

Community Planning and Economic Development Department – Planning Division
Two Rezoning, three Conditional Use Permits, ten Variances, Major Site Plan Review
and a Minor Subdivision
BZZ-1692

Date: June 7, 2004

Applicant: Tandem Developers, LLC

Address of Property: 907-917 Portland Avenue

Contact Person and Phone: Richard Parks with Built Form, (312) 738-3833

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

Date Application Deemed Complete: May 10, 2004

End of 60-Day Decision Period: July 9, 2004

End of 120-Day Decision Period: Not applicable

Ward: 7 **Neighborhood Organization:** Elliot Park

Existing Zoning: R6 and OR2

Proposed Zoning: OR3

Proposed Use: mixed-use building including 252 dwelling units and 2 commercial spaces

Concurrent Review:

Rezoning: of the property located at 907 Portland Avenue South from R6 to OR3.

Rezoning: of the property located at 917 Portland Avenue South from OR2 to OR3.

Conditional Use Permit: to increase the height of the building from the permitted 6 stories/84 feet to 28 stories/291.5 feet.

Conditional Use Permit: to allow 252 dwelling units.

Conditional Use Permit: to allow 2 neighborhood serving retail sales and service uses.

Variance: to increase the maximum floor area of one of the neighborhood serving retail sales and service uses from 2,000 square feet to 9,850 square feet.

Variance: to increase the floor area ratio of the building from 4.2 to 7.52.

Variance: to reduce the minimum lot size requirement from 251 square feet per dwelling unit to 176 square feet per dwelling unit.

Variance: to increase the maximum lot coverage from 70 percent to 77.3 percent.

Variance: to increase the maximum impervious surface coverage from 85 percent to 90 percent.

Variance: to reduce the front yard setback along Portland Avenue from the required 15 feet to 0 feet.

Variance: to reduce the interior side yard setback from the required 61 feet to 35.5 feet.

Variance: to reduce the corner side yard setback along 10th Street South from the required 15 feet to 7.5 feet.

Variance: to reduce the rear yard setback along the alley from the required 61 feet to 0 feet.

Variance: to increase the maximum height of a fence located in the interior side yard from the permitted 4 feet to 6 feet.

Major site plan review.

Minor subdivision.

Background: The applicant is proposing to construct a new mixed use building including 252 dwelling units and 2 commercial spaces on the properties located at 907-917 Portland Avenue. The site is located on the northeast corner of Portland Avenue and 10th Street South in the Elliot Park Neighborhood. There will be a six-story, 341-space parking garage located on the site. The five levels of the parking garage that are above ground will be concealed from both Portland Avenue and 10th Street South by commercial spaces and condominiums. On street level there will be parking spaces within the building for the commercial uses. On top of the of the five-story portion of the building there will be a 23-story residential tower. The residential tower is setback approximately 46 feet from the north wall of the five-story portion of the building and extends from Portland Avenue to the alley. On the north side of the site between the proposed building and the existing Rappahanock condominium building there will be a landscaped courtyard.

Please note that a minor subdivision application was submitted as part of the development which is not needed. Staff is recommending that this application be returned to the applicant.

Neighborhood Review: The Elliot Park Neighborhood Inc. reviewed the proposed development in December of 2003. EPNI unanimously voted to support the development.

Attachments:

1. Statement of proposed use and description of the project
2. CUP and variance findings, including the shadow analysis and the definition of “A-Minor Arterial” roads
3. December 17, 2004 e-mail from David Fields with Elliot Park Neighborhood. Inc.
4. Response letters from adjacent property owners
5. Zoning Map
6. Site, elevation and floor plans
7. Photographs of the site and surrounding area

REZONING - of the property located at 907 Portland Avenue South from R6 to OR3

Zoning Plate Number: 20

Legal Description: Lot 2 and 3, Block 11, Mattison’s Third Addition to Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota.

