Request for City Council Committee Action from the Department of Community Planning & Economic Development – Planning Division

Date: January 19, 2006

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee
Members of the Committee

Referral to: Zoning and Planning Committee

Subject: Appeals of a City Planning Commission action related to proposed development at 150 Portland Ave S.

Recommendation: City Planning Commission actions (November 28, 2005) are as follows:

A. Conditional Use Permit: Application by Swervo Development Corporation for a conditional use permit to create 50 dwelling units in a C3A district. The applicant is proposing to convert the existing vacant building to condominiums and expand it with new underground parking and additional floors on a portion of the existing building located at 150 Portland Avenue South.
Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow 48 new dwelling units at 150 Portland Avenue South.

B. Conditional Use Permit: Application by Swervo Development Corporation for a conditional use permit to increase the maximum permitted height of the building for the property located at 150 Portland Avenue South.
Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow an increase in maximum height to 8 stories and 77 feet at 150 Portland Avenue South, subject to the following condition:
1. The link between new construction and the existing building shall be no more than 70 feet in height.

C. Variance: Application by Swervo Development Corporation for a variance to decrease the minimum drive aisle width for the property located at 150 Portland Avenue South.
Action: The City Planning Commission adopted the findings and **approved** the variance to reduce the minimum drive aisle width from 22 to between 18 feet 6 inches at 150 Portland Ave S.

D. Site Plan Review: Application by Swervo Development Corporation for site plan review for the property located at 150 Portland Avenue South.
Action: The City Planning Commission adopted the findings and **approved** the Site Plan Review at 150 Portland Ave S, subject to the following conditions:

1. Soil depths are uniform to support shrubs and trees where shown.

2. CPED Planning staff review and approval of the final site plan, landscaping plan, retaining wall, and building elevations.
3. Per chapter 541.400 of the zoning code, accessible parking spaces for the disabled shall be provided as required by the Uniform Building Code.
4. Site improvements required shall be completed by November 28, 2006, unless extended by the zoning administrator, or the permit may be revoked for non-compliance.

Minneapolis Heritage Preservation Commission (HPC) voted to approve the application for a Certificate of Appropriateness, subject to various conditions (see City Council actions below), on June 28, 2005.

Previous Directives: The City Council, in response to an appeal from the applicant of one of the conditions for the Certificate of Appropriateness (specifically related to windows on the Standard Mill building), took the following action on August 5, 2005:

The **ZONING & PLANNING** Committee submitted the following reports:
Z&P - Your Committee, having under consideration the appeal filed by Whitney Partners, LLC from the decision of the Heritage Preservation Commission (HPC) which approved an application for a Certificate of Appropriateness for the 96-unit hotel conversion into approximately 50 condominium units, with the decision to not approve 30 additional window openings on the north (river) elevation (floors 2-6) for the property at 150 Portland Ave, now recommends that said appeal be granted and that the Certificate be approved. Schiff moved a substitute report to approve the HPC staff recommendation that adopts the HPC staff findings and approves the Certificate of Appropriateness with eight conditions, with condition three reading as follows: “3. The north (river) elevation balconies and the associated openings are approved, but the additional 30 window openings are not approved on this elevation.”

Seconded.
Lost upon a voice vote.

Schiff moved to amend the report by adding HPC staff recommendations for conditions of approval of the Certificate of Appropriateness, with recommendation No. 3 amended, as follows: 1) The proposed metal cornice detail on the Standard Mill building is not approved; 2) The proposed railing on the rooftop must be placed in the same location and setback as the current railing; 3) The north (river) elevation balconies and the associated openings are approved, and the additional 30 window openings are approved on this elevation; 4) The applicant must record archaeological resources under the plaza before the parking deck receives building permits; 5) The design of the two-story building with the three-story addition should incorporate the following recommendations: the windows of the two buildings should relate in size and shape; the number of panes should be increased to relate to the industrial character of the district; the design should incorporate a vertical emphasis; the upper floors should be set back from the lower floors to differentiate the old and the new; 6) Rooftop or penthouse equipment is not part of this approval and should not be added to the addition. Because the two rooftops of the buildings are closely the same, rooftop equipment would detract from the historic character of the Standard Mill; 7) Details of the ground floor privacy screen separators must be provided to and approved by HPC staff; and 8) At least eight inches of ground must be left around the perimeter of the parking deck to allow for vine plantings to screen the wall.

