

Department of Community Planning and Economic Development – Planning Division

Conditional Use Permit and Site Plan Review

BZZ-5205

Preliminary Plat PL-256 & Vacation 1584

Date: July 18, 2011

Applicant: Minneapolis Leased Housing Associates III, LP, Attn: Shane LaFave, 2905 Northwest Boulevard, Suite 150, Plymouth, MN 55441, (763) 354-5636

Address of Property: 1006 West Lake Street

Project Name: Buzza Historic Lofts

Contact Person and Phone: BKV Group, Inc., Attn: Gretchen Camp, 222 North Second Street, Minneapolis, MN 55401, (612) 373-9122

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

Date Application Deemed Complete: June 9, 2011

End of 60-Day Decision Period: August 7, 2011

End of 120-Day Decision Period: Not applicable for this application.

Ward: 10 **Neighborhood Organization:** Lowry Hill East Neighborhood Association (LHENA) & Calhoun Area Residents Action Group (CARAG)

Existing Zoning: C2 (Neighborhood Corridor Commercial) District, PO (Pedestrian Oriented) Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 24

Lot area: 109,943 square feet or 2.52 acres

Legal Description: Not applicable for this application.

Proposed Use: A 137- unit residential Planned Unit Development (PUD).

Concurrent Review:

- Conditional Use Permit for a Planned Unit Development to allow for the conversion of the existing building known as the Lehman Center / Buzza building to a multi-family residential structure with 137 residential dwelling units.
- Site Plan Review for the conversion of an existing structure into a 137 unit multi-family residential development in the C2 (Neighborhood Corridor Commercial) district and PO (Pedestrian Oriented) Overlay district.
- Preliminary plat to consolidate several platted lots on the premises.
- Vacation of the dead-end alley on the west side of the property abutting the single-story commercial building located on the adjacent property.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 527, Planned Unit Development, Chapter 530 Site Plan Review, Chapter 598, Land Subdivision Regulations.

Background: The applicant proposes to renovate the existing 144,300 square foot building formerly known as the Buzza Building or Lehman Center for a 137-unit residential development on the property located at 1006 West Lake Street. The subject site is L-shaped and bounded to the north by West 29th Street (which is just south of the Midtown Greenway), to the south by West Lake Street, to the east by Colfax Avenue South and in part to the west by Dupont Avenue South as well as the existing commercial structure (currently a CVS pharmacy) located on the southwest portion of the block. The property is zoned C2 with a PO Overlay District. In order to develop the site as proposed, the applicant has submitted a conditional use permit for a Planned Unit Development (PUD). As part of the PUD, the applicant is requesting an alternative from the Zoning Code standards to allow more compact parking spaces than is allowed. Section 541.330 of the Zoning Code outlines size requirements for off-street parking spaces. This provision states that at least 75% of the required parking spaces must comply with the minimum dimensions for standard spaces. Based on the requirement to provide one off-street parking space per dwelling unit, a total of 137 parking spaces are required, which would allow 34 compact spaces. The applicant is proposing to include a total of 38 compact stalls. Site plan review is also required for the proposed development. A preliminary plat is being processed as required by Section 527.60 of the Zoning Code which outlines a platting requirement for PUDs. The preliminary plat indicates that several of the existing platted lots on the premises will be consolidated into two lots. Further, a vacation application has been submitted for the remaining portion of the public alley located within the block that has not yet been vacated.

The applicant is in the process of seeking national historic designation through the State Historic Preservation Office (SHPO). Based on correspondence that the applicant has had with SHPO, it appears likely that the building will attain listing in the National Register of Historic Places.

The proposed renovation work on the existing building will be predominantly an interior remodel. The exterior of the building was updated in 2003, so the exterior efforts will be minimal. The primary alteration will be the removal of approximately 60 air conditioning units which will be replaced with new glass panels to match the original windows. Boarded up windows will also be removed and replaced with matching glass panels. Primary access to the site is currently off of the west and east sides of the site via Dupont Avenue and Colfax Avenue; this will remain unchanged. The remaining alley access off of West Lake Street will be vacated and closed in order to improve the pedestrian realm. The surface parking lot located on the north side of the site will also remain but will be resurfaced and landscaped; pervious pavers will also be included.

Staff has received official correspondence from the Lowry Hill East Neighborhood Association (LHENA) prior to the printing of this report. It has been attached for reference. Any additional correspondence received after the printing of this report will be forwarded on to the Planning Commission for consideration.

CONDITIONAL USE PERMIT - for a 137-unit residential Planned Unit Development.

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:

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

The Planning Division believes that the development of a PUD which includes the renovation of an existing building for 137 residential dwelling units should not have negative impacts on the area. The proposal complements other uses in the area and the additional residential units would further strengthen the existing commercial base within the neighborhood. The proposal would be below the allowable density for the site as a total of 157 units are permitted without bonuses. Staff does not believe that the project would prove detrimental to public safety, comfort or general welfare.