Findings as Required by the Minneapolis Zoning Code:

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

According to the *Minneapolis Downtown 2010 Plan*, this property is located in a downtown neighborhood area as found on the concept plan map. According to the Principles and Policies outlined in *Downtown 2010 Plan*, the following apply to this proposal:

- Promote a street-level design of buildings that contribute to downtown’s vitality and security by encouraging individual entrances to street-level building tenants, windows and architectural detailing.
- Promote retail and other interesting uses at street level in order to reinforce the linking function of streets and to create vitality.
- Encourage improvements to the public right of way that support pedestrian and transit circulation and that beautify downtown.
- Promote building heights and designs that protect the image and form of the downtown skyline, that provide transition to the edges of downtown and that protect the scale and qualities in areas of distinctive physical and historic character.
- Emphasize good open space design.
- Encourage new buildings adjacent to historic buildings, sites and districts to be compatible in design.
- Ensure that new residential development contributes to the sense of neighborhoods through appropriate site planning and architectural design.
- Protect residential areas from encroachment of incompatible land uses, and ensure that the physical environment of downtown residential areas is compatible with housing by minimizing traffic impacts, maintaining security, and providing and maintaining amenities.
- Support the retention and development of neighborhood serving retail.

This development supports these principles and policies.

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

The amendment will allow the property owner to construct a mixed-use building including 252 dwelling units and 2 commercial spaces. Through the adoption of the *Minneapolis Downtown 2010 Plan*, City stakeholders have identified this area as an appropriate location for housing development. Approving this rezoning supports this decision.

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 site is bordered by R6 zoning to the east, OR2 and R6 zoning to the south, OR3 and R6 zoning to the west and R6 zoning to the north. Adjacent uses include a mixture of different housing developments, small commercial uses and offices. Given the mixture of surrounding zoning

classifications and uses in the area staff believes that the OR3 zoning district would be compatible in this location.

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.

There are reasonable uses of the property permitted under the R6 zoning district. The R6 zoning district is a high-density, multiple-family housing district. Permitted uses in the R6 district include, but are not limited to, the following:

- Multi-family dwellings of 3 and 4 units
- Community Residential facilities, serving 6 or fewer people
- Community gardens
- Places of assembly

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.

Under the 1963 Zoning Code, the subject property and the surrounding area was zoned similarly as it is today. In the last few years existing buildings have been rehabbed and converted to condominiums, new residential developments have been constructed and small commercial uses have located in existing buildings.

REZONING - of the property located at 917 Portland Avenue South from OR2 to OR3

Zoning Plate Number: 20

Legal Description: Lot 4, 5 and 6, Block 11, Mattison's Third Addition to Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota.

Findings as Required by the Minneapolis Zoning Code:

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

According to the *Minneapolis Downtown 2010 Plan*, this property is located in a downtown neighborhood area as found on the concept plan map. According to the Principles and Policies outlined in *Downtown 2010 Plan*, the following apply to this proposal:

- Promote a street-level design of buildings that contribute to downtown’s vitality and security by encouraging individual entrances to street-level building tenants, windows and architectural detailing.
- Promote retail and other interesting uses at street level in order to reinforce the linking function of streets and to create vitality.
- Encourage improvements to the public right of way that support pedestrian and transit circulation and that beautify downtown.
- Promote building heights and designs that protect the image and form of the downtown skyline, that provide transition to the edges of downtown and that protect the scale and qualities in areas of distinctive physical and historic character.
- Emphasize good open space design.
- Encourage new buildings adjacent to historic buildings, sites and districts to be compatible in design.
- Ensure that new residential development contributes to the sense of neighborhoods through appropriate site planning and architectural design.
- Protect residential areas from encroachment of incompatible land uses, and ensure that the physical environment of downtown residential areas is compatible with housing by minimizing traffic impacts, maintaining security, and providing and maintaining amenities.
- Support the retention and development of neighborhood serving retail.

This development supports these principles and policies.

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

The amendment will allow the property owner to construct a mixed-use building including 252 dwelling units and 2 commercial spaces. Through the adoption of the *Minneapolis Downtown 2010 Plan*, City stakeholders have identified this area as an appropriate location for housing development. Approving this rezoning supports this decision.

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 site is bordered by R6 zoning to the east, OR2 and R6 zoning to the south, OR3 and R6 zoning to the west and R6 zoning to the north. Adjacent uses include a mixture of different housing developments, small commercial uses and offices. Given the mixture of surrounding zoning classifications and uses in the area staff believes that the OR3 zoning district would be compatible in this location.

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

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There are reasonable uses of the property permitted under the OR2 zoning district. The OR2 zoning district is a high-density office residence district. Permitted uses in the OR2 district include, but are not limited to, the following:

- Multi-family dwellings of 3 and 4 units
- Community Residential facilities, serving 6 or fewer people
- School, grades K-12
- Community center
- Museum
- Place of assembly
- Office
- Clinic, medical or dental

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.

