

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permits, Variances & Major Site Plan Review Applications
(BZZ-1830)

Date: August 9, 2004

Applicant: Horty Investment Partnership, Lllp 505 East Grant Street, Minneapolis, MN 55404-1490

Address of Property: 505 East Grant Street, 1307 Fifth Avenue South & 1321 Fifth Avenue South

Project Name: Fifth Avenue Gateway

Contact Person and Phone: Jeri Zuber, Horty Elving & Associates, Inc., 505 East Grant Street, Minneapolis, MN 55404-1490, 612.332.4422

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

Date Application Deemed Complete: July 15, 2004

End of 60-Day Decision Period: September 12, 2004

End of 120-Day Decision Period: Not applicable

Ward: 7 - Lisa Goodman **Neighborhood Organization:** Elliot Park Neighborhood Inc.

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

Proposed Zoning: OR3 (Institutional Office Residence Districts)

Zoning Plate Number: 20

Lot Area: 33, 557 square feet or .77 acres

Legal Description: Lot 6, 7, 8, 9 and 10, Block 8, Butler's Second Addition and ½ of 1987 vacated alley.

Proposed Use: Proposed 136 unit residential tower attached to the existing office building

Concurrent Review:

- Rezone parcels from the OR2 (High Density Office Residence) and R6 (Multiple-family) districts to the OR3 (Institutional Office Residence) district.
- Conditional Use Permit for a multiple family dwelling unit, to allow 136 residential units.
- Conditional Use Permit to increase the maximum permitted height from 6 stories/84 feet to 20 stories/267 feet.

- Variance to reduce the required front yard setback off of Fifth Avenue South from 15 feet to 3 feet-9 ¾ inches.
- Variance to reduce the required rear yard off the east property line from 43 feet to 6 feet.
- Variance to increase the maximum F.A.R. (Floor Area Ratio) of the building from 4.2 to 5.4 (32%).
- Variance of the minimum required lot area from 34,000 to 33,557 (3%).
- Major Site Plan review for any use containing 5 or more dwelling units.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits; Chapter 525 Article IX, Variances, & Chapter 530 Site Plan Review.

Background: The applicant, Horty Investment Partnership, proposes to construct a new 20-story 136 dwelling unit residential tower connecting to the existing 505 Grant Street Office Building on the bituminous surface 64-car parking lot located at the northeast corner of Fifth Avenue South and 14th Street East. The 3-story 505 Grant Street Office Building has been occupied by Horty Elving architects, engineers, interior designers and construction managers for the past 32 years and will continue to do so. The new 20-story tower will connect to the office building on 3 levels and will include one-bedroom, one-bedroom/den, two-bedroom and two-bedroom/den for sale residential units all located above a new four-story, 211 car underground parking ramp structure. The residential units will be initially constructed with a core utility element for toilet, kitchen and laundry services as a partially finished shell space with final custom finishing to suit prospective owners.

The subject properties are zoned R6 and OR2. The applicant proposes to rezone the properties to OR3 to allow higher density residential development.

The Elliot Park Neighborhood Inc., has written a letter of support for the proposed development. More specifically, the EPNI Board of Directors motion of support language states that “The Elliot Park Neighborhood Board of Directors approves and supports Horty Elving & Associates, Inc.’s site plan application and variance and conditional use permit requests to the City of Minneapolis for a mixed use residential development on the properties at 1321 5th Ave S, 1307 5th Ave S, and 505 E Grant St. This approval is based on recommendations forwarded by a special neighborhood task force that has collaborated with the Horty Elving team since the inception of the development proposal to agree on a development plan that will help advance the goals of the Elliot Park Neighborhood Master Plan.” The letter is attached for reference.

