



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

Date: October 28, 2010

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

Referral to: Zoning and Planning Committee

Subject:

Name of Appellant: Shamrock Development, Inc.

Name of Original Applicant: Shamrock Development, Inc.

Property Address: 110 and 124 – 12th Avenue South and 1102 – 2nd Street South
Ward #: 7

Shamrock Development has appealed the City Planning Commission's action denying a variance to increase the maximum allowable ratio of parking spaces per dwelling unit in the DP Downtown Parking Overlay District from 1.7 to approximately 1.9 and in lieu thereof approving a variance from 1.7 to 1.8 parking spaces, for a 12-story, 150-unit residential building for property located at 110-124 – 12th Avenue South and 1102 – 2nd Street South. In addition, they are appealing the condition of approval that requires the provision of a shared car.

Recommendation: The following action was taken by the City Planning Commission on September 7, 2010 (BZZ-4917):

12C. Variance: Application by Shamrock Development for a variance to increase the maximum allowable parking ratio of spaces per dwelling unit in the DP Downtown Parking Overlay District from 1.7 to approximately 1.9 for property located at 110-124 12th Ave S and 1102 2nd St S.

Action: Notwithstanding staff recommendation, the City Planning Commission **approved** the variance application to increase the maximum allowable ratio of parking to dwelling units from 1.7 to 1.8 for property located at 110 and 124 – 12th Avenue South and 1102 – 2nd Street South, based on the following findings:

1. The approval includes the use of shared transportation which will move towards a more pedestrian city.
2. The reduction in the parking ratio from 1.9 to 1.8 and adding the shared vehicle will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality.
3. Will not substantially increase the congestion of the public streets.

And subject to the following condition:

1. Provision of one shared car.

Prepared by: Jim Voll, Principal Planner, 612-673-3887 Approved by: Jason Wittenberg, Planning Supervisor, 612-673-2297 Presenters in Committee: Jim Voll

Community Impact

- Neighborhood Notification – The Downtown Minneapolis Neighborhood Association was notified of this appeal application.
- Comprehensive Plan – See staff report.
- Zoning Code – See staff report.
- End of 60/120-day decision period – On August 27, 2010, staff sent a letter to the applicant extending the 60/120 day decision period to no later than December 8, 2010.

Background/Supporting Information

Shamrock Development, Inc. applied for a rezoning from the I1 Light Industrial District and the Industrial Living Overlay District to the C3A Community Activity Center District, a conditional use permit for a Planned Unit Development, a variance to increase the maximum allowable parking ratio of spaces per dwelling unit in the DP Downtown Parking Overlay District from 1.7 to approximately 1.9, site plan review, and a preliminary plat to allow a new 12-story 150-unit residential building. The City Planning Commission (CPC) recommended approval of the rezoning. The CPC recommended approval of a smaller parking variance than requested by the applicant. Rather than a variance to 1.9 parking spaces per dwelling unit, the CPC approved a variance to 1.8 parking spaces per dwelling unit, subject to the provision of one shared car for the building. The CPC approved the conditional use permit for a Planned Unit Development, the site plan review, and the preliminary plat and these items were not appealed and are now final.

Shamrock Development is now appealing the CPC decision related to the variance. The appeal requests that the City allow 1.85 spaces per dwelling unit, which includes 10 spaces for visitors. A total of 1.8 spaces per dwelling unit would be provided for residents. The number of visitor spaces would be increased to 10, rather than the minimum required number of three visitor spaces. The overall increase beyond the amount approved by the City Planning Commission would be seven spaces. In addition, the appellant requests that they not be required to provide a shared car.

Required accessible spaces and required visitor spaces are not subject to the maximum parking ratio. This proposal requires six accessible spaces and three visitor spaces (1 per each 50 units).

The CPC voted 4-1 at its meeting on September 7, 2010, to grant a variance to 1.8 spaces per dwelling unit, subject to the provision of a shared car. Please see attached memo with the City Planning Commission minutes and findings.

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permit for a Planned Unit Development, Variance, Site Plan Review, and
Preliminary Plat
BZZ-4917 and PL-246

Date: September 7, 2010

Applicant: Shamrock Development, Inc.