Under the 1963 Zoning Code, the subject property and the surrounding area was zoned similarly as it is today. In the last few years existing buildings have been rehabbed and converted to condominiums, new residential developments have been constructed and small commercial uses have located in existing buildings.

CONDITIONAL USE PERMIT - to increase the height of the building from the permitted 6 stories/84 feet to 28 stories/291.5 feet

Findings as Required by the Minneapolis Zoning Code:

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

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

The Planning Division does not believe that increasing the height of the proposed building will be detrimental to or endanger the public health, safety, morals or general welfare. Increasing the height of the building may be detrimental to the comfort of the adjacent buildings as the shadow study that was submitted as part of this application indicates that there will be shadows cast on adjacent properties at different times throughout the day. However, although shadowing is occurring it does not appear to be for significant amounts of time on any one building.

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 Planning Division does not believe that increasing the height of the building will be injurious to the use and enjoyment of surrounding property and will impede the normal development of the surrounding area. This site is unique in that it is located within walking distance of Downtown Minneapolis, the Light Rail Transit line and the Mississippi River. To help support downtown, higher residential densities are desired in and near downtown. Although there are not many buildings over six stories in the area, the 27-story Grant Park development is under construction just kitty-corner from the proposed site and another 24-story building is proposed to be built on the corner of East Grant Street and 5th Avenue South.

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

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

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

Increasing the height of the building will have no impact on traffic congestion in the public streets.

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

According to the *Minneapolis Downtown 2010 Plan*, this property is located in a downtown neighborhood area as found on the concept plan map. According to the Principles and Policies outlined in *Downtown 2010 Plan*, the following apply to this proposal:

- Promote building heights and designs that protect the image and form of the downtown skyline, that provide transition to the edges of downtown and that protect the scale and qualities in areas of distinctive physical and historic character.
- Encourage new buildings adjacent to historic buildings, sites and districts to be compatible in design.
- Ensure that new residential development contributes to the sense of neighborhoods through appropriate site planning and architectural design.

This development supports these principles and policies.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

With the approval of the two rezonings, three conditional use permits, ten variances and the major site plan review this development will be in conformance with the applicable regulations of the zoning code.

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the maximum height:

1. Access to light and air of surrounding properties.

Increasing the height of the proposed building should have minimal impact on the amount of light and air that surrounding properties receive as there is a 35-foot outdoor landscaped courtyard between the Rappahanock condominium building and the proposed building.

2. Shadowing of residential properties or significant public spaces.

The shadow study that was submitted as part of this application indicates that there will be shadows cast on adjacent residential properties at different times throughout the day. Although shadowing is occurring it does not appear to be for significant amounts of time on any one residential building. The applicant could potentially construct a six story building on this property without applying for a conditional use permit to increase the height of the building which could also cast shadows on adjacent residential buildings.

3. The scale and character of surrounding uses.

The scale of the buildings in this area of the Elliot Park neighborhood range between one and 27 stories. The older, historical buildings are typically between three and four stories in height. Given the variation of building heights in the area and the number of older, historic properties the applicant has used different building materials on the base of the building than the tower portion of the building so that from the street the building is more pedestrian in scale. The architectural style of the surrounding properties also vary.

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

The 9th Street Historic District is located just north of the site. The majority of the buildings within the historic district are typically between three and four stories tall. Although one could say that the proposed building will block views of the historic district from those properties to the south, a building six stories tall would yield the same result.

CONDITIONAL USE PERMIT – to allow 252 dwelling units

Findings as Required by the Minneapolis Zoning Code:

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

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

The Planning Division does not believe that 252 units of for-sale condominiums will be detrimental to or endanger the public health, safety, morals or general welfare. The additional residential units will strengthen the owner-occupied base within the neighborhood. According to the 2000 Census, approximately 96 percent of the dwellings in the Elliot Park neighborhood are rental. This project will add a stabilizing element to the neighborhood.

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 Planning Division does not believe that 252 dwelling units will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. Utilizing the site for a 252-unit for-sale condominium development would provide additional opportunities for housing within the neighborhood. There will be an on-site management service that will maintain the building and its grounds. Adjacent uses include a mixture of different housing developments, small commercial uses and offices.

