

LAND USE APPLICATION SUMMARY

Property Location: 1400 Park Avenue, 627 14th Street East, and 622 15th Street East
Project Name: 1400 Park Avenue Apartments
Prepared By: Lisa Steiner, Senior City Planner, (612) 673-3950
Applicant: BKV Group
Project Contact: Jeff Hemer
Request: To allow a new 6-story, 245-unit mixed use building.
Required Applications:

Rezoning	Petition to rezone the property located at 622 15 th Street East from the R6 District to the OR2 District.
Conditional Use Permit	To allow an increase in maximum height from 4 stories/56 feet to 6 stories/75 feet.
Variance	To increase maximum floor area ratio from 3.0 to 3.42.
Variance	To reduce the required front yard on Park Avenue from 15 feet to 10 feet for the building and 0 feet for landings/patios and retaining walls/planters.
Variance	To reduce the required front yard on 14 th Street East from 15 feet to 10 feet for the building and 0 feet for landings/patios and retaining walls/planters.
Variance	To reduce the required front yard on 15 th Street East from 15 feet to 10 feet for the building and 5 feet for an exhaust vent, and 0 feet for landings/patios and retaining walls/planters.
Variance	To reduce the required west interior side yard from 15 feet to 7 feet for transformers and an intake vent.
Variance	To increase the maximum impervious surface requirement from 85 percent to 92 percent.
Site Plan Review	For a 6-story, 245-unit mixed use building.
Preliminary and Final Plat	To consolidate the underlying properties into one lot.

Date Application Deemed Complete	March 14, 2016	Date Extension Letter Sent	March 29, 2016
End of 60-Day Decision Period	May 13, 2016	End of 120-Day Decision Period	July 12, 2016

SITE DATA

Existing Zoning	OR2 High Density Office Residence District / R6 Multiple-Family District DP Downtown Parking Overlay District
Lot Area	78,275 square feet / 1.79 acres
Ward(s)	Ward 7; adjacent to Ward 6
Neighborhood	Elliot Park
Designated Future Land Use	Urban Neighborhood
Land Use Features	Downtown Growth Center
Small Area Plan	<u>Elliot Park Neighborhood Master Plan (2003)</u>

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property consists of three parcels located at 1400 Park Avenue, 627 14th Street East, and 622 15th Street East. The site is bound by 14th Street East/Grant Street to the north, Park Avenue to the east, and 15th Street East to the south. A two-story brick building, a large surface parking lot, and a duplex are currently located on the 1.79 acre site.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The property is located in the Elliot Park neighborhood. The surrounding properties in the immediate area are mostly zoned either R6 or OR2 and include many turn-of-the-century apartment buildings which are three to four stories in height. There is some commercial zoning in the area as well. The rest of the subject block has R6 zoning and consists of 4 story multi-family residential buildings. Immediately to the west of the subject property is a surface parking lot and a locally and nationally designated landmark, the First Church of Christ Scientist, which has been vacant for many years. There is a large public right-of-way area directly north of the subject property due to the alignment of East 14th Street and Grant Street.

PROJECT DESCRIPTION. The applicant is proposing to demolish the existing two-story brick building at the corner of 14th Street East and Park Avenue as well as the duplex at 622 15th Street East. On the site, a six-story mixed use building would be constructed. The project would include 245 dwelling units and approximately 2,500 square feet of commercial space, which would be located at the corner of 14th Street East and Park Avenue. 288 parking spaces would be accommodated in two levels of underground parking. Exterior materials proposed for the new building would be primarily brick, fiber cement siding, metal panel, and composite siding accents. The applicant is also proposing to replat the underlying properties to consolidate them into one lot and to correct a property line gap issue.

The developer also recently purchased the adjacent lot to the west at 614 15th Street East. As noted above, this property is the former First Church of Christ Scientist building which is a locally and nationally designated landmark. No changes are currently proposed to the landmark and the property is not a part of the overall development project. Any major changes to the landmark would require review and approval from the Heritage Preservation Commission.

PUBLIC COMMENTS. One letter was received from the Elliot Park Neighborhood which is included in the appendix. Any additional correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

ANALYSIS

REZONING

The Department of Community Planning and Economic Development has analyzed the application to rezone the property at 622 15th Street East from the R6 Multiple-Family District to the OR2 High Density Office Residence District based on the following findings:

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

The proposed zoning would be consistent with the applicable policies of *The Minneapolis Plan for Sustainable Growth*. The property is designated as Urban Neighborhood on the future land use map and is located within the Downtown Growth Center land use feature. The Urban Neighborhood land use is intended to be a predominantly residential area with a range of densities, which may include other small-scale neighborhood-serving commercial uses. The plan notes that more intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers. Although the 622 15th Street East parcel is currently zoned R6, the rest of the development site is currently zoned OR2. The rezoning of this parcel is required per Section 535.210 of the zoning code, which states that the combining of parcels shall not result in more than one primary zoning classification on a single zoning lot.

The following principles and policies outlined in the plan apply to this proposal:

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

- 1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

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

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

Land Use Policy 1.15: Support development of Growth Centers as locations for concentration of jobs and housing, and supporting services.

- 1.15.3 Encourage the development of high- to very high-density housing within Growth Centers.

Housing Policy 3.1: Grow by increasing the supply of housing.

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

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.

Additionally, the site is located within the boundaries of the *Elliot Park Neighborhood Master Plan*, adopted by City Council in 2003. In the plan, the subject property is located within the “Residential District” of the neighborhood, which is guided to include single and multi-family housing at a scale of 2 to 4 stories. Additionally, the plan encourages the development of “new housing between Chicago and Portland Avenues and 14th Street (Elliot Park Boulevard) and 15th Street.” The subject property is located within this area. The plan also notes objectives for new housing, business growth, and public open space, and recommends that new development continues to include a mix of housing, retail, office, restaurant, and recreational uses.