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

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

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

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

- Encourage improvements to the public right of way that support pedestrian and transit circulation and that beautify downtown.
- Promote building heights and designs that protect the image and form of the downtown skyline, that provide transition to the edges of downtown and that protect the scale and qualities in areas of distinctive physical and historic character.
- Support private use of the public right of way where it adds interest and vitality to the pedestrian environment.
- Support housing opportunities in downtown for all income levels, with an emphasis on providing additional moderate to high income owner-occupied units.
- Emphasize good open space design.
- Ensure that new residential development contributes to the sense of neighborhoods through appropriate site planning and architectural design.
- Protect residential areas from encroachment of incompatible land uses, and ensure that the physical environment of downtown residential areas is compatible with housing by minimizing traffic impacts, maintaining security, and providing and maintaining amenities.

This development supports these principles and policies.

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

The amendment will allow the property owner to construct a residential building that attaches to the existing office building which includes 136 dwelling units. Through the adoption of the *Minneapolis Downtown 2010 Plan*, City stakeholders have identified this area as an appropriate location for housing development. Approving this rezoning request supports this decision.

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

The site is bordered by R6 zoning to the south and east, OR3 zoning to the north and Interstate 35 to the west. There is predominately a mix of R6, OR3 and OR2 zoning, as well as downtown zoning classifications across the Interstate. Adjacent uses include a mixture of different housing developments, small commercial uses and offices. Given the mixture of surrounding zoning classifications and uses in the area, Staff believes that the OR3 zoning district would be compatible in this location.

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

The OR2 zoned parcel is fully developed with the existing office building. There are reasonable uses of the property permitted where the proposed residential tower will be constructed (the existing

surface parking lot) under the R6 zoning district. The R6 zoning district is a high-density, multiple-family housing district. Permitted uses in the R6 district include, but are not limited to, the following:

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

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

Under the 1963 Zoning Code, the subject property and the surrounding area was zoned similarly as it is today. In the last few years existing buildings have been rehabbed and converted to condominiums, new high rise residential developments have been approved, constructed and small commercial uses have located in existing buildings. Additionally, the character of the neighborhood and development trends support higher density residential dwelling units.

CONDITIONAL USE PERMIT - to increase the height of the proposed building from the permitted 6 stories/84 feet to 20 stories/267 feet

Findings as Required by the Minneapolis Zoning Code:

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

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

Staff does not believe that increasing the height of the proposed building will be detrimental to or endanger the public health, safety, morals or general welfare. Increasing the height of the building may occasionally cast shadows on adjacent buildings during different times and seasons throughout the year. However, although shadowing will occur, it does not appear to be for significant amounts of time on any one specific building.

Additionally, the applicant believes that their 34-year commitment at the location speaks to the establishment, quality maintenance and operation of their facility. Therefore, the applicant believes that their mixed-use office / residential tower will visually improve the neighborhood's external appearance while simultaneously improving the public health, safety and welfare of the Elliot Park Neighborhood.

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

Staff believes that increasing the height of the building will not be injurious to the use and enjoyment of surrounding property and will not impede the normal development of the surrounding area. This site is located directly adjacent to Interstate 35W and the applicant has attempted to design the building in a manner that minimizes the impact of shadowing on adjacent parcels. There are not many buildings within the area over six stories, however, the 27-story Grant Park development is under construction across the street to the north and another 28-story development, Elliot Park Lofts has recently been approved to the northeast just a few blocks away. Higher residential densities are desired in and near downtown.

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

Increasing the height of the building will have no impact on utilities, access roads or drainage. The applicant believes that the off-site public utilities provided by the City are adequate to meet needs and the developer will provide all necessary facilities and or connections.

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

Increasing the height of the building will have no impact on traffic congestion in the public streets as the building will accommodate 211 parking spaces in a 4-story underground ramp. The provided parking will not only accommodate the existing surface parking for the office building but will also accommodate all resident parking and some visitor parking. Additionally, the applicant has requested a minor reconfiguration of Fifth Avenue South between Grant Street and 14th Street East to improve traffic flow and to add 8 metered diagonal parking stalls.

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

See the above listed response to finding #1 in the rezoning application.