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

Residential uses in the OR3 zoning district need to provide parking for ninety percent of the total number of dwelling units in the building. The residential parking requirement for this development is 227 spaces. The applicant is providing a total of 320 parking spaces in a six-story parking garage located on the site. Residents can access the parking garage off of either Portland Avenue or 10th Street South.

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

According to the *Minneapolis Downtown 2010 Plan*, this property is located in a downtown neighborhood area as found on the concept plan map. According to the Principles and Policies outlined in *Downtown 2010 Plan*, the following apply to this proposal:

- Promote a street-level design of buildings that contribute to downtown's vitality and security by encouraging individual entrances to street-level building tenants, windows and architectural detailing.

- Promote retail and other interesting uses at street level in order to reinforce the linking function of streets and to create vitality.
- Encourage improvements to the public right of way that support pedestrian and transit circulation and that beautify downtown.
- Promote building heights and designs that protect the image and form of the downtown skyline, that provide transition to the edges of downtown and that protect the scale and qualities in areas of distinctive physical and historic character.
- Emphasize good open space design.
- Encourage new buildings adjacent to historic buildings, sites and districts to be compatible in design.
- Ensure that new residential development contributes to the sense of neighborhoods through appropriate site planning and architectural design.
- Protect residential areas from encroachment of incompatible land uses, and ensure that the physical environment of downtown residential areas is compatible with housing by minimizing traffic impacts, maintaining security, and providing and maintaining amenities.
- Support the retention and development of neighborhood serving retail.

This development supports these principles and policies.

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.

With the approval of the two rezonings, three conditional use permits, ten variances and the major site plan review this development will be in conformance with the applicable regulations of the zoning code.

CONDITIONAL USE PERMIT – to allow 2 neighborhood serving retail sales and service uses

Findings as Required by the Minneapolis Zoning Code:

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

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

The Planning Division does not believe that two neighborhood serving retail sales and service uses will be detrimental to or endanger the public health, safety, morals or general welfare. Having retail uses in the building will contribute to the street life along Portland Avenue and 10th Street South and will provide eyes on the street.

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 Planning Division does not believe that two neighborhood serving retail sales and service uses will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. There are a number of small retail uses scattered throughout the neighborhood which contribute to the overall vitality of the neighborhood. The neighborhood organization would like to see the number of retail uses increase.

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

Neighborhood serving retail sales and service uses have a parking requirement of one parking space per 300 square feet of gross floor area in excess of 4,000 square feet. The retail parking requirement for this development is 20 spaces. The applicant is providing a 21 space parking area on the ground level of the building specifically for customers and employees. The commercial parking area can be accessed off of Portland Avenue.

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

According to the *Minneapolis Downtown 2010 Plan*, this property is located in a downtown neighborhood area as found on the concept plan map. According to the Principles and Policies outlined in *Downtown 2010 Plan*, the following apply to this proposal:

- Promote a street-level design of buildings that contribute to downtown's vitality and security by encouraging individual entrances to street-level building tenants, windows and architectural detailing.
- Promote retail and other interesting uses at street level in order to reinforce the linking function of streets and to create vitality.
- Encourage improvements to the public right of way that support pedestrian and transit circulation and that beautify downtown.
- Support the retention and development of neighborhood serving retail.

This development supports these principles and policies.

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.

With the approval of the two rezonings, three conditional use permits, ten variances and the major site plan review this development will be in conformance with the applicable regulations of the zoning code.

VARIANCE - to increase the maximum floor area of one of the neighborhood serving retail sales and service uses from 2,000 square feet to 9,850 square feet

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

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

Size of neighborhood serving retail sales and service uses: The applicant is seeking a variance to increase the maximum floor area of one of the neighborhood serving retail sales and service uses from 2,000 square feet to 9,850 square feet. The applicant has indicated that in order to market to a variety of potential commercial tenants the size of the retail space needed to be larger than 2,000 square feet. The applicant has also indicated that one of the goals of the *Elliot Park Neighborhood Master Plan* is to encourage neighborhood serving retail sales and service uses in new developments on the ground floor. It should also be pointed out that the site is located along Portland Avenue which is an “A-Minor Arterial” road heading out of Downtown Minneapolis.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Size of neighborhood serving retail sales and service uses: The location of the site on Portland Avenue and its proximity to Downtown Minneapolis and the need to be able to market the commercial space to potential tenants are unique circumstances of this parcel of land.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Size of neighborhood serving retail sales and service uses: The granting of the variance to increase the size of the commercial space would not significantly affect the essential character of the area given that the space is located within a larger development and that there is off-street parking provided specifically for the commercial uses in the building.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Size of neighborhood serving retail sales and service uses: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed size of the neighborhood serving retail sales and service use be detrimental to welfare or public safety.