Overall, the proposed rezoning of 622 15th Street East is consistent with the above policies of the comprehensive plan and small area plan.

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

The amendment is in the public interest as it would allow the zoning lot to have consistent OR2 zoning. While more flexible in terms of permitted uses, the OR2 District is more restrictive in terms of height and bulk than the current R6 District of the parcel.

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

The surrounding properties in the immediate area are mostly zoned either R6 or OR2 and include many turn-of-the-century apartment buildings which are three to four stories in height. The rest of the subject block has R6 zoning and consists of 4 story multi-family residential buildings. Immediately to the west of the subject property is a surface parking lot and a locally and nationally designated landmark, the First Church of Christ Scientist, which has been vacant for many years. The rezoning of this parcel to the OR2 District would be compatible with the existing uses and zoning in the general area.

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

Per Section 535.210 of the zoning code, the combining of parcels shall not result in more than one primary zoning classification on a single zoning lot. Because the three parcels that make up the zoning lot do not have consistent zoning, rezoning is necessary. While the R6 District is less restrictive in terms of height and bulk regulations than the OR2 District, the OR2 District would allow the proposed commercial component of the proposal while the R6 District would not. As the parcel could not become part of the developable zoning lot unless it is zoned consistently with the other parcels, there are not reasonable uses of the parcel under the existing zoning classification. If the parcel was not part of the zoning lot, it could remain zoned R6 and the existing duplex use could remain.

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

The subject property has been zoned R6 since 1978. Prior to 1978, the lot was zoned B1-3 Office Residence District. The northeast corner of this block has been zoned office residential (OR2 and previously B1-4) continuously. When the 1999 zoning code was adopted, both the 1400 Park

Avenue parcel and 627 14th Street East parcel were rezoned to OR2, as well as several properties in the immediate area. The gradual change from R6 to OR2 zoning has been a general trend for development in the general area.

CONDITIONAL USE PERMIT

The Department of Community Planning and Economic Development has analyzed the application to increase the maximum height in the OR2 District from 4 stories or 56 feet to 6 stories, 75 feet based on the following findings:

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

The maximum allowed height of a building in the OR2 High Density Office Residence District is 4 stories or 56 feet, whichever is less. The applicant is proposing a building that is 6 stories, 75 feet. The proposed 6 story/75 foot tall building will not be detrimental to or endanger the public health, safety, comfort, or general welfare provided that the development complies with all applicable building codes, life safety ordinances, and Public Works standards.

2. *The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.*

The property is located in a developed area with a mix of building heights and multi-family residential, commercial, and office uses. The height of surrounding buildings varies from two stories to towers which are nearly 30 stories, although the three- to four-story apartment buildings are most prevalent. Many of these surrounding properties are zoned R6, which would permit a 6-story building by-right. Diagonally across Park Avenue and 15th Street is an 18-story building.

Because the measurement of building height in the zoning code is based on the adjacent natural grade, the topography of the subject property plays an important role in the impact a building's height has in conjunction with the proposed structure's bulk and height as measured by the zoning code. The building is 75 feet in height per the zoning code definition of building height. The site has a significant grade change of over 9 feet, so the height of the building at the southwestern corner of the property would be only 67 feet.

The additional two stories, or 19 feet total, of height above what is typically permitted in the OR2 District is not expected to be injurious to the use and enjoyment of other property in the vicinity. It would not impede the normal and orderly development and improvement of surrounding properties.

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

The site would be accessed by vehicles on 14th Street East/Grant Street. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

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

The use is not expected to contribute to traffic congestion in the adjacent public streets. The applicant would provide 288 parking spaces in two levels of underground parking accessed from 14th Street East/Grant Street.

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

The subject property is located within the Downtown Growth Center land use feature. The future land use identified for this property is Urban Neighborhood. The request for increased height would be consistent with the following general land use policies of *The Minneapolis Plan for Sustainable Growth*:

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

- 1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Land Use 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.

- 1.4.4 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”.

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

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

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.

Additionally, the site is located within the boundaries of the *Elliot Park Neighborhood Master Plan*, adopted by City Council in 2003. The plan includes a number of design guidelines, including recommendations for streetscape, site development, architecture, parking, transit and pedestrian/bicycle connections. The plan “supports the idea of increased density and intensifying the mix of uses at specific nodes, which suggests that this community should examine a new scale of architecture at these locations: generally 4 story, but not to exceed 10 story buildings.” In the plan, the subject property is located within the “Residential District” of the neighborhood, which is guided to include single and multi-family housing at a scale of 2 to 4 stories. Additionally, the plan encourages the development of “new housing between Chicago and Portland Avenues and 14th Street (Elliot Park Boulevard) and 15th Street.” The subject property is located within this area.

Staff finds that the proposed 6-story building at this location meets the above applicable guidance in the small area plan and the *Minneapolis Plan for Sustainable Growth*.

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

If the requested land use applications are approved, the proposal will comply with all provisions of the R6 District.

Additional Standards to Increase Maximum Height

In addition to the conditional use permit standards, the Planning Commission shall consider, but not be limited to, the following factors when determining the maximum height of principal structures in office residence districts:

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

The subject property fronts on three public streets. This provides adequate separation allowing for access to light and air for surrounding properties to the north, east, and south. The immediately adjacent properties include a vacant church along 14th Street, currently owned by the applicant as noted in the background section of this report, and a surface parking lot along 14th Street. Increasing the height of the proposed development should not impede access to light and air that the surrounding properties currently receive.

