40 percent of the first floor façade of each nonresidential use that faces a public street to allow fewer windows for uses that would face Lake Street, Girard Avenue and Lagoon Avenue.

- 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.**

CPED - Planning Division Report
BZZ-5455 & Vac-1582

In the PO district, at least 40 percent of all first floor facades of any nonresidential use facing a street are required to be windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level. The required area is measured between two and 10 feet above the finished level of the floor. The walls of each nonresidential use would contain 40 percent or more windows as required, except the following:

- North wall of Restaurant A
- North wall of Retail Tenant Space 1
- West wall of Retail Tenant Space 1
- West walls of Retail Tenant Spaces 3 and 4
- South wall of Retail Tenant Space 5

North wall of Restaurant A: The amount of glass proposed, measured between two and 10 feet, covers 35.8 percent of the wall. An additional 30 square feet of glass is needed to comply with the minimum requirement. Practical difficulties and unique circumstances do not exist.

North wall of Retail Tenant Space 1: The amount of glass proposed, measured between two and 10 feet, covers 9.9 percent of the wall. An additional 49 square feet of glass is needed to comply with the minimum requirement. This wall is set back 66.75 feet from Lagoon Avenue. An outdoor seating area is located between it and the street. This wall is perpendicular to the west wall of Restaurant Space A where 62.5 percent of the wall as measured between two and 10 feet above the finished floor level is glass (approximately 113 square feet in excess of the minimum amount required). Additional windows on the adjacent wall would provide better natural surveillance and visibility of the adjacent streets because it is setback 20.25 feet from Girard Avenue. The applicant has also indicated that the area adjacent to the retail tenant space wall will likely be used as service areas for the outdoor seating.

West wall of Retail Tenant Space 1: The amount of glass proposed, measured between two and 10 feet, covers 34.5 percent of the wall. The area of the round window (23.5 square feet) does not count toward meeting the minimum requirement because the bottom of the window would be located five feet above the finished floor level and would not allow views into and out of the building at eye level. An additional 17 square feet of glass is needed to comply with the minimum requirement. The round window could be lowered to be located within four feet of the adjacent grade and the variance would not be necessary.

West walls of Retail Tenant Spaces 3 and 4: The amount of glass proposed, measured between two and 10 feet, covers 34.5 percent of the Retail Tenant Space 3 wall and 30.5 percent of the Retail Tenant Space 4 wall. Respectively, an additional 8.5 and 16.5 square feet of glass is needed to comply with the minimum requirement. The retail tenants are not known at this time. The applicant has indicated that the floor plan for this part of the building is flexible because of the possibility that a future tenant could occupy one or more of the retail tenant spaces indicated on the plans. Currently, glass would cover 40 percent of the west wall of the retail spaces measured between two and 10 feet above the finished floor level. Staff is recommending that additional glass is provided in the Retail Tenant Space 1 that would allow additional views into and out of the building.

CPED - Planning Division Report
BZZ-5455 & Vac-1582

South wall of Retail Tenant Space 5: The amount of glass proposed, measured between two and 10 feet, covers 10.3 percent of the wall. An additional 46.5 square feet of glass is needed to comply with the minimum requirement. This wall is set back 60.75 feet from Lake Street. An outdoor seating area is located between it and the street. This wall is perpendicular to the west wall of Restaurant Space B where 42.8 percent of the wall as measured between two and 10 feet above the finished floor level is glass (approximately 14 square feet in excess of the minimum amount required). On the west wall of Retail Tenant Space 5, 64 percent would be glass. Additional windows on the adjacent walls would provide better natural surveillance and visibility of the adjacent streets because they are located closer to the streets they face. The applicant has also indicated that the area adjacent to the retail tenant space south wall will likely be used as service areas for the outdoor seating.

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

The PO Pedestrian Oriented Overlay District is established 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 purpose of these window area requirements is to also maximize natural surveillance and visibility at the street level. These standards are also supported by policies of the comprehensive plan. The ordinance does not account for the need to have flexible floor plans in a multi-tenant building. With the adoption of the staff recommendation, the placement of the fenestration should maximize natural surveillance and visibility at the street level and would be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

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

With the adoption of the staff recommendation, the placement of the fenestration should maximize natural surveillance and visibility at the street level. The granting of the proposed variance should have little effect on the surrounding area and should not be detrimental to the health, safety, or welfare of the general public.

VARIANCE: Of the PO Overlay District standard requiring the maximum width of a curb cut to be 20 feet to allow a 25.5 foot wide curb cut on Lagoon Avenue.