VARIANCE - to increase the floor area ratio of the building from 4.2 to 7.52

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

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

Floor area ratio: The applicant is seeking a variance to increase the floor area ratio of the building from 4.2 to 7.52. The applicant has indicated that this site is unique in that it is located within walking distance of Downtown Minneapolis, the Light Rail Transit line and the Mississippi River. To help support downtown, higher density developments are desired in and near downtown.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Floor area ratio: The site's proximity to Downtown Minneapolis, Light Rail Transit and the Mississippi River is a unique circumstance of this parcel of land.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Floor area ratio: The granting of the variance would not significantly affect the essential character of the area given its location. In order to support downtown and the utilization of mass transit, higher density developments should be constructed in and near downtown.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Floor area ratio: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the increase floor area ratio be detrimental to welfare or public safety.

VARIANCE - to reduce the minimum lot size requirement from 251 square feet per dwelling unit to 176 square feet per dwelling unit

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

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

Lot size: The applicant is seeking a variance to reduce the minimum lot size requirement from 251 square feet per dwelling unit to 176 square feet per dwelling unit. The applicant has indicated that this site is unique in that it is located within walking distance of Downtown Minneapolis, the Light Rail Transit line and the Mississippi River. To help support downtown, higher residential densities are desired in and near downtown.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Lot size: The site's proximity to Downtown Minneapolis, Light Rail Transit and the Mississippi River is a unique circumstance of this parcel of land.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Lot size: The granting of the variance would not significantly affect the essential character of the area given its location. In order to support downtown and the utilization of mass transit, higher density residential developments should be constructed in and near downtown.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Lot size: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the decreased lot size per dwelling unit be detrimental to welfare or public safety.

VARIANCE – to increase the maximum lot coverage from 70 percent to 77.3 percent

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

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

Lot coverage: The applicant is seeking a variance to increase the maximum lot coverage from 70 percent to 77.3 percent. The applicant has indicated that in order to construct a parking ramp on the site and conceal it from the two adjacent streets with condominiums that the footprint of the building needed to be larger. The applicant has also indicated that there are several buildings in the area that cover the entire site and that the proposed building would not be out of character with the area.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic

considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Lot coverage: The fact that the applicant is concealing the parking ramp from the two adjacent streets with condominiums so the surrounding properties do not have to see the parking ramp is a unique circumstance of this parcel of land.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Lot coverage: The granting of the variance would not significantly affect the essential character of the area given that the applicant is providing an outdoor landscaped courtyard and a patio on the site. In comparison to other properties in the area, the applicant is providing a significant amount of open space on the site.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Lot coverage: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the increased lot coverage be detrimental to welfare or public safety.

VARIANCE – to increase the maximum impervious surface coverage from 85 percent to 90 percent

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

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

Impervious surface coverage: The applicant is seeking a variance to increase the maximum impervious surface coverage from 85 percent to 90 percent. The applicant has indicated that in order to provide for functional outdoor space that a portion of the open space needs to be impervious surface. The applicant has also indicated that there are several properties in the area that are 100 percent impervious surface and that the proposed site would not be out of character with the area.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Impervious surface coverage: The fact that the outdoor space needs to be functional is a unique circumstance of this parcel of land.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Impervious surface coverage: The granting of the variance would not significantly affect the essential character of the area given that the applicant is providing an approximate 4,000 square foot outdoor landscaped courtyard. In addition, the applicant is also adding landscaped tree islands in the right of way along both Portland Avenue and 10th Street South which will decrease the amount of impervious surface currently in the right of way. In comparison to other properties in the area, the applicant is providing a significant amount of pervious surface on the site.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Impervious surface coverage: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the increased impervious surface coverage be detrimental to welfare or public safety.

