

**Department of Community Planning and Economic Development – Planning
Division**

Rezoning, Conditional Use Permits, Variance and Site Plan Review

BZZ-3597

Preliminary and Final Plat

PL-213

Vacation 1514

Date: June 25, 2007

Applicant: Iret Properties, A North Dakota Limited Partnership, 12 S. Main Street, P.O. Box 1988, Minot, ND 58702-1988, (701) 837-4738

Addresses of Property: 2804 Chicago Avenue, 2829 Columbus Avenue and 723,727 and 731 28th Street East

Project Name: Midtown Medical

Contact Person and Phone: BDH & Young, Attn: Patrick Giordana, 4510 West 77th Street #101, Edina, MN 55435, (952) 345-8306

Planning Staff and Phone: Becca Farrar, (612)673-3594

Date Application Deemed Complete: May 30, 2007

End of 60-Day Decision Period: July 28, 2007

End of 120-Day Decision Period: On June 8, 2007, Staff sent the applicant a letter extending the decision period to no later than September 26, 2007.

Ward: 6 **Neighborhood Organization:** Phillips West and Midtown Phillips

Existing Zoning: OR2 (High Density Office Residence) district and R6 (Multiple-family) district

Proposed Zoning: OR2 (High Density Office Residence)

Zoning Plate Number: 26

Lot area: 112,312 square feet or 2.58 acres

Legal Description: Parcel to be rezoned: 723 28th Street East (35-029-24-33-0118); Lot 1, Block 1, Nimock's Subdivision of the East ½ of the North ½ of Lot 13, Emerson's Addition to Minneapolis, Hennepin County, Minnesota.

Proposed Use: Construction of a 4-story, 56,000 square foot medical clinic office building and a 410 space parking facility on the subject properties.

Concurrent Review:

- Petition to rezone a portion of the subject property from the R6 (Multiple-family) district to the OR2 (High Density Office Residence) district.
- Conditional Use Permit for a parking facility.
- Conditional Use Permit to increase the maximum permitted height of the proposed structure due to the proposed parapet height in excess of the allowable 3 feet. The parapet extends the height of the building to approximately 65 feet above grade.
- Variance to allow wall signs above the maximum permitted height of 14 feet in the OR2 district.
- Site Plan review for a 4-story, 56,000 square foot medical clinic office building and a 410 space parking facility on the subject properties. There is an existing 45,000 square foot medical clinic currently located on the site.
- Preliminary and final plat.
- Alley vacation.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments, Article VII, Conditional Use Permits, Article IX, Variances, Chapter 530 Site Plan Review, Chapter 598, Land Subdivision Regulations.

Background: The applicant proposes to construct a new 4-story, 56,000 square foot medical clinic office building and 2-story, 410 space parking facility on the properties located at 2804 Chicago Avenue, 2829 Columbus Avenue and 723, 727 and 731 28th Street East. The properties are currently zoned both OR2 and R6. The applicant proposes to rezone the portion of the parcel zoned R6 to the OR2 district, which permits medical clinics/office uses. A conditional use permit is required for the proposed parking facility on site as it is principally a freestanding structure and is not integrated into the proposed medical clinic office building. The parking facility, which is considered two stories, has a lower level, two covered parking levels and roof top parking which constitutes the 3rd level. A conditional use permit is also required to increase the maximum permitted height of the proposed structure due to the proposed parapet height in excess of the allowable 3 feet. The parapet extends the height of the building to approximately 65 feet above grade in order to screen the roof top mechanical equipment. Additionally, the applicant is proposing a variance to allow wall signs above the maximum permitted height of 14 feet in the OR2 district. Site plan review is also required. The applicant has submitted a preliminary and final plat for review as well as a vacation application for the S-shaped alley currently running through the middle of the site.

The existing site is currently occupied by a 4-story, 45,000 square foot medical clinic office building and a 78,000 square feet surface parking lot. The proposed building and parking facility would occupy the existing surface parking lot.

Staff has not received correspondence from either Phillips West or Midtown Phillips, or any neighborhood letters prior to the printing of this report.