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

The building is currently vacant. The building was most recently used by Minneapolis Public Schools as an office and training facility. The reuse of the structure and the proposed density of the project would prove compatible with the surrounding uses and should not impede normal and orderly development of the area. Further, utilizing the existing structure for 137 units of apartments would provide additional opportunities for housing within the neighborhood as well as support the existing commercial uses within the general vicinity.

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

The site would continue to be accessed off of the east and west sides of the site. A one-way access would lead to the surface parking lot located on the premises via Dupont Avenue South. A two-way access would lead to the surface parking lot via Colfax Avenue South. Additionally, with the proposed alley vacation, the narrow curb cut located off of West Lake Street will be removed in order to enhance the pedestrian realm. The Public Works Department has 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 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 applications be approved. This would be required to ensure that all procedures are followed and that the development complies with all city and other applicable requirements. The applicant is aware that all applicable plans are expected to incorporate any applicable comments or modifications as required by the Public Works Department.

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

Chapter 541 requires one off-street parking space per dwelling unit or a total of 137 parking spaces for the proposed residential project. The applicant is proposing to provide a total of 139 off-street parking spaces; 96 standard spaces, 38 compact spaces and 5 accessible stalls. A PUD alternative is necessary as the applicant is proposing 4 additional compact parking stalls beyond what is permitted in the Zoning Code (at least 75% of the required parking spaces must comply with the minimum dimensions for standard spaces). The applicant is also proposing to locate a total of 140 bicycle parking spaces on the premises as well. This would include parking for 100 bicycles within a bicycle storage area in the first level of the building as well as 40 spaces outside of the structure. The internal bicycle storage area must accommodate a minimum of 69 bicycle parking spaces (1 space per two dwelling units) in order to meet the bicycle parking requirement. Additionally, the site is well-served by various bus transit routes and bicycle routes. A bus shelter is located in front of the building along West Lake Street.

Further, a Travel Demand Management Plan (TDMP) has been completed for the development. The TDMP concludes that the proposed apartment complex is not anticipated to have significant impacts on area traffic operations. Further, the proposed apartment complex is projected to generate slightly less traffic over the course

of the day but less than half of the peak hour traffic compared to the recent use of the site by Minneapolis Public Schools, the previous occupant of the building.

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is located within an area designated as mixed-use, along West Lake Street a Commercial Corridor and due south of the Midtown Greenway. The site is also located just outside the Lake and Hennepin Activity Center. The properties surrounding the site have various commercial and residential zoning classifications. The properties lining both sides of West Lake Street are all commercially zoned in this location. Further, the uses within the area are varied and include primarily commercial and residential uses. The proposal to renovate the existing structure on the property for 137 apartments is consistent with the relevant provisions of *The Minneapolis Plan for Sustainable Growth*, as follows:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation step: (1.1.5) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

Land Use Policy 1.3 of *The Minneapolis Plan for Sustainable Growth* states, “Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.” This policy includes the following applicable implementation step: (1.3.2) “Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.”

Land Use Policy 1.8 of *The Minneapolis Plan for Sustainable Growth* states, “Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.” This policy includes the following applicable implementation step: (1.8.1) “Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.”

Housing Policy 3.1 of *The Minneapolis Plan for Sustainable Growth* states, “Grow by increasing the supply of housing.” This policy includes the following applicable implementation step: (3.1.1) “Support the development of new medium- and high-density housing in appropriate locations throughout the city.”

Housing Policy 3.2 of *The Minneapolis Plan for Sustainable Growth* states, “Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.” This policy includes the following applicable implementation step: (3.2.1) “Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.”

Housing Policy 3.3 of *The Minneapolis Plan for Sustainable Growth* states, “Increase housing that is affordable to low and moderate income households.” This policy includes the following applicable implementation step: (3.3.3) “Work to provide affordable housing for both rental and ownership markets at a broad range of income levels.”

Housing Policy 3.6 of *The Minneapolis Plan for Sustainable Growth* states, “Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.”

Historic Preservation Policy 8.1 of *The Minneapolis Plan for Sustainable Growth* states, “Preserve, maintain, and designate districts, landmarks, and historic resources which serve as reminders of the city's architecture, history, and culture.”

The proposal is in conformance with the above noted policies and implementation steps of the Comprehensive Plan.

There are two additional plans that must be considered when evaluating the proposal which include the *Midtown Greenway Land Use & Development Plan*, which was adopted by the City Council on February 23, 2007, and the *Uptown Small Area Plan*, which was adopted by the City Council on February 8, 2008. A portion of the *Uptown Small Area Plan* study area overlaps with the *Midtown Greenway Land Use & Development Plan* area. Parcels north of Lagoon Avenue, east of Humboldt Avenue, south of 28th Street, and west of Bryant Avenue are included in both plans.