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

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

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

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

1. Access to light and air of surrounding properties.

Increasing the height of the proposed building should have minimal impact on the amount of light and air that surrounding properties receive. The reason is that there is a 75-foot by 135-foot outdoor landscaped courtyard between 14th Street East and the proposed building. Additionally, the 27-story Grant Park development is approximately 195 feet north of the proposed building. The 8-story Portland House is 52 feet east of the proposed building. The 3-story rental housing south of 14th Street East is 135 feet south of the proposed building and overlooks the proposed open space area and Interstate 35W is located directly adjacent to the west.

2. Shadowing of residential properties or significant public spaces.

The shadow study that was submitted as part of this application indicates that there will be some shadowing cast on adjacent residential properties. The attached computer-generated shadowing diagrams from low to maximum equinox sunshine (roughly 23 degrees and 78 degrees) at 10:00 AM to 2:00 PM which does not impact neighboring properties adversely. The diagrams do indicate minimal shadowing at 2:00 PM in December on a portion of the northwest corner of Portland House and on a small portion of the Grant Park development across East Grant Street. Although shadowing is occurring it does not appear to be for significant amounts of time on any one residential building. The applicant could potentially construct a six story building on this property without applying for a conditional use permit to increase the height of the building which could also cast shadows on adjacent residential buildings.

3. The scale and character of surrounding uses.

The scale of the buildings in this area of the Elliot Park neighborhood range between one to 27 stories. The older, historical buildings are typically between three and four stories in height. The architectural style of the surrounding properties also vary.

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

The proposed development will not impact views of landmark buildings, significant open spaces or water bodies. The developer has paid particular attention to the design of the building in order to maintain the views for their neighbors and themselves. The developer maintains that they carefully examined the location of the proposed building in order to minimize the blocking of view of 42 apartment units on the west elevation of Portland House.

CONDITIONAL USE PERMIT – to allow 136 dwelling units

Findings as Required by the Minneapolis Zoning Code:

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

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

Staff does not believe that 136 units of for-sale condominiums will be detrimental to or endanger the public health, safety, morals or general welfare. The additional residential units will strengthen the owner-occupied base within the neighborhood. According to the 2000 Census, approximately 96 percent of the dwellings in the Elliot Park neighborhood are rental. This project will add a stabilizing element to the neighborhood.

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

Staff does not believe that 136 dwelling units will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. Utilizing the site for a 136-unit for-sale condominium development would provide additional opportunities for housing within the neighborhood. Adjacent uses include a mixture of different housing developments, small commercial uses and offices. The developer believes that the proposed development actually supports the Elliot Park Neighborhood Master Plan Concept for neighborhood improvement by improving the pedestrian flow through landscaped walkways and the large green open space area atop their underground parking structure.

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements. The applicant believes that the off-site public utilities provided by the city will be adequate to meet their needs and they will provide the necessary facilities and or connections as required.

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

In the OR3 zoning district, residential uses must provide parking for ninety percent of the total number of dwelling units in the building. The residential parking requirement for this development is 122 spaces. The existing office building requires 47 parking spaces. The total required for the proposed development is 169 parking spaces. The applicant is providing a total of 211 parking spaces in a four-story underground parking garage located on the site. Residents and guests will access the parking garage off of 5th Avenue South.

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

See the above listed response to finding #1 in the rezoning application.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

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

VARIANCE - to increase the floor area ratio of the building from 4.2 to 5.4

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

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

Floor area ratio: The applicant is seeking a variance to increase the floor area ratio of the building from 4.2 to 5.4. To help support downtown, higher density developments are desired in and near downtown.

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

Floor area ratio: The site's proximity to Downtown Minneapolis is a unique circumstance of this parcel of land. Additionally, the property is visually and physically unique as one of the Grant Street gateways to and from the Minneapolis central business district.

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

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

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

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

VARIANCE - to reduce the minimum lot size requirement from 250 square feet per dwelling unit to 247 square feet per dwelling unit. The overall lot size requirement for the proposed development is 34,000 square feet and the site is 33,557 square feet in size. The requested lot area variance is 3%.