Seconded.
Adopted by unanimous consent.
Absent – Samuels.

L:\Clerks\CCTEAM\AGENDA-PACKETS\Zoning-Planning\2006-zp-agendas\2006-0119\source\Swervo Appeal Whitney.doc

The report, as amended, was adopted 8/5/05. Yeas, 10; Nays, 2 as follows:
Yeas - Johnson, Colvin Roy, Zimmermann, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Ostrow.
Nays – Schiff, Lane.
Absent – Samuels.

Prepared or Submitted by: Tara Beard, Senior Planner, (612) 673-2351

Approved by: Jason Wittenberg, Planning Supervisor, (612) 673-2297

Permanent Review Committee (PRC) Approval _____ Not Applicable __X__

Policy Review Group (PRG) Approval _____ Date of Approval _____ Not Applicable __X__

Presenters in Committee: Tara Beard, Senior Planner

Financial Impact (Check those that apply)
_X_ No financial impact (If checked, go directly to Background/Supporting Information).
___ Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.
___ Action provides increased revenue for appropriation increase.
___ Action requires use of contingency or reserves.
___ Business Plan: _____ Action is within the plan. _____ Action requires a change to plan.
___ Other financial impact (Explain):
___ Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact (use any categories that apply)
Ward: 7th, although the project was located in the 5th ward during the approvals mentioned above.
Neighborhood Notification: See attached responses from affected neighborhood associations.
City Goals: See staff report.
Comprehensive Plan: See staff report.
Zoning Code: See staff report
Living Wage/Job Linkage: Not applicable.
End of 60/120-day decision period: On December 9, 2005, staff sent a letter to the applicat extending the decision period to no later than March 7, 2006.
Other: Not applicable.

Background/Supporting Information Attached:

An appeal of the City Planning Commission action has been filed related to the proposed development located at 150 Portland Ave S. Swervo Development Corp., the original applicant for the proposed development, has filed an appeal of the City Planning Commission's decision to approve the conditional use permit to increase maximum height with the following changes:

- The permitted increase in maximum height was reduced to 8 stories and 77 feet at 150 Portland Avenue S

L:\Clerks\CCTEAM\AGENDA-PACKETS\Zoning-Planning\2006-zp-agendas\2006-0119\source\Swervo Appeal Whitney.doc

- The approval is subject to the condition that the link between new construction and the existing building shall be no more than 70 feet in height

The full action of the City Planning Commission and the appellants' complete statements and reasons for the appeal are attached.

L:\Clerks\CCTEAM\AGENDA-PACKETS\Zoning-Planning\2006-zp-agendas\2006-0119\source\Swervo Appeal Whitney.doc

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permits, Variance, Site Plan Review
BZZ-2696

Date: November 28, 2005

Applicant: Swervo Development Corporation

Address of Property: 150 Portland Ave S

Project Name: Whitney Hotel Project

Contact Person and Phone: Nedel Abdul, 510 1st Ave N, Suite 500, Minneapolis MN 55403, (612) 332-8323 ext. 1

Planning Staff and Phone: Tara Beard, (612) 673-2351

Date Application Deemed Complete: November 7, 2005

End of 60-Day Decision Period: January 6, 2006

End of 120-Day Decision Period: Not applicable

Ward: 5 **Neighborhood Organization:** Downtown Minneapolis Neighborhood Association

Existing Zoning: C3A Community Activity Center, DH Downtown Height Overlay District, DP Downtown Parking Overlay District, MR Mississippi River Critical Area Overlay, SH Shoreland Overlay District