Findings as required by the Minneapolis Zoning Code:

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

CPED - Planning Division Report
BZZ-5455 & Vac-1582

Practical difficulties exist in complying with the ordinance because of circumstances unique to the property that have not been created by the applicant. The site has frontage on three streets: Lake Street, Girard Avenue, and Lagoon Avenue. The small area plan for this area envisions Girard Avenue as a pedestrian boulevard with limited vehicle access. A one-way entrance is proposed from Lake Street that provides access to the parking garage and an off-street loading area. When the loading area is in use, access from Lake Street would be restricted with a gate. Therefore an entrance and exit is proposed on Lagoon Avenue at the interior of the site where it is closest to the garage entrance. The access lanes would be separated by a 2.5 foot wide island. Columns that support the upper floors of the building are located in the island. Reducing the width of the curb cut to 20 feet would result in insufficient widths for each lane.

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

The PO Pedestrian Oriented Overlay District is established 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 comprehensive plan includes policies that support a walkable city with pedestrian character. The 25.5 foot wide curb cut on Lagoon Avenue will provide ingress and egress lanes for vehicles accessing the below grade parking area. The lanes are separated by a 2.5 foot wide island, where columns supporting the upper floors of the building are located. Reducing the width of the curb cut to 20 feet would result in insufficient widths for each lane. The applicant has also minimized the number of curb cuts that provide vehicle access to the site with one other 12 foot wide curb cut on Lake Street. 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.

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

The proposal should improve the pedestrian character of the area by eliminating a surface parking lot. The applicant has also minimized the number of curb cuts that provide vehicle access to the site with one other 12 foot wide curb cut on Lake Street that is needed to allow all maneuvering to occur on-site. Granting the proposed variance would also not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

VARIANCE: To reduce the interior side yard requirement from 15 feet to 13 feet to allow the building.

Findings as required by the Minneapolis Zoning Code:

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

CPED - Planning Division Report
BZZ-5455 & Vac-1582

Where residential uses containing windows face an interior side lot line, an interior side yard of at least five feet plus two feet for each story above the first floor, but not to exceed 15 feet if no other yard requirements apply, are required. The residential walls facing the interior side lot line located on the east side of the property would contain windows. For a seven-story building, the minimum interior side yard requirement is 15 feet. Where the residential use would contain windows facing the interior side lot line, the walls would be set back 13 feet or more. The dwellings would be located on levels two through six of the building, but the yard requirement is based on the total height of the building. A one-story commercial building and surface parking lot are located on the adjacent property to the east. The adjacent commercial building is set back five feet from the shared lot line. These circumstances have not been created by the applicant.

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

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. Policies of the comprehensive plan also support the purpose of the yard ordinances. Where the residential use would contain windows facing the interior side lot line, the walls would be set back 13 feet or more. The dwellings would be located on levels two through six of the building. A one-story commercial building and surface parking lot are located on the adjacent property to the east. The adjacent commercial building is set back five feet from the shared lot line. If the adjacent property is redeveloped in the future, the dwellings on the subject property would maintain adequate access to light and air. The request is reasonable and in keeping with the spirit and intent of the ordinance and the comprehensive plan.

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

Granting the variance should have little effect on surrounding properties with a setback of 13 feet or more. The dwellings would be located on the upper floors of the building and will provide additional natural surveillance opportunities of adjacent spaces.

SITE PLAN REVIEW

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

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

Section A: Conformance with Chapter 530 of the Zoning Code

BUILDING PLACEMENT AND DESIGN:

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

CPED - Planning Division Report
BZZ-5455 & Vac-1582

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

- **Ground floor active functions:**
Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- The form and pitch of roof lines shall be similar to surrounding buildings.
- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

Conformance with above requirements:

- The building is located on a corner lot with frontage on three streets. Parts of the first floor would be within 8 feet of the lot lines adjacent to each street, but parts of the first floor would be setback more than 8 feet from the lot lines adjacent to each street.
- Amenities, including outdoor seating and a sculpture feature, would be located between the building and the adjacent streets.
- Principal entrances would face each street.
- All parking would be enclosed within the building. The loading area would be located at the interior of the site.
- The building would include recesses and projections and windows on all sides to divide the building into smaller identifiable sections.
- There would not be any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length on all sides of the building facing Lake Street, Girard Avenue and Lagoon Avenue as well as levels 3 through 6 on the east building elevation. On levels one through two, the east elevation contains blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length.
- The primary exterior materials would be durable and include fiber cement panels and lap siding metal panels, cast stone, glass and concrete masonry units. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.
- All sides of the building would be similar to and compatible with each other.
- Plain face concrete block would not be used as a primary exterior building material on a wall fronting a street. This material is proposed to be used on the east elevation where it faces the interior side lot line. Where used, the wall will be painted.
- The principal entrances would be recessed, surrounded by windows and sheltered to emphasize their importance.
- The first floor walls facing Lake Street, Girard Avenue, and Lagoon Avenue are subject to the minimum window requirements. Measured between two and 10 feet above the adjacent grade, twenty percent of the walls adjacent to residential spaces are required to be windows and thirty percent of the walls adjacent to nonresidential spaces are required to be windows. Where the residential lobby fronts Lake Street, 28.4 percent of the wall would be windows. In the PO district, at least 40 percent of the first floor façade of any nonresidential use that faces a public street must also be windows or doors with clear or lightly tinted glass that allow views in and out of the building at eye level. The applicant is requesting a variance of the PO overlay district for several of the walls