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

The applicant has submitted a shadow study identifying shadowing impacts at various times of year. The proposed building would contribute to some shadowing of adjacent properties. Shadowing from the proposed building would be minimal from spring to fall. In winter months, some shadowing of the nearest residential properties to the west along 14th Street and the residential properties to the northeast across Park Avenue would occur. These shadowing impacts of residential uses are anticipated to be minor. There is a solar energy system southwest of the property at 15th and Portland Avenue; however the shadow studies indicate that there will not be any shadowing impact of this system. There are no other known solar energy systems that would be shadowed by the proposed development.

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

The surrounding properties in the immediate area are mostly zoned either R6 or OR2 and include many turn-of-the-century apartment buildings which are three to four stories in height. The rest of the subject block has R6 zoning and consists of 4 story multi-family residential buildings. In the R6 District, six stories would be permitted by-right. Diagonally across Park Avenue and 15th Street is an 18-story building and within a few blocks there are residential towers that are nearly 30 stories in height.

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

Immediately to the west of the subject property is a locally and nationally designated landmark, the First Church of Christ Scientist, which has been vacant for many years. The proposed building may block views of the landmark from Park Avenue. However, the impact to these views is primarily due to the proposed development of the existing surface parking lot area and is not significantly impacted by the additional two stories of height that is requested. There are no significant open spaces or water bodies that would be impacted.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance of the maximum floor area ratio based on the following findings:

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

The maximum floor area ratio (FAR) for multi-family dwellings before density bonuses in the OR2 District is 2.5. This project qualifies for one 20% density bonus for enclosed parking as outlined in Section 547.130 of the zoning code. Therefore, the maximum allowed FAR of the project is 3.0. The proposed project includes 267,568 square feet of gross floor area on a site that is 78,275 square feet in area, which equals a floor area ratio of 3.42. A variance is therefore requested to increase the maximum floor area ratio from 3.0 to 3.42.

Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The site is located within the Downtown Growth Center, where development of high- to very high-density housing is encouraged. At 137 dwelling units/acre, the proposed mixed-use project is considered very-high density, which is appropriately located in a Growth Center as designated by the *Minneapolis Plan for Sustainable Growth*. The policy recommendations for high-density residential development in this location contribute to unique circumstances that 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.*

The purpose of the maximum floor area ratio is to measure the scale and intensity of the site being developed. The request to increase the FAR from 3.0 to 3.42 is reasonable. Although the building would exceed the floor area ratio maximum, the applicant has taken measures to reduce the building's impact by accommodating all of the off-street parking underground and within the building. The property is located in the Downtown Growth Center, which encourages high to very-high density housing. The proposed building would have a large courtyard feature which will reduce the appearance of overall bulk of the building as the building wraps the four sides of the property. Given these factors, the proposed floor area ratio will utilize the property in a reasonable manner that is in keeping with the spirit and intent of the ordinance and the comprehensive plan.

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

The proposed variance will not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The bulk and scale of buildings in the general area varies from two to 27 stories in height. 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.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance of the required front yards along Park Avenue, 14th Street East, and 15th Street East based on the following findings:

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.*

Park Avenue, 14th Street East, and 15th Street East: The applicant is seeking variances to reduce the front yard setbacks from 15 feet to 10 feet for the building and 0 feet for various obstructions along Park, 14th, and 15th. In office residence districts, uses are subject to a 15 foot minimum front yard. Along all three streets, the applicant is proposing to construct the building 10 feet from the property line. Additionally, the variance request includes permitting various obstructions such as landings/patios for the walk-up units and retaining walls/planters in all three required yards, as well as an exhaust vent in the required yard on 15th Street East. The *Elliot Park Neighborhood Master Plan* recommends that “in most cases, new construction projects should place buildings close to the street (along edge of walk), matching existing building setbacks to provide continuity and encourage visual and physical interaction between building uses, sidewalk and street.” Further, the small area plan recommends that “new buildings should be constructed within six feet of the street property or right-of-way line and should extend as long as practical to define and contain space at the street's edge.” The adjacent vacant church property has a 16 foot setback for the building with walls and steps between the building and front lot line. All of the existing apartment buildings on the subject block are built directly at their front property lines with no setback. The policy recommendations and the existing context of building placement in this location contribute to unique circumstances that 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.*

Park Avenue, 14th Street East, and 15th Street East: The applicant is proposing a 10 foot setback for the building with various obstructions such as planting beds/retaining walls, landings/patios, and an exhaust vent between the building and the property line. The planting beds/retaining walls vary and step up in height from 2 feet to 6 feet from the adjacent grade. The patios/landings for the walk-ups along 15th, Park, and 14th are approximately 100 square feet in area. As noted above, the small area plan recommends matching existing building setbacks and placing buildings close to the street. The *Minneapolis Plan for Sustainable Growth* also recommends that buildings reinforce the street wall. The proposed 10 foot building setback along the three streets is reasonable and the proposed patios/landings for the first level walk-ups, and the raised planting beds/retaining walls are reasonably located as they will reinforce the street wall. The vent is reasonably placed 5 feet from the property line as it will be adequately screened by landscaping. The proposal 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.*

Park Avenue, 14th Street East, and 15th Street East: The reduced front yard setbacks along the three streets will not alter the essential character of the locality or be injurious to the use or enjoyment of nearby property. The proposed setbacks will help reinforce the street wall in an area where multi-family buildings were historically built at their front lot lines. The variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance of the west interior side yard based on the following findings:

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

The applicant is seeking a variance to reduce the west interior side yard setback from 15 feet to 7 feet. In office residence districts, uses are subject to a minimum yard equal to five feet plus two feet for every story above the first. For this six-story building, the required interior side yard is therefore 15 feet. While the building is proposed with a 15 foot setback in this area, the transformers and an intake vent are located within the required yard, 7 feet from the western property line, requiring a variance. The proposal is subject to a 15 foot yard requirement along all four property lines. Locating the transformer equipment and intake vent in the required interior side yard would be preferable to placing the transformers and another intake vent in a required front yard along a public street. Practical difficulties exist in placing this necessary equipment outside of a required yard due to circumstances unique to the property that were not self-created.