Zoning Plate Number: 19

Lot area: 41,395 square feet

Proposed Use: 48 condominium dwelling units

Concurrent Review:

- Conditional Use Permit to allow 49 new dwelling units in a C3A
- Conditional Use Permit to allow an increase in maximum building height
- Variance to decrease the minimum drive aisle width from 22 feet to 18 foot 6 inches
- Site Plan Review

Applicable zoning code provisions: Chapter 525: Article VII Conditional Use Permits; Article IX Variances – Chapter 530 – Chapter 548: Article I General Provisions; Article IV C3A Community Activity Center District - Chapter 551: Article I General Provisions; Article VI SH Shoreland Overlay

L:\Clerks\CCTEAM\AGENDA-PACKETS\Zoning-Planning\2006-zp-agendas\2006-0119\source\Swervo Appeal Whitney.doc

District; Article VIII MR Mississippi River Critical Area Overlay District; Article IX DP Downtown Parking Overlay District; Article XI DH Downtown Height Overlay District.

Background: The applicant, Swervo Development Corporation, has submitted multiple land use applications to convert existing 10- and 12-story (6 and 7 floors, respectively) vacant buildings to a condominium building. The buildings are in an historic district and were most recently utilized as a hotel and restaurant. HPC reviewed the proposal on June 28, 2005 and approved a Certificate of Appropriateness with certain conditions, one of which was overturned via the appeal process by the City Council on August 5, 2005. The appeal approval allowed the creation of 30 additional windows.

This proposal requires a conditional use permit to create 5 or more dwelling units in a C3A district; a conditional use permit to allow an increase in the minimum height permitted, a variance to reduce the minimum required drive aisle width, and a site plan review. The applicants are proposing to add five stories (3 floors) to the top of one of the buildings and build an underground parking garage underneath a plaza with a public access easement on the site.

The proposed building would contain 49 dwelling units and 49 enclosed off-street parking spaces.

The applicant has presented staff with a letter from the Downtown Minneapolis Neighborhood Association sent to the Minneapolis Heritage Preservation Commission on June 7, 2005, in full support of the project. Staff has received no written correspondence directly related to the notices sent for the land use applications listed above.

CONDITIONAL USE PERMIT -

Required Findings for the Conditional Use Permit for 49 Dwelling Units:

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

   There is no evidence that creating 49 new dwelling units will adversely affect the public health, safety, comfort or general welfare. A residential use will increase the human activity on the site, and the scale of the use is not dissimilar from nearby condominium buildings. New window openings and balconies on the north, east, and south façades will increase visibility from the site to the surrounding area. As required by the public access easement the property has in agreement with the City, all previous public access points to the plaza must be maintained within the new design.

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.**

   All surrounding properties are within the C3A Community Activity Center district, and developing 49 units of housing should not adversely affect future development and improvement. Current surrounding land uses include office, residential, and mixed-use under

L:\Clerks\CCTEAM\AGENDA-PACKETS\Zoning-Planning\2006-zp-agendas\2006-0119\source\Swervo Appeal Whitney.doc

construction. Existing and future development of uses allowed in the C3A district should not be negatively affected by the project.

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

Utilities would not be affected by the addition of a 49 dwelling units to the building. The overall building footprint will not change, and The majority of the building will continue to drain to the existing tail race under the plaza area and eventually to the river. The plaza area will be conveyed by proposed storm sewer piping into the existing storm sewer at the corner of Portland Ave S and West River Parkway.

Of three existing curb cuts off Portland Ave S, one new curb cut is proposed to be added and two will be removed. The applicant must resolve issues with Public Works regarding a curb cut off Portland Ave S. Two curb cuts will be consolidated into one on West River Parkway. An existing curb cut off of 2nd St S will remain.