CPED - Planning Division Report
BZZ-5455 & Vac-1582

adjacent to the nonresidential uses. However, each commercial tenant space would comply with the minimum site plan review window requirements except the north and south walls of the retail tenant spaces. Windows would be vertical in proportion and distributed in a more or less even manner. All windows would be within four feet of the adjacent grade. The glass will be clear or lightly tinted with a visible light transmittance of 0.6 or greater. Because tenants are not known at this time, floor plans showing tenant layout is not available. Individual tenants will need to not block required windows with shelving, mechanical equipment or other similar fixtures between the height of four and seven feet above the adjacent grade.

- Each wall above the first floor facing Lake Street, Girard Avenue, and Lagoon Avenue is subject to the 10 percent window requirement. The amount of windows proposed on each of the walls subject to the window requirements would be 20 percent or more. Windows on these levels would be vertical in proportion and distributed in a more or less even manner.
- More than 70 percent of the linear frontage of each ground floor building wall facing a street would accommodate spaces with active functions.
- A flat roof is proposed on the building. Buildings in the immediate 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:

- Well-lit walkways 4 feet in width or greater would connect the public sidewalk to the main entrances.
- Transit shelters are not proposed as part of the development.
- Vehicle access would be from a 12-foot wide curb cut on Lake Street and a 25.5 foot wide curb cut on Lagoon Avenue. Both curb cuts are located at the interior of the block. Circulation would occur on-site. The site is not adjacent to any residential properties. The access is located where it will have the least amount of conflict with pedestrian traffic.
- The site is not adjacent to a public alley.
- All parking would be enclosed in the building. The amount of impervious surface proposed for parking areas and driveways is not excessive.

LANDSCAPING AND SCREENING:

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
 - Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year.
- Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.

CPED - Planning Division Report
BZZ-5455 & Vac-1582

- A masonry wall.
- A hedge.
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

Conformance with above requirements:

- The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The building, including the below-grade parking garage, would occupy the entire site.
- 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. Although no on-site landscaping is required, the applicant is proposing to plant a variety of perennials, grasses and vines around the site in the adjacent public right-of-way to enhance the pedestrian experience. The existing 11 street trees would be replaced with 11 new street trees.

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:

- Because the building occupies the entire site, on-site retention and filtration of stormwater runoff from the driveway would not be practical. The driveway would be defined by six-inch by six-inch continuous concrete curbing.

CPED - Planning Division Report
BZZ-5455 & Vac-1582

- The proposed building should not impede views of important elements of the city.
- The applicant submitted a shadow study that is attached to this report. To the extent practical, the building would be located and arranged to minimize shadowing on public spaces and adjacent properties.
- The building is designed to minimize the generation of wind currents at the ground level. The upper levels of the building would be set back from the base of the building.
- The development includes environmental design elements to prevent crime. An abundant amount of windows exceeding the minimum requirements adjacent to active spaces would be provided on all levels that would allow natural surveillance and visibility of the adjacent streets. One or more principal entrances would face each adjacent street. The residential entrance is recessed further from the street to signify it is more of a private entrance.
- The existing structure was built in 1988. It is not locally designated. The applicant has not obtained a Historic Review Letter from CPED in order to determine whether or not the structure is a historic resource that may be eligible for local historic designation.

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

ZONING CODE: The site is zoned C3A with the PO Overlay District. A multiple family dwelling with 5 or more units is a permitted use in the C3A district. The commercial uses will most likely be general retail sales and services and restaurants with general entertainment, which are also permitted uses.

Parking and Loading:

Minimum automobile parking requirement: The minimum parking requirement for a multiple family dwelling with 5 or more units is one space per dwelling unit. With 92 dwellings proposed, at least 92 spaces are required. A total of 107 spaces would be provided in the below grade parking garage for the residential use, of which 97 would comply with the zoning code minimum drive aisle requirements (the 10 tandem spaces are not counted towards meeting the minimum requirement). For the parking spaces proposed, at least 3 must be accessible. Four accessible spaces would be provided. Not more than 25 percent of the required spaces can be compact spaces. In other words, at least 69 spaces must comply with the dimensions required for standard spaces. Sixty-nine standard sized spaces would be provided.