REZONING

Findings As Required By The Minneapolis Zoning Code for the Rezoning Application:

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

The subject property proposed to be rezoned is the only parcel located on the block to be included in the development that is designated as R6. Furthermore, the parcel is less than a block off of Chicago Avenue which is a designated Community Corridor as well as within close proximity to a designated Growth Center. The following policies are relevant to the proposed development.

Relevant policy: 9.23. Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings and to maintain and improve compatibility with surrounding areas.

Relevant policy: 9.27. Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

Relevant policy: 9.34. Minneapolis will designate and develop selected Growth Centers which will be well served by transit and alternative transportation, have superior amenities, accommodate a range of housing needs and offer attractive employment opportunities.

The proposed rezoning would be in conformance with the above noted policies of the comprehensive 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 predominantly in the interest of the property owner. It would allow the applicant to construct a large parking facility on that portion of the subject site to serve the existing and proposed medical buildings on the property.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible

with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The property is located less than a block off of Chicago Avenue. The rest of the properties located on the block proposed to be included as part of the overall development are zoned OR2. There is a mixture of zoning classification within the general area, but the properties that are adjacent to the subject parcel on the north, south and east are zoned OR2 and the properties located across Columbus Avenue to the west are zoned R6. The existing uses of property and the zoning classification of property within the general area are compatible with the proposed zoning classification.

- 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 existing R6 zoning classification, however, the subject parcel is the only parcel on the block zoned R6, is relatively small in size as well as a reverse corner lot. It would be difficult to develop the subject parcel individually in compliance with the Zoning Code. Combining the parcel with the other properties on the block would seem to be the most reasonable use. The change in zoning classification to OR2 would actually result in a classification that is less intense than the existing R6 zoning.

- 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 parcel was zoned R6; while the rest of the parcels on the block proposed to be part of the development were zoned B1-4. There has been somewhat of a change in the character or trend of development in the general area since it was placed in its present classification, including several hospital expansions as well as the redevelopment of the Midtown Exchange in the general vicinity. Further, it is the only parcel on the entire block not zoned OR2.

CONDITIONAL USE PERMIT –for the proposed parking facility.

Required Findings for the Conditional Use Permit:

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

The proposed parking facility should not be detrimental or endanger the public health, safety, comfort or general welfare. The parking facility, which is considered two stories, has a lower level, two covered parking levels and roof top parking which constitutes the 3rd level. There are entry/exit portals off of Chicago Avenue and 28th Street East. There is also an exit only via the driveway onto the newly created public alley on the south side of the site adjacent to the Midtown Greenway. The ramp has been designed to accommodate more than the required amount of parking for both the proposed and existing structures on site. The ramp will be visible from the street along all frontages including Chicago Avenue, 28th Street East as well as along Columbus Avenue and the Midtown Greenway. The most prominent view of the ramp will be along the Columbus Avenue frontage. The ramp is approximately 402 feet long and will essentially have frontage along the entire block from the Midtown Greenway to 28th Street East.

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.

Staff does believe that there is some potential that an expansive parking facility that extends for nearly an entire block could be injurious to the use and enjoyment of other property in the vicinity and potentially impede the normal and orderly development. Although the design of the structure would meet all required parking needs, the proposal would result in an unattractive visual presence specifically along the west elevation, or Columbus Avenue frontage. Planning Staff believes that modifications to the design of the structure should be integrated specifically into the west elevation so that sloped floors do not dominate the appearance of the ramp. Further the north, south and west elevations should be modified to comply with the Chapter 530 requirements as detailed in the site plan section below.

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

The applicant will be required to continue to work 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 should the plan be approved. This would be required to ensure that all procedures are followed in order to comply with city and other applicable requirements. The Public Works Department is currently reviewing the Travel Demand Management Plan (TDMP).

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

The applicant is providing adequate parking for the proposed development all within a parking facility. By providing all necessary parking for the development, the applicant has taken adequate measures to minimize traffic congestion in the public streets.