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

All parking is provided off street and the total number of curb cuts from the site has been reduced by two. One underground parking garage containing 43 stalls will be accessed from West River Parkway. A second, enclosed parking garage containing 7 stalls will be accessed from Portland Ave S, however, the Preliminary Development Review (PDR) indicates that this curb cut will not be allowed. Access to the parking proposed by the applicant and compliance with PDR will need to be resolved on the final plan to the satisfaction of both the Planning division and Public Works. The drive lanes to the two parking garages are each two-way and do not connect to each other at any point as they are at separate grades. An existing Porte Cochere will remain at the front of the building for drop off and loading.

Achieving the minimum required parking is very challenging to the project due to existing site conditions. Two separate garages allow parking needs to be met and are not inconsistent with the layout of the building (which is in two separate pieces for the majority of its bulk). The keeping of the Porte Cochere will allow moving and drop off activities to occur off-street.

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

According to other principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

The Minneapolis Plan, Chapter 4.11 states: “Minneapolis will improve the availability of housing options for its residents.” One of the implementation plans for this section of the plan is to “promote mixed-income housing development that offers a range of dwelling unit sizes and levels of affordability.” The proposed development at 150 Portland will include small garden level units and very large penthouse units.

L:\Clerks\CCTEAM\AGENDA-PACKETS\Zoning-Planning\2006-zp-agendas\2006-0119\source\Swervo Appeal Whitney.doc

The Minneapolis Plan, Chapter 9.22 states: "Minneapolis will promote increased housing production in designated areas of the City in order to accommodate population growth." Downtown has been widely publicized for its influx of residents and planning policies support this growth. 150 Portland is within the central riverfront area of downtown, an area that is rapidly growing in terms of housing, amenities, and services.

The Minneapolis Plan, Chapter 9.32 states: "Minneapolis will promote housing development that supports a variety of housing types at designated Major Housing Sites throughout the city." The central riverfront is a designated Major Housing Site in *The Minneapolis Plan.* One of the implementation plans for this section is to "Develop a citywide Housing Strategy for placing medium (10-30 units per acre) to high-density (30+units per acre) new housing on major transportation and transit corridors and near commercial revitalization projects or neighborhood amenities (e.g. sites such as Growth Centers, Major Housing Sites, Commercial Corridors)." The proposed development at 150 Portland is considered high-density.

Another implementation plan of Chapter 9.32 is to "promote the development of new housing that is compatible with existing development in the area, as well as to existing historic or older housing stock where appropriate." The re-purposing of a building in a historic district into condominiums is consistent with this implementation policy.

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.

In addition to the Conditional Use Permits for increasing height and creating 48 new dwelling units, the proposal for 150 Portland requires drive aisle width variance, and a Site Plan Review to be in compliance with the requirements of a Community Activity Center District (C3A).

<u>CONDITIONAL USE PERMIT -</u>

<u>Required Findings for the Conditional Use Permit for an increase in maximum height:</u>

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

The existing buildings have been built and modified at different periods of time. The highest point of the building is the tower constructed in the 1986 addition that is approximately 140 feet high. The highest point of the original standard mill building is approximately 95 feet high. The proposed three additional floors above the two-floor portion of the 1986 building would align with the top three floors of the standard mill building. The proposed additional floors are set back from the 2nd St. N façade and are a relatively small addition to the overall massing of the building. Although the permitted height in the Downtown Height Overlay District is 6 stories or 84 feet, there is no evidence that the three proposed additional floors would be detrimental to public health, safety, comfort or general welfare.

L:\Clerks\CCTEAM\AGENDA-PACKETS\Zoning-Planning\2006-zp-agendas\2006-0119\source\Swervo Appeal Whitney.doc

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 north corner of 2nd St S and Portland Ave S is where the proposed height addition would occur. The east corner of the intersection has an existing condominium building 6 floors high, the south corner of the intersection is in the approvals process for a 4 ½ story mixed-use building, and the west corner of the intersection has an existing residential building 4 stories high. The Ceresota building adjacent to the Whitney to the west is 10 stories tall. The height maximum allowed in the Downtown Height Overlay District across 2nd St. S from the Whitney is 8 stories.