The minimum parking requirement for each general retail sales and services use is one space per 500 square feet of gross floor area (GFA) in excess of 4,000 square feet, but not less than 4 spaces. Five retail spaces are proposed ranging in size from 1,237 square feet to 1,816 square feet. Therefore each space requires 4 spaces. The minimum parking requirement for a restaurant with general entertainment is parking equal to 30 percent of the capacity of persons. Two restaurants are proposed. The combined size of the restaurant spaces is 19,265 square feet of which 60 percent (11,559 square feet) is expected to be seating and lobby area. With a capacity of 15 square feet per person, the minimum parking requirement is equal to 231 spaces. Therefore the combined minimum parking requirement for the nonresidential uses is 251 spaces. In the PO overlay district, the minimum parking requirement is 75 percent of the minimum requirement in Chapter 541, Off-Street Parking and Loading. This reduces the minimum requirement to 188 spaces. The nonresidential uses of the development also qualify for a bicycle incentive that reduces the parking requirement further by 10 percent for providing bicycle spaces equal to 25 percent of the number of required vehicle parking spaces. Twenty-five percent of 188 is 47.

CPED - Planning Division Report
BZZ-5455 & Vac-1582

The applicant is proposing at least 48 bicycle spaces that comply with the standards for required bicycle parking, thus reducing the vehicle parking requirement by 19 spaces to 169 spaces. A total of 104 spaces would be provided in the below grade parking garage for the nonresidential uses, of which 94 would comply with the zoning code minimum drive aisle requirements (the 10 tandem spaces are not counted towards meeting the minimum requirement). A variance is required to reduce the minimum parking requirement to 94 spaces. At least five of the 104 spaces must be accessible. Five accessible spaces would be provided. Not more than 25 percent of the required spaces can be compact spaces. In other words, at least 70 spaces must comply with the dimensions required for standard spaces. Seventy standard sized spaces would be provided.

Maximum automobile parking requirement: There is not a maximum parking requirement for residential uses in the C3A district when all parking is enclosed. The maximum parking requirement for retail sales and services uses is one space per 200 square feet of gross floor area. One of the retail spaces would have a maximum requirement of 9 spaces and the other four tenants would have a maximum requirement of 5 spaces each. The maximum parking requirement for a restaurant with general entertainment is parking equal to 40 percent of the capacity of persons. The combined size of the restaurant spaces is 19,265 square feet of which 60 percent (11,559 square feet) is expected to be seating and lobby area. With a capacity of 15 square feet per person, the maximum requirement is equal to 308 spaces. Therefore the combined maximum parking requirement for the nonresidential uses is 337 spaces. In the PO overlay district, the maximum parking requirement is 75 percent of the maximum requirement in Chapter 541, Off-Street Parking and Loading. This reduces the maximum requirement to 253 spaces. The number of spaces proposed for the nonresidential uses would not exceed 253 spaces.

Bicycle parking requirement: The minimum bicycle parking requirement for a multiple family dwelling is equal to one space per two dwelling units. Not less than 90 percent of the required bicycle parking must meet the standards for long term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, required long-term bicycle parking spaces must be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. The total minimum requirement is 46 spaces, of which at least 41 must meet the long-term parking requirements. The applicant would provide 46 spaces all of which would be long-term spaces.

For the general retail sales and services uses, the minimum requirement is 3 spaces or 1 space per 5,000 square feet of gross floor area, whichever is greater. With five retail spaces proposed and each under 5,000 square feet in area, 3 spaces are required for each. The minimum bicycle parking requirement for a restaurant is 3 spaces. The total nonresidential use requirement is 21 spaces. Not less than 50 percent of the required bicycle parking must meet the standards for short-term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, short term spaces must be located in a convenient and visible area within 50 feet of a principal entrance and must permit the locking of the bicycle frame and one wheel to the rack and must support a bicycle in a stable position without damage to the wheels, frames or components. Required spaces that are not short-

CPED - Planning Division Report
BZZ-5455 & Vac-1582

term need to comply with the long-term requirements. The applicant would provide 26 bicycle spaces that comply with the standards for required short-term bicycle parking and 22 bicycle spaces that comply with the standards for required long-term bicycle parking.

Loading: A loading space is not required for multi-family dwellings with less than 100 units. A total of 26,031 square feet of general retail sales and services and sit down restaurants is proposed. For general retail sales and services and sit down restaurants occupying between 20,000 and 50,000 square feet of gross floor area, one small loading space (10 feet wide by 25 feet deep) is required. An on-site service alley would accommodate one or more loading spaces. Gates can be lowered when the loading area is in use to prevent conflicts with vehicles accessing the below-grade parking.

Proposed Lot Area: The proposed lot area, including the part of Lagoon Avenue proposed to be vacated, is 33,329 square feet.