VARIANCE – to reduce the front yard setback along Portland Avenue from the required 15 feet to 0 feet

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

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

Front yard setback: The applicant is seeking a variance to reduce the front yard setback along Portland Avenue from the required 15 feet to 0 feet. The applicant has indicated that historically the buildings in this area of Minneapolis were built up to the property lines and that in order to maintain the character of the surrounding area the building needs to be built up to the property line along Portland Avenue. The applicant has also indicated that one of the goals of the *Elliot Park Neighborhood Master Plan* is to place new developments close to the street.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Front yard setback: The desire to maintain the character of the surrounding area by locating the proposed building at the property line is a unique circumstance of this parcel of land.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Front yard setback: The granting of the setback variance would not significantly affect the essential character of the area given that the adjacent Rappahanock condominium building is built up to the property line along Portland Avenue as are the buildings across Portland Avenue from the site.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Front yard setback: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

VARIANCE – to reduce the interior side yard setback from the required 61 feet to 35.5 feet

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

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

Interior side yard setback: The applicant is seeking a variance to reduce the interior side yard setback from the required 61 feet to 35.5 feet. The height of the building increases the setback requirement from the interior side property line. The applicant has indicated that although the building is only setback 35.5 feet from the interior side property line that the tower portion of the building is setback an additional 46 feet from the edge of the building, ultimately meeting the setback requirement.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Interior side yard setback: The fact that the tower portion of the building is setback 81.5 feet from the interior side property line is a unique circumstance of this parcel of land.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Interior side yard setback: The granting of the setback variance would not significantly affect the essential character of the area given that the tower portion of the building is setback more than the required 61 feet.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Interior side yard setback: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

VARIANCE – to reduce the corner side yard setback along 10th Street South from the required 15 feet to 7.5 feet

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

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

Corner side yard setback: The applicant is seeking a variance to reduce the corner side yard setback along 10th Street South from the required 15 feet to 7.5 feet. The applicant has indicated that historically the buildings in this area of Minneapolis were built up to the property lines and that in order to maintain the character of the surrounding area the building needs to be built up to the property line along 10th Street South. The applicant has also indicated that one of the goals of the *Elliot Park Neighborhood Master Plan* is to place new developments close to the street.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Corner side yard setback: The desire to maintain the character of the surrounding area by locating the proposed building at the property line is a unique circumstance of this parcel of land.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Corner side yard setback: The granting of the setback variance would not significantly affect the essential character of the area given that the Balmoral residential building across 10th street South from the site is built up to the property line as are the buildings located along 10th Street South between 5th Avenue South and Portland Avenue.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Corner side yard setback: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

VARIANCE – to reduce the rear yard setback along the alley from the required 61 feet to 0 feet

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

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

Rear yard setback: The applicant is seeking a variance to reduce the rear yard setback along the alley from the required 61 feet to 0 feet. The applicant has indicated that historically the buildings in this area of Minneapolis were built up to the property lines.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Rear yard setback: The desire to maintain the character of the surrounding area by locating the proposed building at the property line is a unique circumstance of this parcel of land.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Rear yard setback: The granting of the setback variance would not significantly affect the essential character of the area given that the adjacent Rappahanock condominium building is built up to the property line along the alley.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Rear yard setback: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

VARIANCE – to increase the maximum height of a fence located in the interior side yard from the permitted 4 feet to 6 feet

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

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

Fence height: The applicant is seeking a variance to increase the maximum height of a fence located in the interior side yard from the permitted 4 feet to 6 feet. The fence will be constructed of decorative metal and masonry. The fence will run between the north wall of the proposed building and the existing Rappahannock condominium building. The applicant has indicated that in order to define the outdoor landscaped courtyard that the fence needs to be six feet in height.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Fence height: A unique circumstance does not exist on the parcel of land that would warrant the need for a six-foot high fence. A four-foot high fence could define the outdoor landscaped courtyard could as easily as a six-foot high fence.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Fence height: The granting of the fence height variance may affect the essential character of the area given that there are several residential buildings in the neighborhood with four-foot high fences around outdoor landscaped areas or in front of individual entrances. Allowing the applicant to increase the height of the fence to six feet may encourage other property owners to increase the height of their fences.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Fence height: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed fence height be detrimental to welfare or public safety.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FACADE