The *Midtown Greenway Land Use & Development Plan*, includes parcels on each side of the Midtown Greenway from the western boundary of the City to Hiawatha Avenue and designates the subject site as a high-density housing site (40-120 dwelling units per acre) on the future land use plan as well as a Urban-Oriented Development District which supports land areas that are developing in a pattern consistent with medium density building types of up to four or five stories. There are four building types that are identified within the plan that would be considered suitable based on those designations which include: (1) Rowhouse/Townhouse (which include attached building types, but otherwise are similar in scale to single family residential buildings); (2) Small Apartment (which include neighborhood building type that contains 4 to 16 dwelling units with surface parking. The category encompasses both rental and for-sale housing. In commercial districts, small apartments may include commercial businesses on the ground floor); (3) Apartment (for-sale (condominiums, lofts and co-ops) and rental buildings three to five stories in height. Newer developments generally provide parking beneath the building. In commercial districts, the apartment building type may include commercial businesses on the ground floor); and (4) Greenway buildings (which are 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. Due to the fact that the building is existing, the standards pertaining to building type only apply should the surface parking lot on the premises be redeveloped in the future. The fact that the site is designated as a high-density housing site (40-120 dwelling units per acre) supports the proposal to renovate the existing structure and adaptively reuse for 137 dwelling units. As proposed the site accommodates approximately 52 dwelling units per acre which is on the lower end of the range encouraged on the site. Essentially, the density proposed within the existing structure is appropriate as it would still allow for additional development on the surface parking lot in the future that fits within the high-density housing range.

The guidelines outlined in the *Midtown Greenway Land Use & Development Plan* are more general, whereas those identified in the *Uptown Small Area Plan* are more specific and focus on the Greenway in relation to the retail center and the four neighborhoods of Uptown. As previously noted, the Midtown Greenway plan contains design guidelines and sample building types that describe appropriate scale and design features along the Greenway. The Uptown plan builds on this and provides additional guidance. The subject site is located in area designated as Urban Village. The plan states that the “Urban Village should be a dense district with a variety of building heights. The Urban Village presents the most future development opportunities in all of Uptown as it currently contains a proliferation of surface parking lots, vacant properties, aging industrial uses, and one-story single-use buildings, and its proximity and access to open space amenities and existing (and future) transit.” The plan encourages high density mixed-use development south of the Midtown Greenway and along West Lake Street.

It is Planning Staff’s opinion that the proposal to renovate and adaptively reuse the Buzza Building/Lehman Center for a 137-unit residential structure is in conformance with the adopted *Midtown Greenway Land Use &*

Development Plan and the Uptown Small Area Plan.

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

City Planning Commission can approve alternatives to the zoning regulations applicable to the zoning district in which the planned unit development is located where the planned unit development includes site amenities. Site amenities are subject to the following standards:

- All planned unit developments shall provide at least one amenity or a combination of amenities that total at least ten points, beyond those required for any alternative(s), and even if no alternative(s) is requested.
- For each alternative requested, an amenity or a combination of amenities totaling at least five points, in addition to the amenity(ies) required in section 527.120(1), shall be provided. For multiple requests of the same alternative only one amenity shall be required for those alternatives.
- Unless otherwise determined by the city planning commission, each phase of the planned unit development shall include the amenities provided for any alternatives in that phase, as a part of the construction of that phase.
- In no case shall any item be counted as an amenity for an alternative if it is utilized to qualify for a density bonus in any zoning district, a floor area ratio premium in the Downtown Districts, or any other amenity in Table 527-1, Amenities.
- Where an amenity is provided that meets the standards required in Table 527-1, Amenities, the full point value assigned to said amenity shall be obtained. Where the amenity does not meet all of the standards required in Table 527-1, Amenities, no points shall be awarded. Partial points for alternatives shall not be awarded, except as otherwise allowed in Table 527-1, Amenities.

Minimum required amenity(ies) of 10 points.

1. Leadership in Energy and Environmental Design (LEED) - The proposed development must meet the minimum standards for LEED Silver certification. The project does not have to achieve actual LEED certification; however, the developer must submit the LEED checklist and documentation to the city, approved by a LEED Accredited Professional (LEED-AP), that shows that the project will comply with LEED Silver requirements. The applicant has provided a LEED checklist that indicates that the project will meet the minimum standards for LEED Silver certification. Designing the building to LEED Silver certification is worth **10 points**.

Therefore, the project meets the minimum required amenities of **10 points** to file the PUD.

Placement and number of principal residential structures. No alternative requested.

Bulk regulations - floor area: No alternative requested.

Bulk regulations - height: No alternative requested.

Lot area requirements: No alternative requested.