Because of the existing bulk of the building and the distance and bulk of surrounding buildings, staff does not think that the proposed increase in height will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

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

An increase in maximum height would not affect utilities, access roads, drainage, necessary facilities or other measures, which either previously existed or have been provided for the project.

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

The three additional floors proposed by the applicant allow for 6 additional units. Staff is not concerned that 6 additional units will significantly add to the traffic impact of the project.

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

According to other principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

The Minneapolis Plan, Chapter 9.5 states: "Minneapolis will support the development of residential dwellings of appropriate form and density." This section includes the implementation step to "expand the understanding of the role that urban density plays in improving business markets, increasing the feasibility of urban transit systems and encouraging the development of pedestrian-oriented services and open spaces." The increase of residential uses in the central riverfront of downtown Minneapolis has attracted retail and other neighborhood amenities – adding height and increasing density to the proposed project will further encourage such businesses to serve the central riverfront.

The Minneapolis Plan, Chapter 9.16 states: "Minneapolis will encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs." This section includes the implementation step to "Encourage the

L:\Clerks\CCTEAM\AGENDA-PACKETS\Zoning-Planning\2006-zp-agendas\2006-0119\source\Swervo Appeal Whitney.doc

design of all new buildings to fulfill light, privacy and view requirements for the subject building as well as for adjacent buildings." The design and location of the additional height requested by the applicant is such that provides light, privacy and view requirements for the additional units without negatively impacting surrounding buildings.

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.

See finding #6 in the Conditional Use Permit for 48 new dwelling units analyzed above.

<u>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:</u>

(1) Access to light and air of surrounding properties.

The Ceresota building is adjacent to the Whitney, but there are no windows on the Ceresota that would be blocked in terms of light and air due to the proposed addition. All other nearby properties are of such a distance that they would not be affected in this manner, either.

(2) Shadowing of residential properties or significant public spaces.

Because portions of the building are already as high as or higher than the proposed addition, and the addition is on the south side of the building, there is very little impact in terms of shadowing. Shadowing on the public plaza would not be impacted by the proposed addition.

(3) The scale and character of surrounding uses.

The proposed additional height is relatively minor given the overall height of the existing building. Future and existing developments in the neighborhood are of a comparable height, scale, and character of the proposed project. The Historic Preservation Commission found the proposal to be consistent with the historic district.

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

The view of the top 7 stories of the Ceresota's east elevation would be covered by the addition. No other view impacts should occur.

<u>VARIANCE –</u> to reduce a required minimum drive aisle width requirement from 22 feet to 18 feet 6 inches.

<u>Findings Required by the Minneapolis Zoning Code for the Proposed Variance:</u>

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.

L:\Clerks\CCTEAM\AGENDA-PACKETS\Zoning-Planning\2006-zp-agendas\2006-0119\source\Swervo Appeal Whitney.doc

The building has been vacant for some time and has eluded redevelopment largely because of the lack of parking on site, rendering almost all uses impossible within strict adherence to the zoning code. Providing parking under the public plaza, in addition to the small garage off Portland Ave S, offers one more than the minimum spaces required for the project. The area of the public plaza and the grade changes that must be made to allow cars to drive down into the garage create a unique corner in the plan of the garage that allows access to four additional spaces through a drive aisle of 18 feet 6 inches. Beyond that access the drive aisle increases to 21 feet 2 inches. Strict adherence to the zoning code would result in the loss of 4 spaces, 2 of which are required (bicycle parking provided constitutes one additional parking space).

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.

The existing conditions that lead to the parking solution proposed are unique to the site and were not created by the applicant.

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.

The spirit and the intent of the ordinance are, in part, to provide adequate space for vehicle maneuvering in a parking lot/garage. Only 4 spaces of the 49 proposed exit onto drive aisle less than the minimum 22 feet. No public parking will be permitted within the garage, and granting the variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

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.

Reducing the minimum drive aisle requirements would slightly increase potential congestion of the portion of the parking garage that it affects. However, staff maintains that such an increase would not be significant. Increase in the danger of fire, and danger to public safety and welfare should not be affected by this variance.