Maximum Floor Area: The maximum FAR allowed in the C3A district is 2.7. The development qualifies for two density bonuses for enclosing all required residential parking spaces and for devoting at least 50 percent of the ground floor to commercial uses. Therefore the maximum FAR is increased to 3.78. The building would have a total of 122,194 square feet, which is an FAR of approximately 3.67.

The maximum allowed floor area of retail sales and services uses is 8,000 square feet when located in a multi-story building with no parking located between the building and the street. The largest retail space would be 1,816 square feet.

Minimum Lot Area: The minimum lot area requirement in the C3A district is 400 square feet per dwelling unit, or 36,800 square feet for 92 units. The development qualifies for two density bonuses for enclosing all required residential parking spaces and for devoting at least 50 percent of the ground floor to commercial uses. With the density bonuses, the minimum lot size requirement is reduced to 289.9 square feet per unit, or approximately 26,663 square feet for 92 units.

Dwelling Units per Acre: The applicant proposes a density of 120.3 dwelling units per acre.

Building Height: The maximum height allowed in the C3A district is 4 stories or 56 feet, whichever is less. The proposed height is 7 stories, including the mezzanine level for the restaurants, and 82 feet, 2 inches. A conditional use permit is required to increase the maximum height.

Yard Requirements: Where residential uses containing windows face an interior side yard, an interior side yard of at least five feet plus two feet for each story above the first floor, but not to exceed 15 feet if no other yard requirements apply. Five stories of the residential use would contain windows facing the interior side lot line located on the east side of the property. For a seven-story building, the minimum interior side yard requirement is 15 feet. Where the residential use would contain windows facing the interior side lot line, the walls would be set back 13 feet or more. A variance is required to allow the part of the building with residential windows where it would be located less than 15 feet from the side lot line.

CPED - Planning Division Report
BZZ-5455 & Vac-1582

Specific Development Standards: Food and beverages uses are required to regularly inspect and remove litter from the premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet.

PO Pedestrian Oriented Overlay District Standards: The following standards apply to this development:

- Drive-through facilities, automobile services uses, transportation uses, self-service storage, commercial parking lots (including the expansion of any existing commercial parking lot), and the conversion of any accessory parking lot to a commercial parking lot are prohibited. These uses are not proposed.
- The first floor of the building must be located within eight feet of a lot line adjacent to a street unless a greater yard is required. Portions of the building would be set back more than 8 feet from Lake Street, Girard Avenue and Lagoon Avenue. A variance of this overlay district standard is required.
- Amenities are required between the building and lot lines adjacent to a street. Where the building would not be built up to the street, the applicant would provide restaurant seating areas, an art feature, and recessed building entrances.
- At least one principal entrance must face the street. One or more principal entrances would face each street.
- At least 40 percent of the first floor façade of any nonresidential use that faces a public street or sidewalk must be windows or doors of clear or lightly tinted glass that allows views into and out of the building at eye level. Windows must be distributed in a more or less even manner. Required windows are measured between two and 10 feet above the finished level of the floor. Several walls of the commercial uses would contain less than 40 percent windows. A variance of this overlay district standard is required.
- Awnings and canopies are encouraged, but backlit awnings and canopies are prohibited. Awnings are proposed over most entrances and would not be backlit.
- Pole signs, backlit awning and canopy signs, and backlit insertable panel projecting signs are prohibited. These types of signs are not proposed.
- Accessory parking is required to be located at the rear or interior of the site, within the building, or entirely below grade. All parking would be enclosed within the building.
- Parking lots are limited to 60 feet of street frontage. A parking lot is not proposed.
- The driveway width for all parking facilities cannot exceed 20 feet of street frontage. The proposed driveway on Lake Street would be 12 feet wide. The proposed driveway on Lagoon Avenue would be 25.5 feet wide. A variance is required to increase the driveway width.

CPED - Planning Division Report
BZZ-5455 & Vac-1582

- In the Lake and Hennepin area, including this site, any development containing more than 4,000 square feet of new gross floor area requires a travel demand management plan (TDMP) that addresses the transportation impacts of the development on air quality, parking and roadway infrastructure. The applicant is in the process of completing the TDMP. The final version for signing will need to be submitted before final plans can be approved.

Signs: Although some building signage is shown on the building elevations, the applicant has indicated that no signage is proposed at this time and a master sign plan will be submitted at a later date. All signs must conform to the requirements of Chapter 543, On-Premise Signs and section 551.950 in the zoning code. Any new signage will require Zoning Office review, approval, and permits.

Refuse Screening: Refuse storage containers would be stored in the building.

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

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

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

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

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

CPED - Planning Division Report
BZZ-5455 & Vac-1582

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

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

MINNEAPOLIS PLAN: In *The Minneapolis Plan for Sustainable Growth*, the future land use designation of this site is mixed use. The site is adjacent to Lake Street and Lagoon Avenue, which are both designated as commercial corridors. It is also within the Uptown activity center. The proposal would be consistent with the applicable principles and policies of the comprehensive plan including the following:

Chapter 1. Land Use

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

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

Policy 1.4: 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.