Yards: No alternative requested. The existing building will comply with the required interior setback of 15 feet along the newly proposed lot line on the north and west sides of the site. There is a portion of the existing structure which is adjacent to the commercial structure located on the southwest side of the site that is currently located at zero lot line and is non-conforming. With the proposed alley vacation, the building will be setback 6 feet 2 inches from the new lot line. The applicant has stated that the adjacent property owner will likely transfer his portion of the vacated alley (6 feet, 2 inches) to the applicant thus eventually providing a 12 feet, 4 inch

separation. In any case, the non-conforming setback is becoming less non-conforming. No alternative is necessary.

On-premise signs: No alternative requested. No signage is proposed at this time.

Off-street parking and loading: While the project meets the overall minimum parking requirement, an alternative has been requested from the Zoning Code standards to allow more compact parking spaces than is allowed. Section 541.330 of the Zoning Code outlines size requirements for off-street parking spaces. This provision states that at least 75% of the required parking spaces must comply with the minimum dimensions for standard spaces. Based on the requirement to provide one off-street parking space per dwelling unit, a total of 137 parking spaces are required, which would allow 34 compact spaces. The applicant is proposing to include a total of 38 compact stalls and overall, a total of 139 off-street parking spaces.

The applicant must provide an amenity or a combination of amenities totaling at least **5 points** to reduce this off-street parking requirement. See “amenities provided” section below.

Amenities provided: In addition to the 10-point minimum required for all planned unit developments, the applicant must provide amenities or a combination of amenities totaling at least **5 points**. The applicant proposes the following amenities from Table 527-1: conservation of the built environment, a recycling storage area, and decorative fencing.

1. Conservation of the built environment involves the significant renovation, rehabilitation and adaptive reuse of an existing building(s), rather than demolition. The applicant is proposing to conserve the built environment as the Buzza / Lehman Center building would be renovated and adaptively reused for 137 apartments. The conservation of the built environment is worth **5 points**.
2. A recycling storage area is provided which allows an easily accessible area that serves the entire building and is dedicated to the collection and storage of non-hazardous materials for recycling, including but not limited to paper, corrugated cardboard, glass, plastics and metals. The recycling storage area shall be located entirely below grade or entirely enclosed within the building. The design of the structure includes facilities for recycling and waste that will be located in the basement. This provision is worth **1 point**.
3. Decorative fencing requires the installation of high-quality decorative metal fencing where visible from the public street, public sidewalk or public pathway. The applicant is proposing to provide decorative fencing along all three street frontages as well as within the site. This provision is worth **1 point**.

Based on the analysis listed above, totaling both the standard amenities outlined in Table 527-1 and those additional being requested, a total of 17 points are being provided which meet the minimum of 15 points required based on the alternatives requested for the PUD.

Phasing plan: Not applicable as the redevelopment will transpire in one phase.

In addition to the conditional use permit standards contained in Chapter 525, Administration and Enforcement, before approval of a planned unit development the city planning commission also shall find:

1. **That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:**

a. The character of the uses in the proposed planned unit development, including in the case of residential uses, the variety of housing types and their relationship to other site elements and to surrounding development.

The development would provide a mix of rental housing including studio, one and two bedroom units. The proposed development would fit in well with the neighborhood context as the surrounding area includes a mixture of residential and commercial uses that are of varying heights, style, and designs.

b. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access, bicycle facilities and availability of transit alternatives.

The development would not be expected to have a negative impact on traffic movement in the vicinity. The TDMP concludes that the proposed apartment complex is not anticipated to have significant impacts on area traffic operations. Further, the proposed apartment complex is projected to generate slightly less traffic over the course of the day but less than half of the peak hour traffic compared to the recent use of the site by Minneapolis Public Schools, the previous occupant of the building. Further, the primary access to the site will remain unchanged. The existing curb cut off of West Lake Street to the alley will be eliminated thus improving pedestrian movement around the site.

The parking proposed for the development complies with the minimum parking requirements outlined in Chapter 541 of the Zoning Code. The development requires 137 off-street parking spaces and the applicant is proposing a total of 139 spaces. Due to the proximity to various bus lines (a bus stop is located in front of the building along West Lake), the proximity to the Midtown Greenway and other bicycle routes, as well as the availability of bicycle parking both interior and exterior on the premises, Planning Staff would not anticipate any issues. The proposal includes parking for 40 bicycles outside of the structure as well as a large bicycle storage area within the basement of the underground parking garage that is proposed to accommodate 100 bicycles.

c. The site amenities of the proposed planned unit development, including the location and functions of open space, the preservation or restoration of the natural environment or historic features, sustainability and urban design.

The current site is nearly 90% impervious. The proposal to incorporate over 26,000 square feet of landscaping and pervious areas will improve the aesthetics, drainage and overall functionality of the site. The site amenities include LEED certification of the existing building, conservation of the built environment, as well as a recycling storage area within the building and decorative fencing around the perimeter of the site.

d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.