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.*

Placing the transformers and an intake vent within the required interior side yard is reasonable and is in keeping with the spirit and intent of the ordinance and the comprehensive plan. The building location complies with the required side yard and the equipment will be 7 feet from the property line.

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 variance to reduce the interior side yard from 15 feet to 7 feet for transformers and an intake vent will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. 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.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance of the maximum impervious surface coverage based on the following findings:

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

The maximum impervious surface coverage permitted in the office residence districts is 85 percent. The zoning code defines impervious surfaces as materials which significantly reduce or prevent natural absorption of stormwater into the soil and cause water to run off the surface in greater quantities and at an increased rate of flow. As proposed, 92 percent of the site would be covered with impervious surfaces. The applicant's proposal incorporates two levels of underground parking and a six-story building with an approximately 18,500 square foot courtyard area at the center of the site. The applicant is proposing to utilize an approximately 6,250 square foot green roof system

at the courtyard to provide some additional filtration and reduction of stormwater runoff. However, green roof systems are considered impervious surface per the zoning code and therefore the proposal exceeds its maximum impervious surface coverage requirement. Several paths and walk-ups between the building and the property line also contribute to the impervious surface coverage of the site but meet policies in the small area plan and comprehensive plan as noted in the variance analysis above. Considering all of these factors, practical difficulties exist in complying with ordinance because of unique circumstances that were not self-created.

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 requested variance would allow for the property to be developed in a reasonable manner with a high-density mixed use building. The request would also be in keeping with the spirit and intent of the ordinance and the comprehensive plan. In addition to allowing for orderly development and use of land, the purpose of the impervious surface limitations is to prevent soil erosion, minimize off-site stormwater runoff, and encourage natural filtration function. The proposed development exceeds the maximum by 7 percent or 5,480 square feet. The applicant is proposing to utilize a green roof system that covers 6,250 square feet of the courtyard area. While this green roof system is still counted as impervious surface per the zoning code, it would allow for more filtration than other materials and reduce the amount of off-site stormwater runoff, in keeping with the intent of the ordinance. If the green roof system were counted as pervious surface, the site would comply with the impervious surface coverage maximum. Staff recommends a condition of approval to ensure that the green roof system shown in submitted plans is incorporated in final plans.

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.*

There is a large landscaped public right-of-way area north of the subject property where 14th Street East and Grant Street meet. The applicant is proposing to plant several trees, perennials, and a turf lawn in this area. This additional landscaping in the public right-of-way will help to offset the increased impervious surfaces on the site. There will also be approximately 6,250 square feet of a green roof system at the courtyard area. The applicant will continue to work with the Surface Water & Sewers division of Public Works regarding stormwater management on the site. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of nearby property. The variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

SITE PLAN REVIEW

The Department of Community Planning and Economic Development has analyzed the application based on the required findings and applicable standards in the site plan review chapter:

1. Conformance to all applicable standards of Chapter 530, Site Plan Review.

BUILDING PLACEMENT AND DESIGN

Building placement – Meets requirements

- The first floor of a building is required to be within 8 feet of the front lot line except where a greater yard is required. There is a 15 foot required yard along all three streets. The building is

located ten feet from the front lot lines on Park, 14th, and 15th. Variances have been requested and are being recommended for approval as analyzed above.

- The placement of the building reinforces the street wall, maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation.
- The area between the building and lot line includes amenities such as landscaping planters, walk-up unit stairs and patios, and tables at the corner of 14th and Park.
- All on-site accessory parking is located entirely within an enclosed structure and partially below grade. Due to the grade changes on the site, approximately 6 feet of the parking garage would be above grade along most of the Park Avenue and 14th Street residential portions of the building, as well as about half of the 15th Street elevation.

Principal entrances – Meets requirements

- The building is oriented so that at least one principal entrance faces the front property line. The subject property has three front yards. The main entry into the commercial space at the northeast corner is a vestibule area with entrances facing both 14th Street/Grant Street and Park Avenue. Another entrance for the residential units is located on 15th Street East. Additionally, there are individual walk-up entries to the first floor units along all three streets.
- All principal entrances are clearly defined and emphasized through the use of architectural features such as canopies.

Visual interest – Requires alternative compliance

- The building walls provide architectural detail and contain windows in order to create visual interest.
- The proposed building emphasizes architectural elements, such as recesses, projections, windows, and walk-up entries to divide the building into smaller identifiable sections.
- There are blank, uninterrupted walls exceeding 25 feet in length, including a 48 foot blank wall on the east elevation and a 40 foot blank wall on the west elevation. These require alternative compliance.

Exterior materials – Requires alternative compliance

- The applicant is proposing brick, fiber cement siding, and metal panel as the building's primary exterior materials. Each elevation would comply with the City's durability standards for exterior materials. Please note that exterior material changes at a later date may require review by the Planning Commission and an amendment to the site plan review.
- The east, south, and west elevations are consistent with the City's policy of allowing no more than three exterior materials per elevation, excluding windows, doors, and foundation materials. Several additional materials are proposed for trim or accents. The north elevation incorporates four primary materials -- metal panel, brick, and two types of fiber cement siding, and therefore requires alternative compliance.
- Plain face concrete block is not proposed.
- The exterior materials and appearance of the rear and side walls of the building are similar to and compatible with the front of the building.