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

The following policies are relevant to the construction of a predominantly above-ground parking facility on the subject properties located less than a block off of Chicago Avenue which is a designated Community Corridor:

Relevant policy: 9.12. Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.

Relevant policy: 9.6. Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.

Relevant policy: 9.23. Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings and to maintain and improve compatibility with surrounding areas.

Relevant policy: 9.27. Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

Should the applicant improve the appearance of the parking facility specifically on the north, west and south elevations the proposed facility would be in conformance with the above noted policies of the comprehensive plan.

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 rezoning, conditional use permits, variance, site plan review, preliminary and final plat, and alley vacation, this development would be in conformance with the applicable regulations of the zoning code.

CONDITIONAL USE PERMIT – to increase the maximum permitted height of the proposed structure due to the proposed parapet height in excess of the allowable 3 feet. The parapet extends the height of the building to approximately 65 feet above grade.

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 be detrimental to or endanger the public health, safety, comfort or general welfare.

Staff does not generally believe that allowing an increase in height due to a proposed parapet height taller than the allowable 3 feet would be detrimental to or endanger the public health, safety, comfort or general welfare. The integration of a taller parapet is meant to screen the proposed rooftop mechanical equipment. The underlying zone district OR2 permits a height of 4 stories or 56 feet with a parapet no taller than 3 feet in height. The proposed building height is 54 feet 10 inches with a 3 foot tall parapet. The additional parapet facing Chicago Avenue resulting in the need for the conditional use permit is located in the middle of the building and is approximately 8-9 feet tall; thus the parapet extends the height of the building to approximately 65 feet above grade.

2. Will be injurious to the use and enjoyment of other property in the vicinity and will impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

This property is located in a fully developed area. Despite the fact that the design of the proposed structure has resulted in the need to increase the overall building height, Staff does not believe that the taller parapet would be injurious to the use and enjoyment of other property in the vicinity, nor would impede the normal or orderly development and improvement of surrounding property for uses permitted in the district. The increased parapet height would be located on the east elevation adjacent to Chicago Avenue for purposes of screening rooftop mechanical equipment. The increased parapet height of approximately 8-9 feet would extend approximately 53 feet at the center of the building. The proposed building length along Chicago Avenue is approximately 163 feet.

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

The site would have access points off of Chicago Avenue, 28th Street East and via a newly created public alley adjacent to the Midtown Greenway off of Columbus Avenue. The Public Works Department is currently reviewing the Travel Demand Management Plan (TDMP). Public Works has also reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required to work 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 should the plan be approved. This would be required 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.

The additional parapet height proposed for the development should have no effect on the traffic congestion in the area. Measures have been provided in regard to minimizing traffic congestion from a parking perspective as the applicant would be providing adequate off-street parking for the proposed development.

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

The following policies are relevant to the proposed development on the subject properties located less than a block off of Chicago Avenue which is a designated Community Corridor:

Relevant policy: 9.6. Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.

Relevant policy: 9.23. Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings and to maintain and improve compatibility with surrounding areas.

Relevant policy: 9.27. Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

The proposal would be in conformance with the above noted policies of the comprehensive plan.

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 rezoning, conditional use permits, variance, site plan review, preliminary and final plat, and alley vacation, this development would 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.

Staff does not believe that allowing a taller parapet on the proposed structure would result in adverse impacts to light and air of surrounding properties. As previously mentioned the proposed central parapet is designed to screen the rooftop mechanical equipment, is approximately 8-9 feet tall and extends along the east elevation for approximately 53 feet. The proposed height increase would not result in additional floors, stories or building bulk.

2. Shadowing of residential properties or significant public spaces.

There are adjacent residential properties located to the west across Columbus Avenue and a portion of the property abuts the Midtown Greenway to the south. Staff would expect that the shadowing impacts on the adjacent properties due to the proposed increase in height of the parapet would be negligible. The parapet would be located adjacent to the east elevation which is not within close proximity to either the Midtown Greenway or the residential properties to the west.