- 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.
- 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 façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- 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 where visible from a public street or a residence or office residence district.
- Entrances and windows:
- Residential uses shall be subject to section 530.110 (b) (1).
- Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- The majority of the building is setback approximately zero feet from the property line along Portland Avenue. However, a portion of the building wall is setback approximately 30 feet from the property line. Along 10th Street South the setback of the building ranges from seven feet six inches to 19 feet. On the first floor of the building there will be two commercial spaces and the residential lobby and on the upper floors of the building there will be dwelling units. Both of the commercial spaces and the residential lobby have their own entrances.
- Between the building and both Portland Avenue and 10th Street South there will be landscaping, benches and trash receptacles. The applicant is also adding landscaped tree islands in the right of way along both Portland Avenue and 10th Street South.
- The exterior materials of the building include brick, pre-cast concrete panels and rock face masonry panels. The percentage of windows required on the Portland Avenue and 10th Street South sides of the building is thirty percent. The elevations indicate that there will be over 30 percent windows provided on both walls. Above the first floor commercial windows there will be awnings to help emphasize the different uses in the building.
- The applicant is providing a total of 341 parking spaces in a six-story parking garage located on the

site. The five levels of the parking garage that are above ground will be concealed from both Portland Avenue, 10th Street South and the adjacent Rappahanock condominium building by commercial spaces and condominiums. The side of the garage that faces the alley is plain. Because the property across the alley from the site is a surface parking lot everyone who lives in the neighborhood and those who drive into Downtown Minneapolis on Park Avenue will be able to see this side of the building. Staff is recommending that the applicant work with the Planning Division staff to redesign this side of the building by adding architectural detailing to help break up the long plain wall.

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 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- All of the building entrances are connected to the public sidewalk via a walkway.
- The Public Works Department has reviewed and approved the vehicular access and circulation plan. The Public Works Department has indicated that a TDM plan must be done for this development. Staff is recommending that before final plans are approved that the Public Works Department and the Community Planning & Economic Development Department – Planning Division approve a TDM plan.
- The applicant has indicated that snow will be stored on the site.

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 shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **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.**
- **Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**

- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).**
- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**
- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**
- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.**
- **All other areas not governed by sections 530.150, 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 530.220.**
- **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 530.60, as provided in section 530.230.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- The landscaping requirement for this development is 10 trees and 50 shrubs. The applicant is proposing to have approximately 15 trees and over 200 shrubs on the site. The applicant is also adding landscaped tree islands in the right of way along both Portland Avenue and 10th Street South. Staff is recommending that the applicant use structured soils in the planting beds in the right of way and that the planting beds be sprinkled.
- The applicant is proposing to have a six-foot high decorative metal and masonry fence located between the north wall of the proposed building and the existing Rappahannock condominium building. The applicant has applied for a variance to increase the height of the fence in the interior side yard from the permitted four feet to six feet. Staff is recommending that the fence be no taller than four feet.

ADDITIONAL STANDARDS

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent**

properties.

- **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.**
- **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.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- A lighting plan was not submitted as part of the application. Staff is recommending that a lighting plan showing foot candles be submitted before final plans are approved.
- This development should not block views of important elements within the city.
- The shadow study that was submitted as part of this application indicates that there will be shadows cast on adjacent residential properties at different times throughout the day. Although shadowing is occurring it does not appear to be for significant amounts of time on any one residential building.
- Given that the building is 27 stories in height this development will most likely contribute to ground level winds. Staff is recommending that a wind study be submitted before final plans are approved.
- The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. To ensure the welfare of the residents of the development and the residents of the area the Crime Prevention Specialist has asked that proper lighting be installed above all entrances and that security measures be taken to ensure the safety of those utilizing the landscaped courtyard.
- The two existing buildings on the site are not historic nor are they located in a historic district.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE

With the approval of the two rezonings, three conditional use permits, ten variances and the major site plan review this development will be in conformance with the applicable regulations of the zoning code.

DOWNTOWN 2010 PLAN

According to the *Minneapolis Downtown 2010 Plan*, this property is located in a downtown neighborhood area as found on the concept plan map. According to the Principles and Policies outlined in *Downtown 2010 Plan*, the following apply to this proposal:

- Promote a street-level design of buildings that contribute to downtown’s vitality and security by encouraging individual entrances to street-level building tenants, windows and architectural detailing.
- Promote retail and other interesting uses at street level in order to reinforce the linking function of streets and to create vitality.
- Encourage improvements to the public right of way that support pedestrian and transit circulation and that beautify downtown.