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

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

Lot size: The applicant is seeking a variance to reduce the minimum lot size requirement from 250 square feet per dwelling unit to 247 square feet per dwelling unit. The applicant has indicated that this site is unique in that it is located within walking distance of Downtown Minneapolis. To help support downtown, higher residential densities are desired in and near downtown.

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

Lot size: The site's proximity to Downtown Minneapolis is a unique circumstance of this parcel of land.

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

Lot size: See the above listed response to additional finding #3 in the height variance section.

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

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

VARIANCE – to reduce the front yard setback along Fifth Avenue South from the required 15 feet to 3 feet 9-3/4” from the west property line.

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

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

Front yard setback: The applicant is seeking a variance to reduce the front yard setback along Fifth Avenue South from the required 15 feet to 3 feet 9-3/4”. The applicant proposes its front yard and primary residential address to be on Fifth Avenue South and by reconfiguring Fifth Avenue South, expanding the available parking with a landscaped boulevard and walkways, the applicant believes

that a setback variance is necessary. The applicant has also indicated that one of the goals of the *Elliot Park Neighborhood Master Plan* is to place new developments close to the street.

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

Front yard setback: The applicant believes that there are unique circumstances for this parcel which include, the parcel abutting Interstate 35W as well as being located adjacent to a one-way east frontage road, Fifth Avenue South. The applicant believes that there will be no detrimental impact on the adjacent neighbor as the parcel directly abuts Interstate 35W. In order to develop this site with the required setback in place, the entire project would have to be scaled down and therefore would change the overall development.

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

Front yard setback: The granting of the setback variance would not significantly affect the essential character of the area given that there are several buildings within the vicinity which are constructed up to their property lines.

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

Front yard setback: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety. All of the required parking is being accommodated on site in an underground parking ramp. The parking that is provided will also alleviate general neighborhood parking issues as there is excess parking available for visitors to the area in the ramp.

VARIANCE – to reduce the rear yard setback along the alley from the required 43 feet to 6 feet from the east property line.

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

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

Rear yard setback: The applicant is seeking a variance to reduce the rear yard setback along the alley from the required 43 feet to 6 feet. The applicant has indicated that strict adherence to the setback requirements would cause undue hardship as it would not be possible to construct the proposed development without the variance. Additionally, the construction of the building

approximately 6 feet from the property line would locate the building 52 feet from the 8-story west face of the Portland House.

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

Rear yard setback: The applicant believes that there are unique circumstances for this parcel which include, the parcel abutting Interstate 35W as well as being located adjacent to a one-way east frontage road, Fifth Avenue South. The applicant believes that there will be no detrimental impact on the adjacent impacted neighbor, Portland House. In order to develop this site with the required setback in place, the entire project would have to be scaled down or spread over the entire site and therefore would change the overall development.

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

Rear yard setback: The granting of the setback variance would not significantly affect the essential character of the area given that the adjacent impacted neighbor, Portland House would be 52 feet from the proposed rear wall of the residential tower. Staff believes that 52 feet is adequate spacing. Thus, the granting of the variance would not alter the essential character 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.

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

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FACADE

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.
- Entrances and windows:
- Residential uses shall be subject to section 530.110 (b) (1).
- Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

The proposed placement of the new building will be approximately 3 feet 10 inches from the property line along Fifth Avenue South, approximately 75 feet from 14th Street East and 6 feet from the rear property line. Both the office space and the residential lobby have their own secured entrances. Between the building and both 14th Street East and a portion of 5th Avenue South there will be landscaping, as well as a large open space plaza with walkways and benches.

The exterior materials of the building include pre-cast concrete panels, glass curtain walls, translucent curtain walls and porcelain metal panels. The percentage of windows required on the 5th Avenue South and 14th Street East sides of the building is thirty percent. The elevations indicate that there will be over 30 percent windows provided on both walls. The existing office building also appears to meet the 30% requirement.