3. The scale and character of surrounding uses.

The scale and character of the buildings as well as the architectural styles of the surrounding properties in this area are varied. Relative to similar developments within the general vicinity, Staff believes that the proposal would be compatible with the scale and character of other buildings in the area. The proposed parapet height would not be expected to adversely affect the surrounding area.

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

There are no landmark buildings, significant open spaces or water bodies near the development site that would be affected by significant shadows. The Midtown Greenway is adjacent to a portion of the subject property on the south side of the site. As previously mentioned the site is located in relative close proximity to the Midtown Exchange redevelopment as well. Planning Staff believes that there would be no negative impact based on the proposed development.

VARIANCE – (1) Variance to allow wall signs above the maximum permitted height of 14 feet in the OR2 district.

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.

To allow wall signs above the maximum permitted height of 14 feet: Staff would argue that the property could be put to reasonable use under the conditions allowed and that strict adherence to the regulations of the zoning ordinance would not cause undue hardship. The base of the proposed wall signage is located at a height of approximately 26 feet along the east elevation and extends 2-4 feet depending on the sign. There would not appear to be any hardship that would necessitate the placement of the proposed wall signs at a height taller than the allowable 14 feet.

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.

To allow wall signs above the maximum permitted height of 14 feet: The circumstances are not unique to the parcel of land for which the sign height variance is being sought. Planning Staff is unable to determine any need for a sign height greater than the allowable 14 feet.

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.

To allow wall signs above the maximum permitted height of 14 feet: Granting the variance to allow wall signs at a height above the maximum permitted height of 14 feet allowed in the OR2 district would likely not be in keeping with the spirit and the intent of the ordinance and could potential alter the essential character of the locality and be injurious to the use and enjoyment of other property in vicinity.

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.

To allow wall signs above the maximum permitted height of 14 feet: Staff believes that the proposed sign height variance would likely have little impact on congestion of area streets or fire safety, nor would it be detrimental to the public welfare or safety.

SITE PLAN REVIEW

Required Findings for Site Plan Review

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
- Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.

- b. **Windows shall be distributed in a more or less even manner.**
- **Nonresidential uses:**
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
 - a. **Windows shall be vertical in proportion.**
 - b. **Windows shall be distributed in a more or less even manner.**
 - c. **The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.**
 - d. **First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.**
 - e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
 - f. **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**

Minimum window area shall be measured as indicated in section 531.20 of the zoning code.

- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

The proposed medical office building is located at the required 15-foot setback line along Chicago Avenue. The proposed building is not oriented towards Chicago Avenue as the principal entrance faces the interior of the site along the north elevation and does not face a public street. The proposed principal entrance is located approximately 75 feet from the public sidewalk and is connected to the public sidewalk via a walkway. There is an emergency exit only located on the south end of the east facing building elevation located along Chicago Avenue. Staff would argue that the building as proposed does not facilitate pedestrian access however, does reinforce the street wall and maximizes natural surveillance. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission require that a principal entry to the proposed medical building be incorporated on the east elevation adjacent to the Chicago Avenue frontage. The area between the proposed structure and the public street would contain a rain garden and extensive plantings. The proposed parking facility is also located at the required setback line of 15 feet along both 28th Street East and Columbus Avenue and based on the configuration of the required new alley extension by Public Works along the

south property line, the parking facility shall conform to a required setback of 11 feet. The parking facility is connected to the proposed building at the main level and second level.

The proposed design of the medical office building would incorporate windows at the first floor. At least 30% of the first floor façade that faces a public street or sidewalk shall be windows. The proposed structure meets this requirement along the east elevation adjacent to Chicago Avenue as approximately 65% are provided along that frontage. All ground level windows must be transparent (non-reflective). The proposed structure meets the 10% window requirement on upper floors facing the public streets. The windows are vertical in proportion and distributed in a more or less even manner. There are no blank, uninterrupted walls greater than 25 feet in width that do not include windows, entries, recesses or projections, or other architectural elements.

The exterior materials would be compatible on all sides of the proposed building. The applicant is proposing that the exterior of the structure be composed of brick and stucco with metal elements.