- 1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.
- 1.4.2 Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.
- 1.4.4 Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.

CPED - Planning Division Report
BZZ-5455 & Vac-1582

Policy 1.12: Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.

- 1.12.1 Encourage a variety of commercial and residential uses that generate activity all day long and into the evening.
- 1.12.2 Encourage mixed use buildings, with commercial uses located on the ground floor and secure entrances for residential uses.
- 1.12.3 Encourage active uses on the ground floor of buildings in Activity Centers.
- 1.12.5 Encourage a height of at least two stories for new buildings in Activity Centers, in keeping with neighborhood character.
- 1.12.6 Encourage the development of high- to very-high density housing within the boundaries of Activity Centers.
- 1.12.7 Encourage the development of medium- to high-density housing immediately adjacent to Activity Centers to serve as a transition to surrounding residential areas.
- 1.12.8 Support district parking strategies in Activity Centers, including shared parking facilities with uniform signage, and other strategies.
- 1.12.9 Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces in Activity Centers.
- 1.12.10 Encourage developments to incorporate climate sensitive site and building design practices.

Chapter 3. Housing

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

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

Chapter 7. Open Space and Parks

Policy 7.6: Continue to beautify open spaces through well designed landscaping that complements and improves the city's urban form on many scales – from street trees to expansive views of lakes and rivers.

- 7.6.3 Invest in the greening of streets, particularly those that connect into and supplement the parks and open spaces network.
- 7.6.6 Promote open space design that enhances the four season experience for all Minneapolis residents and visitors.

Chapter 10. Urban Design

Policy 10.9: Support urban design standards that emphasize traditional urban form with pedestrian scale design features at the street level in mixed-use and transit-oriented development.

- 10.9.1 Encourage both mixed-use buildings and a mix of uses in separate buildings where appropriate.
- 10.9.2 Promote building and site design that delineates between public and private spaces.
- 10.9.4 Coordinate site designs and public right-of-way improvements to provide adequate sidewalk space for pedestrian movement, street trees, landscaping, street furniture, sidewalk cafes and other elements of active pedestrian areas.

Policy 10.10: Support urban design standards that emphasize a traditional urban form in commercial areas.

CPED - Planning Division Report
BZZ-5455 & Vac-1582

- 10.10.1 Enhance 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 four season public spaces and infrastructure.
- 10.10.3 Enhance pedestrian and transit-oriented commercial districts with street furniture, street plantings, plazas, water features, public art and improved transit and pedestrian and bicycle amenities.
- 10.10.4 Orient new buildings to the street to foster safe and successful commercial nodes and corridors.
- 10.10.6 Require storefront window transparency to assure both natural surveillance and an inviting pedestrian experience.

Policy 10.16: Design streets and sidewalks to ensure safety, pedestrian comfort and aesthetic appeal.

- 10.16.1 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.
- 10.16.2 Provide streetscape amenities, including street furniture, trees, and landscaping, that buffer pedestrians from auto traffic, parking areas, and winter elements.
- 10.16.3 Integrate placement of street furniture and fixtures, including landscaping and lighting, to serve a function and not obstruct pedestrian pathways and pedestrian flows.
- 10.16.4 Employ pedestrian-friendly features along streets, including street trees and landscaped boulevards that add interest and beauty while also managing storm water, appropriate lane widths, raised intersections, and high-visibility crosswalks.

Policy 10.17: Provide sufficient lighting to reflect community character, provide a comfortable environment in a northern city and promote environmentally friendly lighting systems.

- 10.17.5 Integrate exterior building lighting design to attune with building designs and landscaping.
- 10.17.6 Provide sufficient lighting for better way-finding and safe circulation within and around a development.
- 10.17.7 Encourage additional pedestrian-scale, exterior lighting in growth centers, activity centers, commercial nodes, pedestrian overlay districts and transit station areas.

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

- 10.18.17 Minimize the width of ingress and egress lanes along the public right of way in order to provide safe pedestrian access across large driveways.
- 10.18.18 Encourage appropriate land uses to share parking lots to reduce the size and visual impact of parking facilities.

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

Policy 10.23 Promote climate-sensitive design principles to make the winter environment safe, comfortable and enjoyable.

- 10.23.1 Consider solar access, shelter from wind and snow storage and removal in site design.
- 10.23.2 Locate pedestrian places on the sunny sides of streets and buildings to shelter from the wind and utilize the sun's warmth.

CPED - Planning Division Report
BZZ-5455 & Vac-1582

- 10.23.3 Consider building context, placement, and height to manage wind speeds.
- 10.23.5 Utilize pedestrian lighting, seasonal lighting, and furniture to increase comfort and safety so that streets become places for people.
- 10.23.6 Encourage street tree plantings to reduce wind speed and provide separation between pedestrians and cars.