The applicant is providing a total of 211 parking spaces in a four-story underground parking garage located on the site. Additionally, 8 metered parking spaces will be provided along the newly reconfigured 5th Avenue South frontage road. Additional handicapped spaces may be required within the parking ramp.

ACCESS AND CIRCULATION

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.

- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

All building entrances are connected to public sidewalks with walkways of at least four feet in width. The applicant has indicated that snow will be removed from the site. Staff is not concerned with impervious surfaces on site as the areas of the site not occupied by the proposed building are almost entirely landscaped. The Public Works Department has reviewed the vehicular access and circulation plan. Modifications may be required upon circulation of plans through the Public Works Department.

LANDSCAPING AND SCREENING

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
- Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.

Staff will need to review a more detailed landscape plan to determine that adequate quantities are supplied. The applicant has indicated that they will provide all required landscaping. The overall open space on site is approximately 13,500 square feet or 86% of the site not occupied by buildings.

The applicant is proposing a 3 foot 6 inch high decorative metal fence located around the perimeter of the open space area on the south side of the site. Additionally, the applicant proposes to maintain the existing 4 foot wood fence that is located along the east property line.

ADDITIONAL STANDARDS

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260.**
- **Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

A lighting plan was not submitted as part of the application. Staff is recommending that a lighting plan showing foot candles be submitted before final plans are approved. This development should not block views of important elements within the city. The shadow study that was submitted as part of this application indicates that there will be minimal shadows cast on adjacent residential properties at different times throughout the day. Although shadowing is occurring it does not appear to be for significant amounts of time on any one residential building.

The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. To ensure the welfare of the residents of the development and the residents of the area the Crime Prevention Specialist has asked that proper lighting be installed above all entrances and that security measures be taken to ensure the safety of those utilizing the landscaped courtyard. The Crime Prevention Specialist also recommended that the applicant install a decorative metal fence around the perimeter of the open space area in order to define public versus private space.

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

ZONING CODE

With the approval of the rezoning, conditional use permits, variances and the major site plan review this development will be in conformance with the applicable regulations of the zoning code. Please see the above listed response to finding #1 in the rezoning application.

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

The City Council adopted the *Elliot Park Neighborhood Master Plan* in April of 2003. Although the plan does not call for a 20-story building on this site Elliot Park Neighborhood, Inc. has approved the development, including its height. The *Elliot Park Neighborhood Master Plan* also says to have new buildings built up to the street and that green space should be incorporated into new development.

ALTERNATIVE COMPLIANCE

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

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

Alternative compliance is not required for this development proposal.

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development, Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the properties located at 505 East Grant Street, 1307 Fifth Avenue South & 1321 Fifth Avenue South to the OR3 district.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to increase the height of the building from the permitted 6 stories/84 feet to 20 stories/267 feet subject to the following conditions:

1. The building shall not exceed a height of 20 stories/267 feet.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit to allow 136 dwelling units subject to the following conditions:

1. There shall be no more than 136 dwelling units in the building.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to increase the floor area ratio of the building from 4.2 to 5.4.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the minimum lot size requirement from 250 square feet per dwelling unit to 247 square feet per dwelling unit.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the front yard setback along Fifth Avenue South from the required 15 feet to 3 feet 9-3/4”.

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

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the rear setback (from east property line) from the required 43 feet to 6 feet for the properties located at 505 East Grant Street, 1307 Fifth Avenue South & 1321 Fifth Avenue South.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for a

136 unit residential building located at 505 East Grant Street, 1307 Fifth Avenue South & 1321 Fifth Avenue South subject to the following conditions:

1. Planning Staff shall review and approve the final site, elevation and landscaping plans.
2. If improvements required by Site Plan Review exceed two thousand (2000) dollars, the applicant shall submit a performance bond in the amount of 125 percent of the estimated site improvement costs prior to obtaining a building permit.
3. All site improvements shall be completed by August 15, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
4. The applicant shall submit a lighting plan showing foot candle measurements before final plans are approved.

Attachments:

1. Statement of use
2. Findings
3. Correspondence
4. Zoning map
5. Plans
6. Photos