The building is existing. The structure is 7 stories or 107 feet tall and the site provides surface parking. The uses within the area are varied and include primarily residential and commercial uses. Due to the fact that the building is existing it should have no impact on the existing microclimate effects or the existing views and corridors. The proposal results in a development that will revitalize a vacant building and will likely improve and further stabilize the neighborhood.

e. An appropriate transition area shall be provided between the planned unit development and adjacent residential uses or residential zoning that considers landscaping, screening, access to light and air, building massing, and applicable policies of the comprehensive plan and adopted small area plans.

The only other structure on the block is a single-story commercial building located on the southwest corner of the site at the intersection of West Lake Street and Dupont Avenue South. The subject site is otherwise separated from surrounding residential development by public streets and the Midtown Greenway which mitigates the impacts of the existing structure. Further, the applicant proposes to enhance the existing streetscape along Dupont Avenue South, Colfax Avenue South and West 29th Street with landscaping.

f. The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.

The applicant would need 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 to ensure that all procedures are followed in order to comply with city and other applicable requirements. The City of Minneapolis will review and approve the applicant's stormwater management plan and erosion control plan.

g. The consideration, where possible, of sustainable building practices during the construction phases and the use of deconstruction services and recycling of materials for the demolition phase.

The proposed project is seeking LEED Certification. The renovation of the existing structure and adaptive reuse as a residential structure is a sustainable practice. As proposed, the development would also utilize a construction waste recycling program.

2. That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.

The applicant has submitted a preliminary plat for the site which complies with all of the applicable requirements in Chapter 598 of the Zoning Code.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances, windows, and active functions:
 - Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

- g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.**

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

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

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

The development is not subject to required yards along the periphery of the property. A total of 137 residential units are proposed to be located within the existing structure on the site. The proposal to reuse the structure involves significant interior renovations but fairly minor exterior modifications. The existing building is oriented towards West Lake Street as well as somewhat to the interior of the site. The design maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation along the street frontages. The area between the building and the public streets would have new plantings.

The building is existing and the elevations of the building and the associated window openings are existing. The proposed modifications to the existing structure are primarily internal, however, the exterior modifications will include the removal of approximately 60 air conditioning units which will be replaced with new glass panels to match the original windows. Boarded up windows will also be removed and replaced with matching glass panels. Because the building is existing, the window opening areas will not be evaluated; however, typically residential developments are subject to a 20% window requirement on the ground floor and a 10% window requirement on upper floors. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. The development would appear to comply with the above-listed window requirements. The existing windows are distributed in a more or less even manner are also vertical in proportion.

As proposed, the building complies with the active functions provision as outlined above.

There structure is existing so the 25 foot blank wall provision does not apply.

The existing structure is composed primarily of masonry and stucco. The building form and various roof lines are existing.

No parking garage is proposed. All parking would be provided on the north side of the site in a surface parking lot accessed off of Dupont Avenue South and Colfax Avenue South.

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.**

There are two principal entries to the structure one off of West Lake Street and the other interior to the site on the west side of the structure adjacent to the surface parking lot. The development is located directly adjacent to the public sidewalk along West Lake Street and connected via walkways that are a minimum of 4 feet in width. The entrance located interior to the site is not connected to the public sidewalk. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission require that a walkway be provided to Dupont Avenue South. Due to the interior configuration of the building, it would seem practical to provide a connection to Dupont Avenue South. Further, the 17 foot wide driveway off of Dupont Avenue South is proposed to accommodate one-way traffic leaving ample room for a 5-foot wide walk, although there are grade issues. It is likely that many of the future residents will walk to the grocery store located on the adjacent lot as well as the other cultural and recreational amenities in the area.

There are no transit shelters incorporated within the development, however, there is a bus shelter/stop located in front of the building along West Lake Street. The site is located along and within close proximity to several Metro Transit bus lines.

The structure is existing and has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. The number of curb cuts has been minimized to the extent practical.

The applicant proposes to vacate the remaining public alley that is located within the block in order to minimize access points and to provide a more pedestrian friendly area around the residential structure.

The site currently is approximately 90% impervious. The applicant proposes to remove some existing portions of the structure to create an outdoor open space area, as well as construct new retaining walls and provide perimeter landscaping around the surface parking lot. In total the applicant proposes to incorporate over 26,000 square feet of landscaping and pervious areas which will improve the aesthetics, drainage and overall functionality 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.**

According to the applicant, once the project is complete, approximately 23,983 square feet (with pervious pavers a total of 28,262 square feet) or 30% of the site not occupied by buildings will be landscaped, which would exceed the 20% landscaping requirement. The site is approximately 109,943 square feet in size with a building occupying a footprint of 30,926 square feet. Based on the site information, approximately 15,803 square feet of landscaping would be required. The zoning code requires that there be at least 32 trees and 158 shrubs planted on the site. The applicant is proposing to have 29 canopy tree on the premises (as well as 8 ornamental trees and 9 evergreen trees), 228 shrubs as well as perennials and grasses on the site. The proposal is exceeding the minimum landscape quantity requirements for shrubs but is not meeting the canopy tree requirement. Alternative compliance is necessary. Planning Staff will recommend that the Planning Commission require compliance in this circumstance as only 3 additional canopy trees are necessary to meet this requirement.