The proposed building form and the pitch of the roof line on the proposed medical building is compatible with the area. The proposed roof line would be flat, and a four-story building would be compatible with other structures in the area. The 2-story parking facility would also be compatible with other buildings in the area relative to the proposed height.

All proposed parking for the development would be provided in a parking facility on the west side of the site. The parking facility, which is considered two stories, has a lower level, two covered parking levels and roof top parking which constitutes the 3rd level. There are entry/exit portals off of Chicago Avenue and 28th Street East. There is also an exit only via the driveway onto the newly created public alley on the south side of the site adjacent to the Midtown Greenway. The ramp has been designed to accommodate more than the required amount of parking per Chapter 541 for both the proposed and existing structures on site.

Regarding the proposed design of the parking facility, although the design of the structure would meet all required parking needs, the proposal would result in an unattractive visual presence specifically along the west elevation, or Columbus Avenue frontage, as well as along the south elevation adjacent to the Midtown Greenway (public pathway) and along the north elevation adjacent to 28th Street East. Chapter 530 standards require that the exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. Additionally the standards require that at least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest. Alternative compliance would be necessary. Planning Staff will recommend the modification of the design of the parking facility along the north, west and south elevations so that sloped floors do not dominate the appearance of the walls and so that

vehicles are screened from view. At least thirty (30) percent of the first floor building walls that face a public street, public sidewalk or public pathway, including the Midtown Greenway, shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest as required by section 530.120(d) of the zoning code.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

The principal entrance to the proposed structure is located on the north elevation of the building approximately 75 from the public sidewalk as it does not face a public street. A walkway connects the building to the public sidewalk. The parking facilities for the proposed and existing structures on site are located in parking facility on the west side of the site with access to and from the parking garage off of Chicago Avenue, 28th Street East and an exit only to the newly extended alley located adjacent to the Midtown Greenway on the south side of the site.

The site is not immediately adjacent to a transit stop however it is in close proximity to several bus lines.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses.

There would unlikely be significant traffic impacts on the adjacent residential properties. The surrounding property is a mix of commercial and residential uses, and the proposal to construct a medical office building and new parking facility would not be expected to have significant impacts on the adjacent uses.

There is a portion of the public alley that is being vacated that currently runs through the middle of the site. Public Works has required that the applicant extend a portion of the remaining alley on the south side of the site adjacent to the Midtown Greenway to Columbus Avenue. The alley, which would not be shared with any residential uses, would be utilized for exiting purposes from the proposed parking facility.

The site has been somewhat designed to minimize the use of impervious surfaces through landscaping where buildings do not exist. Impervious surfaces would cover

approximately 75 percent of 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, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

The proposal meets the 20% landscape requirement. The total site area is 112,312 square feet or 2.58 acres and the proposed building footprint on the site including existing and proposed buildings would be 73,985 square feet. A total of 7,665 square feet of landscaping would be necessary to meet the 20% requirement. The applicant is providing approximately 27,810 square feet or approximately 73% of the site not occupied by buildings. The zoning code requires that there be at least 16 trees and 77 shrubs. The applicant is proposing to provide 45 trees (there are 19 existing on site as well) and 274 shrubs. The proposal is meeting the minimum landscape quantity requirements.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is**

not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.

- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
 - Natural surveillance and visibility
 - Lighting levels
 - Territorial reinforcement and space delineation
 - Natural access control
- To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

All parking is being provided in a large parking facility located on the west side of the site which is accessed off of Chicago Avenue and 28th Street East. The water drainage on site has been designed so as not to drain onto any adjacent lots.

There were no recommendations from the City's CPTED officer as the plan met the City of Minneapolis requirements for police safety. The Preliminary Development Review (PDR) notes have been attached for reference. All recommendations/requirements made during that process shall be incorporated into the final plans.

The parking facilities have been somewhat designed to avoid headlights from shining on adjacent properties. Should the applicant incorporate elements to improve the west elevation of the proposed parking facility, Planning Staff believes that the parking facility would meet this requirement.

Staff would not expect the proposal to result in the blocking of views, shadowing of public space or adjacent properties. Additionally, Staff would not expect the proposed building to have significant impacts on light, wind and air in relation to the surrounding area.