Windows – Requires alternative compliance

- For residential uses, the zoning code requires that no less than 20 percent of the walls on the first floor, and no less than ten percent of the walls on each floor above the first that face a public street shall be windows. The project is in compliance with the minimum window requirement on the 15th Street East elevation but is not in compliance on the Park Avenue or 14th Street East elevations (see Table 1). These elevations require alternative compliance.

- For nonresidential uses, the zoning code requires that no less than 30 percent of the walls on the first floor are windows with clear or lightly tinted glass with a visible light transmittance ratio of six-tenths (0.6) or higher. The project is in compliance with the minimum nonresidential window area requirement (see Table I). However, because the applicant has not indicated the visual light transmittance of the proposed glass in the nonresidential portion of the building, staff recommends a condition of approval which ensures that the glass will meet that requirement.
- All windows are vertical in proportion and are evenly distributed along the building walls.

Table I. Percentage of Windows per Applicable Elevation

	Code Requirement		Proposed	
Residential Uses				
Park: 1st floor	20% minimum	288 sq. ft.	18%	267 sq. ft.
Park: 2nd floor and above	10% minimum	Varies	Varies – meets requirements	
14 th Street: 1 st floor	20% minimum	256 sq. ft.	12%	157 sq. ft.
14 th Street: 2nd floor and above	10% minimum	Varies	Varies – meets requirements	
15 th Street: 1 st floor	20% minimum	448 sq. ft.	28%	637 sq. ft.
15 th Street: 2nd floor and above	10% minimum	Varies	Varies – meets requirements	
Nonresidential Uses				
Park: 1st floor	30% minimum	103 sq. ft.	62%	213 sq. ft.
14 th Street: 1st floor	30% minimum	178 sq. ft.	80%	478 sq. ft.

Ground floor active functions – Meets requirements

- All of the first floor building frontages facing Park Avenue, 14th Street East, and 15th Street East contain active functions.

Roof line – Meets requirements

- The principal roof line of the building will be flat, which is similar to that of surrounding buildings.

Parking garages – Meets requirements

- All of the proposed parking is located enclosed within the building and partially below ground.
- Although portions of the garage are above grade, the parking garage does not qualify as a story and therefore is not subject to typical ground floor window requirements and active use requirements.

ACCESS AND CIRCULATION

Pedestrian access – Meets requirements

- There are clear and well-lit walkways at least four feet in width connecting building entrances to the adjacent public sidewalk and on-site parking facilities.

Transit access – Meets requirements

- No transit shelters are proposed as part of this development.

Vehicular access – Meets requirements

- Vehicular access and circulation has been designed to minimize conflicts with pedestrian traffic and with surrounding residential uses.

- Curb cuts have been consolidated. Five existing curb cuts would be closed and the site would be accessed by one new curb cut at the northwest portion of the site.
- There are no public alleys adjacent to the site.
- Service vehicle access would not conflict with pedestrian traffic. The applicant is proposing a loading zone on the first level of the parking garage. Potential on-street loading areas may also be incorporated but must be approved by Public Works.
- The proposed site plan exceeds its impervious surface coverage maximum. Staff is recommending approval of that variance as noted in the variance analysis section above.

LANDSCAPING AND SCREENING

General landscaping and screening – Requires alternative compliance

- The overall composition and location of landscaped areas complement the scale of development and its surroundings.
- At least 20 percent of the site not occupied by the building is landscaped. The applicant is proposing approximately 4,803 square feet of landscaping on site, or approximately 29 percent of the site not occupied by buildings (see Table 2). Most of this landscaping is located in planters along the walk-up entries and in the stepped retaining wall planters along Park Avenue.
- The tree requirement for the site is 7 canopy trees and the applicant is proposing a total of 5 canopy trees on site. Additionally, the applicant is proposing 15 canopy trees in the large public right-of-way area north of the property. However, because these are not on the actual property, alternative compliance is still required.
- The applicant is proposing at least one shrub per 100 square feet of the required landscaped area, including all required landscaped yards. The shrub requirement for the site is 33 and the applicant is proposing 133 shrubs.
- The remainder of the required landscaped area is covered with perennials, shrubs, and ornamental trees.

Table 2. Landscaping and Screening Requirements

	Code Requirement	Proposed
Lot Area	--	78,275 sq. ft.
Building Footprint	--	61,722 sq. ft.
Remaining Lot Area	--	16,553 sq. ft.
Landscaping Required	3,311 sq. ft.	4,803 sq. ft.
Canopy Trees (1:500 sq. ft.)	7 trees	5 trees
Shrubs (1:100 sq. ft.)	33 shrubs	133 shrubs

Parking and loading landscaping and screening – Meets requirements

- There is no surface parking proposed for the site, so the site is not subject to the screening and landscaping requirements for parking areas per section 530.170.
- Information included in the landscape plan indicates that the plant materials, and installation and maintenance of the plant materials, would comply with sections 530.200 and 530.210 of the zoning code.
- All other areas not occupied by buildings, parking and loading facilities, or driveways would be covered with grasses, perennials, shrubs, and trees.

ADDITIONAL STANDARDS

Concrete curbs and wheel stops – *Not applicable*

- There are no surface parking spaces proposed on the site.

Site context – *Meets requirements*

- Immediately to the west of the subject property is a locally and nationally designated landmark, the First Church of Christ Scientist, which has been vacant for many years. The proposed building may block views of the landmark from Park Avenue. However, the impact to these views is primarily due to the proposed development of the existing surface parking lot area and is not significantly impacted by the additional two stories of height that is requested. There are no significant open spaces or water bodies that would be impacted. There are no other elements of the city near the site that will be obstructed by the proposed building.
- This building should have minimal shadowing effects on public spaces and adjacent properties.
- This building has been designed to minimize the generation of wind currents at ground level.