Address of Property: 110 and 124 12th Avenue South and 1102 2nd Street South

Project Name: Park Vista

Contact Person and Phone: Lynn Leegard – Shamrock Development 763-421-3500

Planning Staff and Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: August 10, 2010

End of 60-Day Decision Period: October 9, 2010

Date Extension Letter Sent: August 27, 2010

End of 120-Day Decision Period: December 8, 2010

Ward: 7 **Neighborhood Organization:** Downtown East

Existing Zoning: I1 Light Industrial District, ILOD Industrial Living Overlay District, DH Downtown Height Overlay District, DP Downtown Parking Overlay District, and MR Mississippi River Overlay District.

Proposed Zoning: C3A Community Activity Center District and to remove the ILOD Industrial Living Overlay District. The other overlay districts will not change.

Zoning Plate Number: 14

Legal Description: The southwesterly 147 feet of Lots 2, 3, 4 and 5, Block 116, Town of Minneapolis, Hennepin County, Minnesota; and Lot 2, Block 1, South River Development Addition, Hennepin County, Minnesota; and Outlot D, Eleventh Avenue 2nd Addition, Hennepin County, Minnesota.

Proposed Use: Planned Unit Development for a 150 unit residential building.

Concurrent Review:

Rezoning: From the I1 Light Industrial District and the ILOD Industrial Living Overlay District to the C3A Community Activity Center District.

Conditional Use Permit: For a Planned Unit Development for a 150 unit residential building.

Variance: To increase the maximum allowable ratio of parking spaces per dwelling units in the DP Downtown Parking Overlay District from 1.7 to 1.9 parking spaces per dwelling units.

Site plan review.

Preliminary Plat.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”; Chapter 530 Site Plan Review; and Chapter 598, Subdivisions.

Background: The applicant proposes to demolish the two one-story industrial buildings on the site and to construct a 12-story 150-unit residential building. The site is currently zoned I1 Light Industrial and the applicant proposes to extend the C3A Commercial zoning to the west onto this site to allow for greater density. Rezoning to the C3A District also requires the removal of the ILOD Industrial Living Overlay District, as the ILOD is intended for the industrial districts. All developments over five units require a conditional use permit and site plan review. In this case the applicant is proposing a Planned Unit Development. A variance is necessary to exceed the parking maximums for this part of downtown. In addition, the applicant is replatting the entire site into one lot as required by the Planned Unit Development regulations. At this time it is a preliminary plat. Finally, a vacation of the adjacent 12th Avenue South (Vac-1571) was approved by the City Council on August 20, 2010.

As of the writing of this staff report, staff has not received comments from the neighborhood group, but will forward comments, if any, to the City Planning Commission.

REZONING (from I1 Industrial to C3A Commercial and to remove the ILOD)

Findings As Required By The Minneapolis Zoning Code:

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

The Minneapolis Plan for Sustainable Growth designates the land use for this part of downtown as mixed use. It designates the area as adjacent to an Activity Center (the eastern boundary of the Mills District Activity Center is 11th Avenue South) and part of the Downtown Growth Center.

The plan states that mixed use “allows for mixed use development, including mixed use with residential. Mixed use may include either a mix of retail, office, or residential uses within a building or district. There is no requirement that every building be mixed use.”

The plan has the following relevant policy for Activity Centers:

Policy 1.12: Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.

1.12.7 Encourage the development of medium- to high-density housing immediately adjacent to Activity Centers to serve as a transition to surrounding residential areas.

The plan states that for the Downtown Growth Center, “as the physical and economic center of the city, Downtown is a logical place for a concentration of employment, housing, and other complementary uses. The employment base is largely office, although retail, education, and health care also play important roles. The land use pattern strengthens the concentrated office core with surrounding entertainment, cultural, and residential development. High intensity uses are encouraged to make the best use of the premium location and to strengthen the city’s core.” The plan has the following relevant policy for Growth Centers:

Policy 1.15: Support development of Growth Centers as locations for concentration of jobs and housing, and supporting services.

1.15.3 Encourage the development of high- to very high-density housing within Growth Centers.

This site is in the MR Mississippi River Critical Area Overlay District. *The Mississippi River Critical Area Plan* was approved by the City Council on June 16, 2006. The plan places the downtown in the Urban Diversified District and further as the Central Riverfront. The plan states that determining appropriate riverfront uses depends on location and context and that “the City will follow the land use guidelines of *The Minneapolis Plan* except where modified by small area plans...” It further states that “Downtown is the major growth center of the entire region. It is a dense, mixed-use area of employment, housing, entertainment, and culture.”