Uptown Small Area Plan

The property is also located within the boundaries of the *Uptown Small Area Plan* that was adopted by the City Council in 2008. The recommended land use for the site is mixed use with transit-oriented density. The plan calls for concentrating retail activities at key locations on Hennepin Avenue and along Lake Street and Lagoon Avenue east of Hennepin. In the activity center, it also recommends vertically mixing land uses with ground floors occupied by entertainment, hotels, restaurants, shopping, and destination uses, as well as retailers (local and national) while upper floors should contain offices or residential uses. A goal of having mixed-use blocks along Lake Street is to improve walkability and connectivity between Uptown and Lyn/Lake. In addition to the principles and policies outlined in the conditional use permit section of this report, the following guidance applies to this proposal:

Parking Recommendations

- Develop district parking facilities in the Core.
- Encourage shared parking practices between complementary uses such as entertainment and offices.

Open Space Recommendations

- Create Girard Meander, a narrow street with wide sidewalks connecting Mozaic to Calhoun Square. Design Girard Meander such that it can be closed to vehicular traffic as necessary during evenings and on weekends.

The plan also includes the following description of the envisioned “Girard Meander:”

“Anticipating increased pedestrian activity in the area, the Plan recommends developing a strong pedestrian link between the north side of the Greenway and Calhoun Square along Girard Avenue. Such a connection can be realized in many ways. With the possibility of a redeveloped Calhoun Square and the Plaza at Mozaic, the Girard Avenue entrance to Calhoun Square should be emphasized for evening use. Girard Avenue should be redesigned as the Girard Meander, a pedestrian spine between the Greenway, Mozaic and Calhoun Square. The Girard Meander should become a festive public space that, like the main streets of Uptown, is animated with pedestrians walking from Calhoun Square to Mozaic and the Greenway. Girard Avenue should remain a vehicular street but should be designed to be closed, on occasion, on weekends and evenings or for special events.”

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

CPED - Planning Division Report
BZZ-5455 & Vac-1582

or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.

- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

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

Building placement within 8 feet of lot lines adjacent to streets

A variance of the PO Overlay District standard requiring the first floor of the building to be located not more than 8 feet from the lot lines adjacent to the adjacent streets is also required. Staff is recommending approval of the variance. Setting the building back would allow for outdoor seating and a sculpture feature to be incorporated without obstructing the adjacent sidewalks. The street wall would still be reinforced because the outdoor seating areas would be covered by a second level of outdoor seating, which is also sheltered by the residential terrace above that extends out to the corners of the site. An abundant amount of windows would be provided on the ground level and mezzanine level that would allow views of the adjacent spaces. For these reasons, staff is also recommending that the planning commission grant alternative compliance for this standard because the proposed alternatives meet the intent of the requirement, the site plan includes amenities that address adverse effects of the alternative, the proposed alternative is consistent with the applicable development plans adopted by the city council, the security of the surrounding area has been considered, and visual interest has been created with the proposed amenities and architectural features.

Blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length

The east building elevation contains blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length are on levels one through two. Most of the first level and mezzanine level would contain blank walls without architectural elements. These walls face a service drive located at the interior of the site. From adjacent streets, visibility of these walls is reduced by the adjacent existing one-story commercial building. If the adjacent property is redeveloped in the future, the visibility of the walls adjacent to the service drive should be reduced further. The applicant is also proposing to wrap the corners of the building with materials that are used on the Lake Street and Lagoon Avenue elevations. Architectural enhancements and pedestrian amenities are concentrated on the sides of the building facing the streets with a focus on creating an enhanced promenade on Girard Avenue. These amenities help to address the adverse affects of the alternative. However, there is little opportunity for natural surveillance of the service drive from the adjacent spaces in the building. Therefore staff is recommending that the planning commission grant alternative compliance for this requirement on the mezzanine level facing the service drive, but require windows on the first floor to prevent blank walls that exceed 25 feet in width. On level 2, a 35 foot wide wall would be without architectural elements. The wall is adjacent to part of a dwelling unit and the main staircase in the residential lobby. This wall would be more visible from the surrounding area. Providing additional architectural elements such as a window(s) would not be impractical. For these reasons, staff is recommending that the planning commission not grant alternative compliance and require the applicant to provide additional architectural elements to prevent a blank wall on the second level.