Crime prevention through environmental design – *Meets requirements*

- The site plan employs best practices to increase natural surveillance and visibility, to control and guide movement on the site, and to distinguish between public and non-public spaces.
- The proposed site, landscaping, and building promote natural observation and maximize the opportunities for people to observe adjacent spaces and public sidewalks.
- The project provides lighting on site, at all building entrances, and along walkways that maintains a minimum acceptable level of security while not creating glare or excessive lighting of the site.
- The landscaping, sidewalks, lighting, fencing, and building features are located to clearly guide pedestrian movement on or through the site and to control and restrict people to appropriate locations.
- The entrances, exits, fencing, landscaping, and lighting are located to distinguish between public and private areas, to control access, and to guide people coming to and going from the site.

Historic preservation – *Meets requirements*

- This site is neither historically designated nor is it located in a historic district.

2. Conformance with all applicable regulations of the zoning ordinance.

The proposed use is permitted in the OR2 District.

Off-street Parking and Loading – *Meets requirements*

- The restaurant use does not have a parking requirement as it is less than 4,000 square feet in area and is located within the DP Downtown Parking Overlay District. The site qualifies for the transit incentive outlined in Section 541.200 of the zoning code which reduces the typical 245 space residential minimum parking requirement by fifty percent to 122 spaces. The total minimum parking requirement is therefore 122 spaces (see Table 3).
- The minimum bicycle parking requirement is three spaces for the restaurant use and 123 spaces for the dwelling units. The applicant is providing 126 spaces for the residential units in the underground parking garage. Ten bicycle parking spaces would be available on the northeast corner of the site for the commercial use. These spaces would be in the public right-of-way, not on the property, and will require an encroachment permit from Public Works (see Table 4).
- The off-street loading requirement for the residential use is one small loading space. There is not a loading requirement for the commercial use. The applicant is providing one small loading space on

the first level of the parking garage. This space would be utilized for move in and move out purposes (see Table 5).

Table 3. Vehicle Parking Requirements Per Use (Chapter 54I)

Use	Minimum	Reductions	Total with Reductions	Maximum Allowed	Proposed
Restaurant, sit down	7	DP Overlay (7 spaces)	0	38	0
Residential Dwellings	245	Transit Incentives (123)	122	417	288
	252	130	122	455	288

Table 4. Bicycle Parking Requirements (Chapter 54I)

Use	Minimum	Short-Term	Long-Term	Proposed
Restaurant, sit down	3	Not less than 50%	--	10 (in public right-of-way)
Residential Dwellings	123	--	Not less than 90%	126
	126	--	--	136

Table 5. Loading Requirements (Chapter 54I)

Use	Loading Requirement	Minimum Requirement	Proposed
Restaurant, sit down	Low	None	None
Residential Dwellings	None	One small	One small

Building Bulk and Height – Requires variance(s)

- The applicant has requested a conditional use permit to increase the height of the building from 4 stories or 56 feet to six stories, 75 feet. The applicant has also requested a variance to increase the maximum floor area ratio from 3.0 to 3.42. Staff is recommending approval of both applications as evaluated above. (see Table 6).

Table 6. Building Bulk and Height Requirements

	Code Requirement	Proposed
Lot Area	--	78,275 sq. ft. / 1.79 acres
Gross Floor Area	--	267,568 sq. ft.
Floor Area Ratio (Maximum)	3.0	3.42
Building Height (Maximum)	4 stories or 56 feet, whichever is less	6 stories/75 feet

Lot Requirements – Requires variance(s)

- The lot is covered with 92 percent impervious surfaces, which requires a variance. The lot coverage, which does not include the courtyard area in the calculation, complies with the requirement (see Table 7).

Table 7. Lot Requirements Summary

	Code Requirement	Proposed
Dwelling Units (DU)	--	245 DUs
Density (DU/acre)	--	137 DU/acre
Impervious Surface Area (Maximum)	85%	92%
Lot Coverage (Maximum)	70%	59%

Yard Requirements – Requires variance(s)

- The proposal requires variances of the front yards along Park Avenue, 14th Street, and 15th Street, as well as a variance of the west interior side yard (see Table 8). Staff is recommending approval of these variances.

Table 8. Minimum Yard Requirements

Setback	Zoning District	Proposed
Front (East)	15 ft.	10 ft. for building 0 ft. for obstructions
Front (North)	15 ft.	10 ft. for building 0 ft. for obstructions
Front (South)	15 ft.	10 ft. for building 0 ft. for obstructions
Interior Side (West)	15 ft.	7 ft. for transformer and vent

Signs – Meets requirements

- All signs are subject to Chapter 543, On-Premise Signs. No specific signage is currently proposed. The applicant will be required to submit a separate sign permit application for any signage that is proposed.

Screening of Mechanical Equipment – Meets requirements with Conditions of Approval

- All mechanical equipment is subject to the screening requirements of 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.
- The applicant is proposing individual HVAC units for each dwelling unit which the applicant indicates have been designed with the intent that they appear as an integral part of the structure. However, the applicant has not indicated on their plans whether the color of the louvers would match the adjacent materials. The louvers of the units appear to all be one color on the renderings provided in the application. Staff recommends a condition of approval requiring the individual HVAC unit louvers to match the color of the directly adjacent exterior material so as to balance and integrate the systems with the design of the building. This will minimize their visual impact. Staff also encourages the applicant to locate these units, wherever possible, on portions of the building that are perpendicular to the public street in order to minimize their visibility.
- No rooftop mechanical equipment is shown on the plans submitted; any additional mechanical equipment shall be required to comply with the standards above.

Refuse Screening – Meets requirements

- All refuse and recycling storage containers are located within the building.