- Promote building heights and designs that protect the image and form of the downtown skyline, that provide transition to the edges of downtown and that protect the scale and qualities in areas of distinctive physical and historic character.
- Emphasize good open space design.
- Encourage new buildings adjacent to historic buildings, sites and districts to be compatible in design.
- Ensure that new residential development contributes to the sense of neighborhoods through appropriate site planning and architectural design.
- Protect residential areas from encroachment of incompatible land uses, and ensure that the physical environment of downtown residential areas is compatible with housing by minimizing traffic impacts, maintaining security, and providing and maintaining amenities.
- Support the retention and development of neighborhood serving retail.

This development supports these principles and policies.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

The City Council adopted the *Elliot Park Neighborhood Master Plan* in April of 2003. According to the plan this site is located in the Historic 9th Street area. The plan calls for buildings between two and five stories in height. Although the plan does not call for a 27-story building on this site Elliot Park Neighborhood, Inc. has approved the development, including its height. The *Elliot Park Neighborhood Master Plan* also says to have new buildings built up to the street, that green space should be incorporated into new developments, that there should be amenities such as benches and trash receptacles along the sidewalk and that first floor commercial uses should be encouraged.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any major 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, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- The Planning Division is recommending that the City Planning Commission grant alternative

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compliance to allow portions of the building, located along both Portland Avenue and 10th Street South to be located more than eight feet from the property line. Between the building and both Portland Avenue and 10th Street South there will be landscaping, benches and trash receptacles. The applicant is also adding landscaped tree islands in the right of way along both Portland Avenue and 10th Street South.

MINOR SUBDIVISION (MS-113)

Please note that a minor subdivision application was submitted as part of the development which is not needed. Staff is recommending that this application be returned to the applicant and that the entire fee be refunded.

RECOMMENDATIONS

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the property located at 907 Portland Avenue South from R6 to OR3.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the property located 917 Portland Avenue South from OR2 to OR3.

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 conditional use permit application to increase the height of the building from the permitted 6 stories/84 feet to 28 stories/291.5 feet subject to the following conditions:

1. The building shall not exceed a height of 28 stories/291.5 feet.

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 conditional use permit to allow 252 dwelling units subject to the following conditions:

1. There shall be no more than 252 dwelling units in the building.

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 conditional use permit to allow 2 neighborhood serving retail sales and service uses subject to the following conditions:

1. There shall be no more than two neighborhood serving retail sales and service uses in the building.
2. The neighborhood serving retail sales and service uses that go into the building shall be limited to those listed in Chapter 547, Office Residence Districts.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to increase the maximum floor area of one of the neighborhood serving retail sales and service uses from 2,000 square feet to 9,850 square feet subject to the following conditions:

1. The floor area of the neighborhood serving retail sales and service use shall not exceed 9,850 square feet.
2. The neighborhood serving retail sales and service uses that go into the building shall be limited to those listed in Chapter 547, Office Residence Districts.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to increase the floor area ratio of the building from 4.2 to 7.52

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the minimum lot size requirement from 251 square feet per dwelling unit to 176 square feet per dwelling unit.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to increase the maximum lot coverage from 70 percent to 77.3 percent.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to increase the maximum impervious surface coverage from 85 percent to 90 percent.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the front yard setback along Portland Avenue from the required 15 feet to 0 feet.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the interior side yard setback from the required 61 feet to 35.5 feet.

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

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The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the corner side yard setback along 10th Street South from the required 15 feet to 7.5 feet.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the rear yard setback along the alley from the required 61 feet to 0 feet.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance to increase the maximum height of a fence located in the interior side yard from the permitted 4 feet to 6 feet.

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 site plan review for a mixed-use building including 252 dwelling units and 2 commercial spaces located at 907-917 Portland Avenue subject to the following conditions:

1. The applicant shall work with the Planning Division staff to redesign this side of the building by adding architectural detailing to help break up the long plain wall.
2. The applicant shall use structured soils in the planting beds in the right of way along both Portland Avenue and 10th Street South. The planting beds shall also be sprinkled.
3. The Public Works Department and the Community Planning & Economic Development Department – Planning Division shall approve a TDM plan before the final plans are approved.
4. The fence shall be no taller than four feet.
5. The applicant shall submit a lighting plan showing foot candles before final plans are approved.
6. The applicant shall submit a wind study before final plans are approved.
7. The Community Planning and Economic Development Department – Planning Division shall approve the final site, landscaping and elevation plans.

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8. All site improvements shall be completed by June 7, 2005, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
9. If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before exterior building permits are issued.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **return** the minor subdivision application to the applicant.