SITE PLAN REVIEW

Findings as Required By the Minneapolis Zoning for 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.)**

L:\Clerks\CCTEAM\AGENDA-PACKETS\Zoning-Planning\2006-zp-agendas\2006-0119\source\Swervo Appeal Whitney.doc

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.

L:\Clerks\CCTEAM\AGENDA-PACKETS\Zoning-Planning\2006-zp-agendas\2006-0119\source\Swervo Appeal Whitney.doc

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 530.120 of the zoning code.

- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. 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.**

Conformance:

- The footprint of the existing building will not change.
- The existing building sits on the front lot line, although the first floor is set back approximately 28 feet.
- The south and east edges of the building sit on the property line. The west edges of the building are set back from the property line by approximately 2 ½ and 6 feet. The north edge of the building is set back between approximately 135 and 162 feet.
- The applicant is providing the amenities of a plaza with public easement and raised planting beds between the north elevation of the building and the property line.
- The building's principal entrance faces 2nd St S.
- All required parking will be provided underground.
- No new portions of the building that face public space will have more than 25 feet of blank, uninterrupted walls.
- New exterior materials will be brick, window glass, and metal railings.
- The percentage of glass is as follows:
    - South side (primary façade, 1986 building and proposed addition):
        - Third floor (at grade): (20% glass required by the Code within 2 and 10 feet of wall): 14% provided. New windows will be replaced in existing openings and enlarged in one location. The first floor of the primary façade is set back and behind an existing Porte Cochere.
        - Mezzanine floor (10% of entire wall required by Code): 0% provided. This is an existing condition.
        - Fourth floor (10% of entire wall required by Code): 22% provided.
        - Fifth floor (10% of entire wall required by Code): 28% provided.
        - Sixth floor (10% of entire wall required by Code): 29% provided.
        - Seventh floor (10% of entire wall required by Code): 21% provided.
    - South side (behind Ceresota Building, part of standard mill building):
        - Second (at grade) and fourth floors (0% of entire wall required by Code): 12% provided.
        - Third floor (0% of entire wall required by Code): 14% provided.
        - Fifth floor (0% of entire wall required by Code): 10% provided.
        - Sixth floor (0% of entire wall required by Code): 8% provided.
        - Seventh floor (0% of entire wall required by Code): 2% provided.
    - South side (east end, behind 1986 building, part of standard mill building):

L:\Clerks\CCTEAM\AGENDA-PACKETS\Zoning-Planning\2006-zp-agendas\2006-0119\source\Swervo Appeal Whitney.doc

        - Second (at grade), third, fourth, and seventh floors (0% of entire wall required by Code): 0% provided.
        - Fifth floor (0% of entire wall required by Code): 9% provided.
        - Sixth floor (0% of entire wall required by Code): 8% provided.
    - East side (1986 and new portion of building, facing Portland Ave S):
        - Third floor (at grade) (20% glass required by the Code within 2 and 10 feet of wall): 17% provided (this is an existing condition).
        - Fourth floor (10% of entire wall required by Code): 11% provided.
        - Fifth floor (10% of entire wall required by Code): 24% provided.
        - Sixth floor (10% of entire wall required by Code): 30% provided.
        - Seventh floor (10% of entire wall required by Code): 39% provided.
    - East side (standard mill building, no requirements as existing openings will remain).
        - Second (at grade) and third floor: 12% provided.
        - Fourth, fifth, and seventh floors: 10% provided.
        - Sixth floor: 8% provided
    - North side (faces public plaza):
        - Second floor (at grade) (20% of entire wall required by Code): 21% provided.
        - Third floor (10% of entire wall required by Code): 23% provided
        - Fourth and fifth floors (10% of entire wall required by Code): 19% provided.
        - Sixth floor (10% of entire wall required by Code): 16% provided.
        - Seventh floor (10% of entire wall required by Code): 12% provided.
    - West side (faces Crown Roller Mill, no requirements as existing openings will remain):
        - Third floor (at grade): 0% provided.
        - Fourth, fifth, and sixth floors: 4% provided.
        - Seventh floor: 5% provided.
    - West side (faces Ceresota building, no requirements as does not face public space):
        - Third floor (at grade): 4% provided
        - Fourth floor: 13% provided.
        - Fifth floor: 17% provided
        - Sixth floor: 14% provided
        - Seventh floor: 18% provided.
- All required windows in the new construction portion of the project are vertical in proportion and distributed in a more or less even manner.
- The three additional floors will have a flat roof – the existing roof of the 1986 building is flat, and a portion of the standard mill building is flat (a narrowed gable goes down the center. Flat roofs are the predominant form in the immediate area, although quite a variety can be found.