There is a 139 space surface parking lot located on the north side of the site. The site is subject to a 9-foot wide perimeter landscaping requirement adjacent to Dupont Avenue South, Colfax Avenue South and West 29th Street. The parking lot is in compliance adjacent to both Colfax Avenue South and West 29th Street; however, along Dupont Avenue South the landscaped area varies from 2 feet, 4 inches to 2 feet, 6 inches. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance as it would not be practical to require an additional buffer to the existing grade constraints as well as the configuration of the parking lot. The parking lot is subject to landscaping and screening along those three street frontages as well. The perimeter of the parking lot will include black metal fencing and landscaping at the street level; however, due to the fact that the parking lot is sunken, other than the various canopy trees, planted in the vicinity, the retaining walls actually provide the screening. Due to the fact that the landscaping and screening does not meet the specific parameters required in Chapter 530, alternative compliance is necessary. Planning Staff will recommend that the Planning Commission grant alternative compliance in this circumstance. The grades on site are existing and the applicant proposes to not only landscape the perimeter but also construct new retaining walls in the parking lot area to improve the overall aesthetics of the site. One tree is required for each 25-linear feet of parking or loading area lot frontage. The proposed plan is not meeting this requirement and alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance due to the uniqueness of the site and the existing grade issues. The site has been designed to accommodate canopy trees in the perimeter areas; however, due to the severe grade changes from street level to the sunken parking lot, it would be challenging to meet this requirement. Additionally, there are some retrofitted landscaped islands located within the parking lot which do not meet the minimum width of 7 feet in any direction. This requires alternative compliance. Planning Staff would recommend that the Planning Commission Grant alternative compliance as the applicant has attempted to green the surface parking lot while still accommodating the required number of off-street parking spaces. In addition to the landscaped islands, and perimeter landscaping, the applicant has also incorporated pervious pavers within the surface parking lot to promote on-site filtration. Planning staff will recommend that the Planning Commission require that the pervious

pavers are included in the final landscape plan as an alternative compliance measure. All parking spaces are located within 50 feet of an on-site deciduous tree.

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 for the residential development is being provided in a 139 space surface parking lot on the north side of the site. The parking lot is existing and will be resurfaced, landscaped and pervious pavers will be incorporated in some locations. The parking lot is primarily accessed off of the west and east sides of the site via Dupont Avenue South and Colfax Avenue South. The existing alley access off of West Lake Street is proposed to be vacated and the curb cut closed. The water drainage on site has been designed so as not to drain onto any adjacent lots. The applicant is providing on-site retention and filtration.

Staff would not expect the proposal to result in the blocking of views as the building is existing. The existing structure would also not be expected to have any additional shadowing impacts on adjacent properties and public spaces or on light, wind and air in relation to the surrounding area.

Planning Staff would expect to review a detailed lighting plan upon submission of final plans.

While the structure is not officially designated as a historic structure, the building is certainly worthy of renovation. Further, the applicant is seeking to locate the building on the National Register of Historic Places through SHPO. The applicant is proposing to rehabilitate and renovate the existing structure for 137 dwelling units.

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 as a PUD is conditional in the C2 District

With the approval of the conditional use permit, site plan review, preliminary plat and alley vacation this development would meet the requirements of the C2 zoning district.

Parking and Loading:

Minimum automobile parking requirement: Chapter 541 requires one off-street parking space per dwelling unit or a total of 137 parking spaces for the proposed residential project. The applicant is proposing to provide a total of 139 off-street parking spaces; 96 standard spaces, 38 compact spaces and 5 accessible stalls. A PUD

alternative is necessary as the applicant is proposing 4 additional compact parking stalls beyond what is permitted in the Zoning Code (at least 75% of the required parking spaces must comply with the minimum dimensions for standard spaces). Please see the findings listed above.

Maximum automobile parking requirement: The maximum automobile parking provision is typically not applicable for residential developments when parking is enclosed. However, due to the fact that all parking provided for the development is located in a surface parking lot, a provision outlining the maximum number of vehicles per dwelling pertains (541.450). Not more than two parking spaces per dwelling unit can be unenclosed. The proposal to provide 139 spaces is compliant with the maximum automobile parking requirement as a total of 274 could be provided.