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

ZONING CODE - The proposed use is permitted in the OR2 District.

With the approval of the rezoning, conditional use permits, variance, site plan review, preliminary and final plat, and alley vacation this development would meet the requirements of the OR2 zoning district.

Parking and Loading: Chapter 541 of the zoning code requires one off-street parking space per 300 square feet of gross floor area for medical clinics. Based on the existing 45,000 square foot building and proposed 56,000 square foot building, a total of 337 off-street parking spaces are required for the proposed development. The applicant is proposing to construct a parking facility that contains 410 parking spaces, which exceeds the minimum requirement. While the TDM plan will offer more detailed information about the traffic and parking impacts, Planning Staff encourages the applicant to reduce the number of off-street parking spaces and explore shared parking alternatives with the parking facility directly across the street as needed.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. Dumpsters are being provided within the proposed parking facility.

Signs: All signage is required to meet the requirements of the code. The applicant has applied for a variance of the sign height regulations in the OR2 district which limit wall signs to no taller than 14 feet. The variance findings for this application are listed above.

Lighting: The applicant is proposing to install light fixtures at all entries. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541.

Maximum Floor Area: The maximum F.A.R. for all structures in the OR2 District is the gross floor area of the buildings (proposed and existing buildings, excluding the proposed parking facility) which is 101,000 square feet divided by the area of the lot which is 112,312 square feet. The outcome is .90 which is less than the maximum of 2.5 that is permitted in the OR2 District.

Minimum Lot Area: The minimum lot area for medical clinics in the OR2 district is 4,000 square feet. The subject parcels total 112,312 square feet in size and therefore meet this requirement.

Dwelling Units per Acre: Not applicable for the proposed development.

Height: Maximum building height for principal structures located in the OR2 District is 4 stories or 56 feet, whichever is less. The maximum allowable floor height is 14 feet. The applicant has applied for a conditional use permit to increase the maximum permitted height of the proposed structure due to the proposed parapet height in excess of the allowable 3 feet. The parapet extends the height of the building to approximately 65 feet above grade.

Yard Requirements: The required yards are as follows:

Front: 15 feet

Interior side yard (5+2x): 11 feet

Rear yard (5+2x): 11 feet

Building coverage: Principal and accessory structures shall not cover more than 70 percent (%) of any zoning lot located in the office residence districts. As proposed, the principal structures on site (existing building, proposed building and parking facility) cover 65.8% of the lot.

Impervious surface area: Impervious surfaces shall not cover more than 85 percent (%) of any zoning lot located in the office residence districts. As proposed, the site will contain 75% impervious surfaces.

MINNEAPOLIS PLAN

The following policies are relevant to the proposed development on the subject properties located less than a block off of Chicago Avenue which is a designated Community Corridor:

Relevant policy: 9.6. Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.

Relevant policy: 9.23. Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings and to maintain and improve compatibility with surrounding areas.

Relevant policy: 9.27. Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

The proposal would be in conformance with the above noted policies of the comprehensive plan.

The Midtown Greenway Land Use and Development Plan was approved by the Minneapolis City Council on February 23, 2007. The subject parcel is located within the boundaries of the approved plan. The plan designated these parcels under future land use categories as commercial and further designates them as a transit-oriented development district which allows for building types such as IV Apartment (includes for-sale and rental buildings 3 to 5 stories in height), V Tall Apartment (includes for-sale and rental buildings that exceed five stories) and VI Greenway Building (includes structures that

effectively form part of the wall of the greenway trench and that have a lower level with doors or windows that face the Greenway). The proposed development does not specifically conform with the recommendations for these parcels as outlined in the plan.