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.**

L:\Clerks\CCTEAM\AGENDA-PACKETS\Zoning-Planning\2006-zp-agendas\2006-0119\source\Swervo Appeal Whitney.doc

Conformance:

- The principal entrance will remain the same as the existing principal entrance and is accessible from the public side walk by an existing walkway 4 feet wide.
- There are no transit shelters on or adjacent to the site.
- The main entrance faces the drive aisle of the Porte Cochere and pedestrians may have to cross the drive aisle to reach the entrance. This is an existing condition.
- Vehicular access to the garages are via a curb cut on the east side and a driveway sloping down on the north side.
- The entire site will have two fewer curb cuts as proposed, although some will be in new locations. There are no public alleys adjacent to the site.
- An existing and required amenity of a public plaza will reduce the amount of pervious surface on the site beyond what is needed for the building, drive aisles and walkways.

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.**

Conformance:

L:\Clerks\CCTEAM\AGENDA-PACKETS\Zoning-Planning\2006-zp-agendas\2006-0119\source\Swervo Appeal Whitney.doc

- The lot area (42,145 sq. ft.) less the building footprint (42,145 sq. ft.) yields a net site of 0 sq. ft. The Code therefore does not require any landscaping. The applicant is not proposing any landscaping, but is providing raised planting beds on a plaza that has a public easement.
- The proposed plan would raise the height of the plaza to allow the underground garage; existing bedrock conditions are such that digging low enough to build the garage and keep the plaza at its existing height is cost prohibitive. At its highest point above grade the garage roof/plaza floor is just over 6 feet high – this occurs on the northeast edge of the plaza and is separated from the public walkway by the drive aisle. Much of the walkway around the plaza is adjacent to a garage wall high enough to block an average person's view of the plaza. Above the garage roof/plaza floor are spaced pillars approximately two feet high and a metal railing approximately 3 feet high.
- The applicant's proposed landscaping is on top of the public plaza. The applicant must ensure adequate soil depth and other conditions in the plantings to allow trees and shrubs to survive.

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

Conformance:

- The applicant is proposing a stormwater trench at the bottom of the north parking garage driveway.
- Lighting must comply with Chapter 535 and Chapter 541 of the zoning code.
- Headlights should not cause a problem with any nearby residential uses.
- The newly proposed elements of the project will not block views of important elements of the city nor create any substantive shadows on adjacent buildings and open spaces.
- The project would not be expected to contribute significantly to ground-level winds.
- The site design and landscape plan allows views from the public sidewalk into the site in some locations, but grade changes, existing conditions, and garage depth limitations all lead to a loss

L:\Clerks\CCTEAM\AGENDA-PACKETS\Zoning-Planning\2006-zp-agendas\2006-0119\source\Swervo Appeal Whitney.doc

of views into the site, which is a concern for public safety and access (real or perceived) to the plaza.

- The applicant proposes to renovate an existing contributing structure that is within an Historic District.

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

Zoning Code: The proposed use is conditional in the C3A, SH, MR, DH and DP Districts.

Off-Street Parking and Loading: Chapter 541 requires not less than one parking space per dwelling unit. The applicant proposes 49 off-street parking spaces for the proposed 48. Four of the proposed 49 stalls are compact spaces (8% overall).