Lighting – Meets requirements

- Existing and proposed lighting must comply with Chapter 535 and Chapter 541 of the zoning code, including:

535.590. Lighting.

- a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.
- b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:
 - 1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.
 - 2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
 - 3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.

- 4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
 - 5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.
- The applicant is proposing several lighting fixtures throughout the site. The information submitted in the application indicates that the proposed lighting plan meets the standards listed above.

Fences – Meets requirements

- Fences must comply with the requirements in Chapter 535. The applicant is proposing a 6 foot tall ornamental fence along the west side interior property line. This height is permitted because the adjoining properties have maintained a minimum interior side yard of at least 5 feet. The fence location complies with the required 15 foot front yards on both 14th Street East and 15th Street East.

Specific Development Standards – Not applicable

DP Downtown Parking Overlay District Standards – Meets requirements

- The proposal is in compliance with the DP Downtown Parking Overlay District standards.

3. Conformance with the applicable policies of The Minneapolis Plan for Sustainable Growth.

The Minneapolis Plan for Sustainable Growth identifies the site as Urban Neighborhood on the future land use map. The proposed development is consistent with the following principles and policies outlined in the comprehensive plan:

Land Use 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.

- 1.4.4 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”.

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

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

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.

Urban Design Policy 10.1: Promote building designs and heights that enhance and complement the image and form of the Downtown skyline, provide transition to the edges of Downtown and protect the scale and quality in areas of distinctive physical or historical character.

10.1.2 Building placement should preserve and enhance public view corridors that focus attention on natural or built features, such as landmark buildings, significant open spaces or water bodies.

10.1.3 Building placement should allow light and air into the site and surrounding properties.

Urban Design Policy 10.2: Integrate pedestrian scale design features into Downtown site and building designs and infrastructure improvements.

10.2.1 The ground floor of buildings should be occupied by active uses with direct connections to the sidewalk.

10.2.2 The street level of buildings should have windows to allow for clear views into and out of the building.

10.2.3 Ensure that buildings incorporate design elements that eliminate long stretches of blank, inactive building walls such as windows, green walls, architectural details, and murals.

10.2.4 Integrate components in building designs that offer protection to pedestrians, such as awnings and canopies, as a means to encourage pedestrian activity along the street.

10.2.8 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.

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

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

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

Urban Design Policy 10.5: Support the development of multi-family residential dwellings of appropriate form and scale.

10.5.3 Large-scale, high-rise, multi-family residential development is more appropriate in the Downtown Minneapolis Growth Center.

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

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

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

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

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

10.6.6 Integrate transit facilities and bicycle parking amenities into the site design.

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.

CPED finds that the proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

4. Conformance with applicable development plans or objectives adopted by the City Council.

The site is located within the boundaries of the *Elliot Park Neighborhood Master Plan*, adopted by City Council in 2003. The plan includes a number of design guidelines, including recommendations for streetscape, site development, architecture, parking, transit and pedestrian/bicycle connections. The design guidelines recommend that new buildings be placed close to the street and match existing setbacks in the area to provide continuity and to encourage visual and physical interaction between the building and the street. Streetscape design guidelines note the importance of landscaping, walls, and fences to delineate between public and private space. Staff finds that the proposal meets the applicable guidance in the small area plan.

5. Alternative compliance.

The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding that the project meets one of three criteria required for alternative compliance. Alternative compliance is requested for the following requirements:

- **Visual interest.** There are blank, uninterrupted walls exceeding 25 feet in length, including a 48 foot blank wall on the east elevation and a 40 foot blank wall on the west elevation. These require alternative compliance. The blank wall on the east elevation is located at the southernmost portion of the elevation where two stairways lead to first floor units. Due to the grade of the site, six feet of the blank wall is actually at the level of the underground parking garage area. The applicant would plant several shrubs and ornamental trees between the sidewalk and this blank wall (some on the property and some on public right-of-way) which would mitigate the impact of the blank wall. Staff finds that this alternative meets the intent of the requirement and recommends granting alternative compliance for this wall. The blank wall on the west elevation is located at the northernmost portion of the elevation. There is a six-foot fence that would obscure this blank wall from the public street and the adjacent property. Because of the limited public visibility of this blank wall, staff finds that granting alternative compliance is reasonable.
- **Exterior materials.** The north elevation incorporates four primary materials – brick, metal panel, and two types of fiber cement siding, and therefore requires alternative compliance. All other elevations utilize three materials. Because only an 80 foot section of the sixth floor is the one-quarter inch fiber cement siding, and the north elevation is essentially split into two elevations due to the courtyard feature, staff finds that granting alternative compliance is reasonable. The one-quarter inch fiber cement siding is proposed on the west elevation, so its location on the north elevation allows that material to wrap the sixth floor around the corner of the building. The metal panel portion of the elevation wraps to the east elevation. While more than three materials on one

elevation is typically discouraged, staff finds the minimal use of a fourth exterior material on this elevation adequately meets the intent of the standard.