The proposed alley on the south side of the development, adjacent to the Midtown Greenway, in addition to avoiding the creation of a dead-end alley, would preserve the opportunity for providing a future public promenade adjacent to the Greenway as called for in the Midtown Greenway Land Use and Development Plan.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

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

Principal entrance facing a public street:

The proposed building is not oriented towards Chicago Avenue as the principal entrance faces the interior of the site and does not face a public street. The proposed principal entrance is located on the north side of the building approximately 75 feet from the public sidewalk. The proposed principal entry located on the north elevation is connected to the public sidewalk via a walkway. There is an emergency exit only located on the south end of the east facing building elevation located along Chicago Avenue. Staff would argue that the building as proposed does not facilitate pedestrian access but reinforces the street wall and maximizes natural surveillance. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission require that a principal entry to the proposed medical building be incorporated on the east elevation adjacent to the Chicago Avenue

frontage. Staff believes that this is a practical requirement and the modification to the proposed structure should be required to meet this requirement.

Parking facility design:

Regarding the proposed design of the parking facility, although the design of the structure would meet all required parking needs, the proposal would result in an unattractive visual presence specifically along the west elevation, or Columbus Avenue frontage, as well as along the south elevation adjacent to the Midtown Greenway (public pathway) and along the north elevation adjacent to 28th Street East. Chapter 530 standards require that the exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. Additionally the standards require that at least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest. Alternative compliance would be necessary. Planning Staff will recommend the modification of the design of the parking facility along the north, west and south elevations so that sloped floors do not dominate the appearance of the walls and so that vehicles are screened from view. At least thirty (30) percent of the first floor building walls that face a public street, public sidewalk or public pathway, including the Midtown Greenway, shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest as required by section 530.120(d) of the zoning code.

PRELIMINARY AND FINAL PLAT – (PL-213)

Required Findings:

1. Subdivision is in conformance with the land subdivision regulations including the requirements of section 598.100 relating to protection of natural resources, applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.

The subdivision is in conformance with the design requirements of the land subdivision regulations. The site would be a fully developed property should the land use applications be approved.

ZONING CODE

With the approval of the rezoning, conditional use permits, variance, site plan review, preliminary and final plat, and alley vacation, this development would meet the applicable requirements of the OR2 zoning district.

MINNEAPOLIS PLAN

See the above listed response in the site plan section.

2. 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 will create one lot for the proposed development. There were various conditions of approval on the site plan that should have addressed any potential negative impacts of the development.

3. All land intended for building sites can be used safely without endangering the residents or uses of the subdivision and the surrounding area by peril from floods, erosion, high water table, severe soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.

The site is flat and does not present the above hazards.

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

The lot being created by this plat presents no foreseeable difficulties for the proposed development. No significant alterations to the land appear necessary.

5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The stormwater drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.

Public Works will review and approve drainage and sanitary system plans before issuance of building permits.

VACATION (Vacation 1514) – Petition to Vacate all of the Public Alley as laid out in the Block Bounded by Chicago Avenue, Columbus Avenue, 28th Street East, and the Midtown Greenway; Vacation File No. 1514.

Development Plan: The site plan for the development is attached.

Responses from Utilities and Affected Property Owners: Minneapolis Public Works has reviewed the vacation petition and recommends approval of the request subject to the following legal description and condition:

That all that part of the public alley is hereby vacated except that “all of the public Alley as laid out, or platted in Block 1, Nimock’s Subdivision of E1/2 of N1/2 of Lot 13, Emerson’s Addition to Minneapolis; Block 1, C.W. Foss’s Addition to Minneapolis; Block 1, Decker’s Subdivision of NE1/4 of Lot 14, Emerson’s addition to Minneapolis; all according to the plats of record at the Hennepin County Records Office, Minneapolis, Minnesota.”

- This vacation is conditional on the developer (applicant) providing the City of Minneapolis with a letter of agreement that will provide for a thru alley from Chicago Avenue to Columbus Avenue; the developer needs to acquire additional property from Hennepin County (HCRRA) and pay all construction costs for said alley opening.

Findings: The CPED Planning Division finds that the area proposed for vacation is not needed for any public purpose, and it is not part of a public transportation corridor, and that it can be vacated if any easements requested above are granted by the petitioner.