Maximum Floor Area: The maximum floor area ratio (FAR) in the C3A District is 2.7. The lot in question is 41,145 sq. ft. and the project has a gross floor area of 93,125 sq. ft., which equals an FAR of 2.3.

Building Height: Building height in the C3A District is limited to 4 stories or 56 feet, whichever is less, however, the project is within the Downtown Height Overlay District, which permits a building height of 6 stories or 84 feet, whichever is less. See conditional use permit findings for additional information. The project will have the following heights:

- The tower of the 1986 addition is 8 floors and approximately 140 feet above grade.
- The existing height of the main building of the 1986 addition is 2 floors and approximately 40 feet above grade at the south elevation.
- The additional height proposed above the main building of the 1986 additions is 3 floors and 50 feet above the roof height of the existing building, creating a total height from the south elevation of 5 floors (plus mezzanine) and approximately 90 feet.
- The existing height of the standard mill building is 7 floors and approximately 93 feet above grade at the plaza level.

Minimum Lot Area: As previously noted, the lot has 41,145 square feet. The C3A District requires not less than 400 square feet of lot area per dwelling unit. This would allow 102 dwelling units on the site. The applicant qualifies for a bonus to increase the number of dwelling units by 20 percent by providing enclosed parking for all required off-street parking. The density bonus allows the applicant to construct a total of 122 dwelling units. This reduces the required lot area per dwelling unit to 337 square feet. The applicant is proposing only 48 dwelling units, which results in a minimum lot area of 857 square feet per dwelling unit.

Yard Requirements: The C3A District includes the following yard requirements for this nine-, ten- and twelve- story project (based on a maximum story height of 14 feet):

- South side (front): 0 ft.
- North side (rear): 25 ft.
- East side: 0 ft.
- West side: 0 ft. (based on having no new windows on the 1986 building and addition and retaining only existing windows on the standard mill portion of the west elevation).

L:\Clerks\CCTEAM\AGENDA-PACKETS\Zoning-Planning\2006-zp-agendas\2006-0119\source\Swervo Appeal Whitney.doc

The project as proposed will conform to the requirements of the Code.

Specific Development Standards: N/A

Hours of Operation: N/A

Signs: If the project includes a sign, it will conform to the Code. None are proposed at this time.

Refuse storage: All storage of refuse and recyclable materials will be enclosed inside the building.

***Minneapolis Plan*:** Refer to the Conditional Use Permit section of this report.

Alternative Compliance: The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:

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

Conformance: Staff has not identified any need for alternative compliance.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit for creating 48 new dwelling units in an C3A:

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 48 new dwelling units at 150 Portland Ave S.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit for an increase in maximum height:

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 an increase in maximum height to 9 stories and 90 feet at 150 Portland Ave S.

L:\Clerks\CCTEAM\AGENDA-PACKETS\Zoning-Planning\2006-zp-agendas\2006-0119\source\Swervo Appeal Whitney.doc

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce the minimum drive aisle width from 22 feet to between 18 feet 6 inches:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the minimum drive aisle width from 22 to between 18 feet 6 inches at 150 Portland Ave S.

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 at 150 Portland Ave S, subject to the following conditions:

1. Soil depths are adequate to support shrubs and trees where shown.

2. CPED Planning staff review and approval of the final site plan, landscaping plan, and building elevations.

3. Per chapter 541.400 of the zoning code, accessible parking spaces for the disabled shall be provided as required by the Uniform Building Code.

4. Site improvements required shall be completed by November 28, 2006, unless extended by the zoning administrator, or the permit may be revoked for non-compliance.

Attachments:
1. Statement of use
2. Findings
3. Correspondence
4. Site Plan, Floor Plans, Elevations, & Zoning map
5. PDR Comments
6. Photos

L:\Clerks\CCTEAM\AGENDA-PACKETS\Zoning-Planning\2006-zp-agendas\2006-0119\source\Swervo Appeal Whitney.doc