- **Windows.** The project is not in compliance with window requirements on the first floor of the Park Avenue or 14th Street East elevations. The applicant is proposing 18 percent windows on the ground floor along Park Avenue, where 20 percent is required. There is an approximately 9 foot grade change on the site. Because of how the applicant has chosen to account for this grade change, the first level of the building is about six feet from grade along Park Avenue and 14th Street. This has a significant impact on the window requirement calculations on these elevations, since windows are measured between 2 and 10 feet from adjacent grade. On Park Avenue, there are several sliding glass doors on the first level of this elevation which increase the amount of glass but are not included in the window percentage calculation. Since the parking garage does not extend above grade in the nonresidential portion of the building, the proposal exceeds its 30 percent nonresidential window requirement on Park Avenue by 32 percent. Staff recommends granting alternative compliance due to the increased window area in the directly adjacent nonresidential area of this elevation and the additional glass that is provided in the sliding glass door areas. On 14th Street East, the applicant is proposing to incorporate only 157 square feet (12 percent) of glass (measured between 2 and 10 feet from adjacent grade), where 256 square feet (20 percent) would be required. This window calculation is similarly impacted by the chosen first floor elevation. While the proposal exceeds the nonresidential window requirement on this elevation, those windows are 60 to 120 feet from the nearest residential window and in that case does not adequately mitigate the reduced residential windows. In the submitted renderings of the building, the garage doors are shown to be mostly transparent. This is not indicated on the elevation drawings. However, staff finds that incorporating the additional required 99 square feet of windows in the transparent garage doors or the adjacent pedestrian door would adequately mitigate the negative impacts of the proposal. The two garage doors are 75 square feet each, so two-thirds of the garage door would need to be transparent, or less if glass is incorporated in the pedestrian door. Therefore, staff recommends a condition of approval requiring compliance with the residential window requirement on this elevation, but with the flexibility that transparency in the garage or pedestrian doors can be utilized to satisfy that requirement.
- **General landscaping and screening.** The tree requirement for the site is 7 canopy trees and the applicant is proposing a total of 5 canopy trees on site. The applicant is also proposing 15 canopy trees in the large public right-of-way area north of the property. Because these are not on the actual property, alternative compliance is still required. Considering the additional trees proposed in the public right-of-way, as well as the proposal's incorporation of 100 shrubs in excess of their requirement, staff finds that the alternative meets the intent of the requirement and recommends granting alternative compliance.

PRELIMINARY AND FINAL PLAT

The Department of Community Planning and Economic Development has analyzed the application for a preliminary and final plat based on the following findings:

1. *The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the comprehensive plan.*
The subdivision is in conformance with the applicable zoning code regulations and policies of the comprehensive plan, as evaluated above. The proposed plat will be in conformance with the land subdivision regulations. The development site currently includes three parcels which had originally been platted as several different lots. The site also includes a formerly vacated public alley. The applicant has applied to replat the property in order to resolve a property line gap issue along the western side of the property.

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

The plat should have no impact on the surrounding area.

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

The site has an approximately 9 foot grade change, but this grade change should not impact the ability to develop the property. The site does not present the other noted hazards.

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

The proposed lot is buildable, has street frontage on three streets, and is suitable for the proposed use.

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

The Surface Waters and Sewers division of Public Works Department has initially reviewed the project for appropriate drainage and stormwater management. Specific comments related to stormwater can be found in the attached Preliminary Development Review report.

FOR REZONINGS ONLY

ZONING PLATE NUMBER. 20

LEGAL DESCRIPTION. West 1/2 of Lot 26, Auditor's Subdivision No. 1, Hennepin County, Minnesota.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the applications by BKV Group for the properties located at 1400 Park Avenue, 627 14th Street East, and 622 15th Street East:

A. Rezoning the property located at 622 15th Street East from the R6 District to the OR2 District.

Recommended motion: **Approve** the application for a rezoning.

B. Conditional Use Permit to increase height from 4 stories or 56 feet to 6 stories, 75 feet in the OR2 District.

Recommended motion: **Approve** the application for an increase in maximum height, subject to the following conditions:

- I. 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 two years of approval.

C. Variance of the maximum floor area ratio.

Recommended motion: **Approve** the application for a variance of the maximum floor area ratio from 3.0 to 3.42.

D. Variance of the required front yard on Park Avenue.

Recommended motion: **Approve** the application for a variance of the required front yard on Park Avenue from 15 feet to 10 feet for the building and 0 feet for landings/patios and retaining walls/planters.

E. Variance of the required front yard on 14th Street East.

Recommended motion: **Approve** the application for a variance of the required front yard on 14th Street East from 15 feet to 10 feet for the building and 0 feet for landings/patios and retaining walls/planters.

F. Variance of the required front yard on 15th Street East.

Recommended motion: **Approve** the application for a variance of the required front yard on 15th Street East from 15 feet to 10 feet for the building, 5 feet for an exhaust vent, and 0 feet for landings/patios and retaining walls/planters.

G. Variance of the west interior side yard.

Recommended motion: **Approve** the application for a variance of the required interior side yard from 15 feet to 7 feet for transformers and an intake vent.

H. Variance of the maximum impervious surface coverage.

Recommended motion: **Approve** the application to increase the maximum impervious surface requirement from 85 percent to 92 percent, subject to the following conditions:

- I. A green roof system, as shown on submitted plans, shall be incorporated in the courtyard area.

I. Site Plan Review for a new six-story, 245-unit mixed-use building.

Recommended motion: **Approve** the application for a new six-story, 245-unit mixed-use building, subject to the following conditions:

1. All site improvements shall be completed by May 13, 2018, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. CPED staff shall review and approve the final site, elevation, landscaping, and lighting plans before building permits may be issued.
3. The first floor windows of the nonresidential portion of the building shall have clear or lightly tinted glass with a visible light transmittance ratio of six-tenths (0.6) or higher.
4. The individual HVAC unit louvers shall match the color of the directly adjacent exterior materials so as to better balance and integrate the systems with the design of the building.
5. At least 256 square feet of transparency shall be incorporated in the residential portion of the north elevation. Transparency within garage or pedestrian doors may be utilized towards this requirement.

J. Preliminary and Final Plat (PL-304).

Recommended motion: **Approve** the preliminary and final plat.

ATTACHMENTS

1. Zoning map
2. Oblique aerials
3. PDR report
4. Written description and findings submitted by applicant
5. Photos
6. Shadow study
7. Renderings
8. Site survey
9. Site plan
10. Plans
11. Building elevations
12. Correspondence