Bicycle parking requirement: Chapter 541 requires one space per two units for the proposed development. Therefore a total of 69 bicycle parking spaces must be provided. Not less than 90% of the required bicycle parking shall meet the standards for long-term bicycle parking which are as follows:

- *Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. With permission of the zoning administrator, long-term bicycle parking spaces for non-residential uses may be located off-site within three hundred (300) feet of the site.*

The proposal includes parking for 40 bicycles outside of the structure as well as a large bicycle storage area within the building that will provide 100 spaces.

Loading: The minimum loading requirement for multiple-family dwelling between 100 – 250 units is one small loading space (10 feet in width by at least 25 feet in length). There is an existing loading dock located on the west side of the building. The dock will be partially located within the building and meets the minimum size requirements without conflicting with any driveways.

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. A trash and recycling room is located within the existing structure.

Signs: No signage is proposed at this time. All new signage is required to meet the requirements of the code. Permits are required from the Zoning Office should any signage be included for the development. Should any proposed signage not meet Chapter 543 of the Zoning Code, a PUD amendment will be required that includes a corresponding comprehensive sign plan.

Maximum Floor Area: The maximum F.A.R. for multiple-family dwelling units in the C2 District is the gross floor area of the building which is 144,300 square feet divided by the area of the lot which is 109,943 square feet. The outcome is 1.31 which is less than the maximum of 1.7 that is permitted in the C2 District. The proposed development is in compliance with this provision.

Minimum Lot Area: The project would meet the minimum lot area requirement of the C2 District and the minimum lot width requirement. The lot has 109,943 square feet of lot area. For multiple-family dwellings 5,000 square feet or 700 square feet per dwelling unit is required, whichever is greater. Based on the proposal to include 137 residential units, 95,900 square feet of lot area would be required. The project is in compliance with the minimum lot area requirements as a total of 157 residential units would be permitted on the premises. Additionally, the subject property exceeds the minimum lot width requirement of 40 feet.

Dwelling Units per Acre: Based on the lot area of 109,943 or 2.52 acres and a total of 137 units provided, 54 dwelling units per acre are being provided based on the proposal.

Height: Maximum building height for principal structures located in the C2 District is 4 stories or 56 feet, whichever is less. The building is existing and is 7 stories or 107 feet tall.

Yard Requirements: The required yards are as follows:

Front (Dupont Avenue South and Colfax Avenue South): 0 feet
Corner Side (West Lake Street and West 29th Street): 0 feet
Interior yards: (5+2x): 15 feet

Building coverage: Not applicable for this development.

Impervious surface area: Not applicable for this development.

MINNEAPOLIS PLAN:

See the above listed response to finding #5 in the conditional use permit application for a PUD. The policies and implementation steps outlined apply to the proposed site plan review application as well.

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

See the above listed response to finding #5 in the conditional use permit application for a PUD. The relevant provisions of the *Midtown Greenway Land Use & Development Plan* and the *Uptown Small Area Plan* apply to the proposed site plan review application as well.

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.**

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

- Walkway connections to the public sidewalk: There are two principal entries to the structure one off of West Lake Street and the other interior to the site on the west side of the structure adjacent to the surface parking lot. The development is located directly adjacent to the public sidewalk along West Lake Street and connected via walkways that are a minimum of 4 feet in width. The entrance located interior to the site is not connected to the public sidewalk. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission require that a walkway be provided to Dupont Avenue South. Due to the interior configuration of the building, it would seem practical to provide a connection to the public sidewalk along Dupont Avenue South. Further, the 17 foot wide driveway off of Dupont Avenue South is proposed to accommodate one-way traffic leaving ample room for a 5-foot wide walk, although there are grade issues. It is likely that many of the future residents will walk to the grocery store located on the adjacent lot as well as the other cultural and recreational amenities in the area.
- Landscape quantities: The zoning code requires that there be at least 32 trees and 158 shrubs planted on the site. The applicant is proposing to have 29 canopy tree on the premises (as well as 8 ornamental trees and 9 evergreen trees), 228 shrubs as well as perennials and grasses on the site. The proposal is exceeding the minimum landscape quantity requirements for shrubs but is not meeting the canopy tree requirement. Alternative compliance is necessary. Planning Staff will recommend that the Planning Commission require compliance in this circumstance as only 3 additional canopy trees are necessary to meet this requirement.
- Perimeter landscaping: There is a 139 space surface parking lot located on the north side of the site. The site is subject to a 9-foot wide perimeter landscaping requirement adjacent to Dupont Avenue South, Colfax Avenue South and West 29th Street. The parking lot is in compliance adjacent to both Colfax Avenue South and West 29th Street; however, along Dupont Avenue South the landscaped area varies from 2 feet, 4 inches to 2 feet, 6 inches. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance as it would not be practical to require an additional buffer to the existing grade constraints as well as the configuration of the parking lot.
- Landscaping & Screening: The parking lot is subject to landscaping and screening along those three street frontages as well. The perimeter of the parking lot will include black metal fencing and landscaping at the street level; however, due to the fact that the parking lot is sunken, other than the various canopy trees, planted in the vicinity, the retaining walls actually provide the screening. Due to the fact that the landscaping and screening does not meet the specific parameters required in Chapter 530, alternative compliance is necessary. Planning Staff will recommend that the Planning Commission grant alternative compliance in this circumstance. The grades on site are existing and the applicant proposes to not only landscape the perimeter but also construct new retaining walls in the parking lot area to improve the overall aesthetics of the site.
- Linear tree requirement: One tree is required for each 25-linear feet of parking or loading area lot frontage. The proposed plan is not meeting this requirement and alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance due to the uniqueness of the site and the existing grade issues. The site has been designed to accommodate canopy trees in the perimeter areas; however, due to the severe grade changes from street level to the sunken parking lot, it would be challenging to meet this requirement.
- Tree islands: Additionally, there are some retrofitted landscaped islands located within the parking lot which do not meet the minimum width of 7 feet in any direction. This requires alternative compliance. Planning Staff would recommend that the Planning Commission Grant alternative compliance as the applicant has attempted to green the surface parking lot while still accommodating the required number of off-street parking spaces. In addition to the landscaped islands, and perimeter landscaping, the applicant has also incorporated pervious pavers within the surface parking lot to promote on-site filtration. Planning staff will recommend that the Planning Commission require that the pervious pavers are included in the final landscape plan as an alternative compliance