CPED - Planning Division Report
BZZ-5455 & Vac-1582

Thirty percent window requirement

The first floor walls facing Lake Street, Girard Avenue, and Lagoon Avenue are subject to the minimum window requirements. Thirty percent of the walls adjacent to nonresidential spaces are required to be windows and each individual ground level tenant space must also comply with this requirement. For the retail tenant space with a wall facing Lagoon Avenue, 9.9 percent of the wall would be windows. For the retail tenant space with a wall facing Lake Street, 10.3 percent of the wall would be windows. In the PO district, at least 40 percent of the first floor façade of any nonresidential use that faces a public street must also be windows or doors with clear or lightly tinted glass that allow views in and out of the building at eye level. The applicant is requesting a variance of the PO overlay district for several of the walls adjacent to the nonresidential uses. The overall amount of windows provided on the first floor walls facing Lake Street and Lagoon Avenue exceed 30 percent of the wall area. Additional windows on the adjacent walls would provide better natural surveillance and visibility of the adjacent streets because they are located closer to the streets they face. Staff is recommending that the planning commission approve the variance and alternative compliance for these window requirements.

STREET VACATION (Vac-1582)

Development Plan: The request is to vacate 22 feet of the south side of Lagoon Avenue between Fremont Avenue South and Girard Avenue South. The applicant intends to use the vacated area of the right-of-way adjacent to 1312 Lake Street West as part of a developable area to construct a mixed use building. To prevent an irregular right-of-way width on this block, the Public Works Department has extended the request for the full length of the block to Fremont Avenue South. The rest of the vacated area would be acquired by the adjacent property that is also currently used for surface parking. Please note that if the development does not proceed, the surface parking lot will need to be brought into compliance with the landscaping and screening requirements of Chapter 530 of the zoning code.

Responses from Utilities and Affected Property Owners: An easement was requested by Xcel Energy and Qwest. The utilities have requested that an easement be reserved for existing facilities located within the vacation area. At the time this staff report was written, Public Works had not provided a formal written recommendation.

Findings: The proposed building would encroach on the requested Xcel Energy easement. The applicant will need to work with Xcel to have the easement released before building permits are issued. The remaining area between the back-of-curb and adjacent property lines would be approximately 13.5 feet wide (the sidewalk is currently 10.5 feet wide). The CPED Planning Division finds that the area proposed for vacation is not needed for any public purpose, and it is not part of a public transportation corridor, and that it can be vacated if any easements requested above are granted by the petitioner.

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 increase the maximum building height from 4 stories to 7 stories and from 56 feet to 82 feet 2 inches for the property located at 1312 Lake Street West, 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 to reduce the minimum parking requirement for the commercial uses from 169 to 94 spaces located at the property located at 1312 Lake Street West.

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 of the PO Overlay District standard requiring the first floor of the building to be located within 8 feet of a lot line adjacent to a street to allow the first floor to be set back more than 8 feet from Lake Street, Girard Avenue and Lagoon Avenue located at the property located at 1312 Lake Street West, subject to the following condition:

1. The first floor setbacks shall be as shown on the plans.

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 of the PO Overlay District standard requiring windows on a minimum of 40 percent of the first floor façade of each nonresidential use that faces a public street to allow fewer windows for uses that would face Lake Street, Girard Avenue and Lagoon Avenue located at the property located at 1312 Lake Street West, subject to the following condition:

CPED - Planning Division Report
BZZ-5455 & Vac-1582

1. At least 40 percent of the north wall of the “Restaurant A” tenant space facing Lagoon Avenue and the west wall of “Retail 1” tenant space facing Girard Avenue shall be glass as required by section 551.120 of the zoning code.

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 of the PO Overlay District standard requiring the maximum width of a curb cut to be 20 feet to allow a 25.5 foot wide curb cut on Lagoon Avenue located at the property located at 1312 Lake Street West.

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 to reduce the interior side yard requirement from 15 feet to 13 feet to allow the building located at the property located at 1312 Lake Street West.

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 for a new mixed use building with 92 dwelling units located at the property located at 1312 Lake Street West, subject to the following conditions:

- 1) Windows that allow views into and out of the building at eye level shall be provided on the first floor of the building facing the east lot line as required by section 530.120 of the zoning code to allow more opportunities for natural surveillance and to prevent blank, uninterrupted walls exceeding 25 feet in length that do not include architectural elements.
- 2) Additional architectural elements shall be provided on the second level of the building facing the east lot line as required by section 530.120 of the zoning code to prevent a blank, uninterrupted wall exceeding 25 feet in length that does not include architectural elements.
- 3) Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, floor, site, lighting and landscape plans.
- 4) Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by February 21, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application for the vacation of 22 feet of Lagoon Avenue right-of-way for the property located at 1312 Lake Street West, subject to the following conditions:

1. An easement shall be reserved for Xcel Energy and Qwest.

Attachments:

- 1) PDR report
- 2) Applicant’s statement of proposed use and responses to findings
- 3) Correspondence
- 4) Zoning map
- 5) Street vacation maps
- 6) Plans
- 7) Shadow studies
- 8) Photos