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development - 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 723 28th Street East from the R6 district to the OR2 district.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a parking facility on the property located at 2804 Chicago Avenue, 2829 Columbus Avenue and 723,727 and 731

28th Street East subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. Modification of the design of the parking facility along the north, west and south elevations so that sloped floors do not dominate the appearance of the walls and so that vehicles are screened from view. At least thirty (30) percent of the first floor building walls that face a public street, public sidewalk or public pathway, including the Midtown Greenway, shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest as required by section 530.120(d) of the zoning code.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to increase the maximum permitted height of the proposed structure due to the proposed parapet height in excess of the allowable 3 feet on the property located at 2804 Chicago Avenue, 2829 Columbus Avenue and 723,727 and 731 28th Street East subject to the following condition:

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

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to allow wall signs above the maximum permitted height of 14 feet in the OR2 district on the property located at 2804 Chicago Avenue, 2829 Columbus Avenue and 723,727 and 731 28th Street East.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for property located at 2804 Chicago Avenue, 2829 Columbus Avenue and 723,727 and 731 28th Street East subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation and landscaping plans.
2. All site improvements shall be completed by August 3, 2008, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Incorporation of a principal entry to the proposed medical office building on the east elevation adjacent to Chicago Avenue as required by section 530.110 of the zoning code.
4. Modification of the design of the parking facility along the north, west and south elevations so that sloped floors do not dominate the appearance of the walls and so that vehicles are screened from view. At least thirty (30) percent of the first floor building walls that face a public street, public sidewalk or public pathway, including the Midtown Greenway, shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest as required by section 530.120(d) of the zoning code.
5. All ground level windows must be transparent (non-reflective) as required by section 530.120(b)(2) of the zoning code.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the preliminary and final plat:

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary and final plat application for property located at 2804 Chicago Avenue, 2829 Columbus Avenue and 723,727 and 731 28th Street East.

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

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission and the City Council accept the above findings and **approve** the vacation application for 2804 Chicago Avenue, 2829

Department of Community Planning and Economic Development – Planning Division
BZZ-3597, PL-213 and Vacation 1514

Columbus Avenue and 723,727 and 731 28th Street East subject to the following condition:

1. This vacation is conditional on the developer (applicant) providing the City of Minneapolis with a letter of agreement that will provide for a thru alley from Chicago Avenue to Columbus Avenue; the developer needs to acquire additional property from Hennepin County (HCRRA) and pay all construction costs for said alley opening.

Attachments:

1. Legal Description for rezoning
2. Vacation resolution
3. Statement of use / description of the project
4. Findings
5. Correspondence – Neighborhood groups, CM Lilligren
6. Public Works/City Attorney– Vacation and Final plat
7. Zoning map
8. Plans – Site, landscape, elevations, floor plans, etc.
9. Photos/ photo simulations
10. PDR notes

Rezoning Legal Description:

Parcel to be rezoned: 723 28th Street East (35-029-24-33-0118); Lot 1, Block 1, Nimock's Subdivision of the East ½ of the North ½ of Lot 13, Emerson's Addition to Minneapolis, Hennepin County, Minnesota.

Schiff

Vacate all of the Public Alley as laid out in the Block Bounded by Chicago Avenue, Columbus Avenue, 28th Street East, and the Midtown Greenway; (**Vacation File No. 1514**).

Resolved by The City Council of The City of Minneapolis:

That all that part of the public alley is hereby vacated except that “all of the public Alley as laid out, or platted in Block 1, Nimock’s Subdivision of E1/2 of N1/2 of Lot 13, Emerson’s Addition to Minneapolis; Block 1, C.W. Foss’s Addition to Minneapolis; Block 1, Decker’s Subdivision of NE1/4 of Lot 14, Emerson’s addition to Minneapolis; all according to the plats of record at the Hennepin County Records Office, Minneapolis, Minnesota.”

- This vacation is conditional on the developer (applicant) providing the City of Minneapolis with a letter of agreement that will provide for a thru alley from Chicago Avenue to Columbus Avenue; the developer needs to acquire additional property from Hennepin County (HCRRA) and pay all construction costs for said alley opening.