measure.

PRELIMINARY PLAT – PL - 256

Required Findings:

1. The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the comprehensive plan.

The applicant is proposing to consolidate several existing platted lots into two lots for a Planned Unit Development (PUD).

The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.230 (5), which requires utility easements to be five feet wide on side lot lines and ten feet wide on rear lot lines, where no alley is provided. In order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (5) is required to eliminate the drainage and utility easements from both lots. While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

Given the layout of the site, and the fact that the structure exists on the premises, the existing drainage and utilities would not match the required easement locations and are not necessary, so Staff recommends granting the variance in this specific circumstance.

ZONING CODE

The use of the site as a PUD is conditional in the C2 District. With the approval of the conditional use permit, site plan review, preliminary plat and vacation application, this development meets the applicable requirements of the C2 zoning district.

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

The applicant is proposing to consolidate several existing platted lots into two new lots. Staff does not believe that the proposed plat would be injurious to the use and enjoyment of surrounding property, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets. There are various conditions of approval on the PUD site plan that should address any negative impacts of the development.

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

The site is developed 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 parcels created by this application present no foreseeable difficulties for this development. No significant alterations to the land appear necessary as the structure exists on the premises.

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

Public Works shall review and approve all drainage and sanitary system plans before building permits are issued.

VACATION (Vacation 1584) – of the public alley.

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. The letter has been attached for reference. Both Xcel Energy and Qwest have requested easements and that correspondence has been attached. Planning Staff would encourage the applicant to work directly with both utilities to ensure that the applicable easements as requested are provided. Planning Staff would recommend that an easement be granted over the entire described areas to be vacated at this time.

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 and stipulations requested above are granted by the petitioner.

RECOMMENDATIONS

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 conditional use permit application for a Planned Unit Development which results in the conversion of the existing building on the premises into a 137 unit residential development located at 1006 West Lake Street subject to the following conditions:

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. As required by section 527.120 of the zoning code, the development shall comply with the standards for some combination of the following amenities from Table 527-1, Amenities totaling a minimum of 15 points: LEED Silver Certification, conservation of the built environment, decorative fencing, and a recycling storage area.

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 for a Planned Unit Development for the property located at 1006 West Lake Street subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans.
2. All site improvements shall be completed by July 18, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. A minimum of a 4-foot wide walkway shall be provided that connects the entrance on the west side of the structure to the public sidewalk along Dupont Avenue South.
4. The final landscape plan shall incorporate three additional canopy trees to meet the minimum quantities outlined in Section 530.160 of the Zoning Code.
5. The final landscape plan shall incorporate pervious pavers as an alternative compliance measure from the landscaping requirements noted above.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the preliminary 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 plat application and the drainage and utility variance for the property located at 1006 West Lake Street.

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

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 (Vacation File 1584) subject to the provision of easements dedicated to Xcel Energy and Qwest over the entire described areas to be vacated.

Attachments:

1. Statement of use and description
2. Findings - conditional use permit – PUD, subdivision
3. Correspondence
4. Zoning Map
5. Plans - Civil plans, site plan, landscaping plans, floor plans, elevations, plat, alley vacation
6. Photos
7. LEED matrix
8. PDR report