The *Update to the Historic Mills District Master Plan* was adopted by the City Council in September of 2001. While this parcel is part of the study area, the plan does not specifically discuss the area east of 11th Avenue South in detail. It shows the area as a technology park on the land use map, which is no longer the established exclusive future land use for this area. More relevant guidance is provided by the comprehensive plan.

The extension of the large area of C3A zoning to the west of the subject site is in conformance with the above noted plans and policies and is in conformance with the goals of the comprehensive plan.

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

The rezoning is in the interest of the applicant. However, the redevelopment of the site will be an improvement to the area and will provide housing, and this can be considered in the public interest.

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 surrounding area is a mix of residential, commercial, industrial, including offices, commercial uses, multi-family buildings, industrial buildings, parkland and cultural uses. The area directly to the west of the site covering the Historic Mills District area is zoned C3A. This rezoning would be an extension of that area. The proposed rezoning will be compatible with the surrounding area.

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 existing I1 District, with the ILOD, allows a range of industrial, commercial, and residential uses.

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.

This area has been undergoing a transformation from industrial uses to a mix of residential, commercial, industrial, office, and cultural and park uses.

CONDITIONAL USE PERMIT (for a planned unit development)

Findings As Required By The Minneapolis Zoning Code For Conditional Use Permits:

The Community Planning and Economic Development 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, comfort or general welfare.

The area is a mix of industrial, office, commercial, residential, park and cultural uses. There are several medium-density to high-density residential uses to the west in the Historic Mills District. The proposed building will not be out of character with the area.

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.

CPED - Planning Division Report
BZZ-4917 & PL-246

As noted above in finding number one, the proposed development should not be out of character with the area. The building is on a large landscaped site that will provide buffers for adjacent uses. It will not impede the orderly development of the area or be injurious to surrounding uses.

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

Adequate utilities are existing or will be provided as a part of the building permit process. Access is from 2nd Street South and 11th Avenue South.

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

The building is providing the required parking in an underground garage (the applicant is requesting more parking than is allowed by the code). In addition, Public Works will require the approval of a Travel Demand Management Plan before building permits may be issued.

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

In addition to the items mentioned in finding number one of the rezoning section of this staff report, the comprehensive plan has the following relevant policies from the housing chapter:

Policy 3.1: Grow by increasing the supply of housing.

3.1.1 Support the development of new medium- and high-density housing in appropriate locations throughout the city.

3.1.2 Use planning processes and other opportunities for community engagement to build community understanding of the important role that urban density plays in stabilizing and strengthening the city.

Policy 3.2: Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.

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.

3.2.2 Engage in dialogue with communities about appropriate locations for housing density, and ways to make new development compatible with existing structures and uses.

The proposed building and use is in conformance with the comprehensive plan.

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

The development will conform to the applicable regulations of the zoning code with the rezoning to the C3A District and the approval of the conditional use permit, parking variance (if approved) and site plan review.

Findings Required For Planned Unit Developments:

- A. The planned unit development conforms to the applicable standards for alternatives and amenities. (See Section A Below for Evaluation)
- B. Additional uses. (See Section B Below for Evaluation)
- C. The planned unit development conforms to the required findings for a planned unit development. (See Section C Below for Evaluation)

Section A: Authorized Alternatives and Amenities Provided

- All planned unit developments shall provide at least one (1) amenity or a combination of amenities that total at least ten (10) 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 (5) 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 (1) 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. The applicant is providing a 5,055 square foot vegetable garden on the roof over the parking structure. The code allows five points for a garden with “permanent and viable growing space and/or facilities such as a greenhouse or a garden conservatory at a minimum of sixty (60) square feet per dwelling unit to a maximum required area of 5,000 square feet, which provides fencing, watering systems, soil, secured storage space for tools, solar access, and pedestrian access as applicable. The facility shall be designed to be architecturally compatible with the development to minimize the visibility of mechanical equipment.” The proposed garden will have solar access and irrigation, will be accessible from the roof, will have lockers for storage of tools, and will be surrounded by a fence. It will not have a greenhouse, but will be a seasonal garden. This amenity meets the requirements for five points.

The development provides 51 percent of the site (72 percent of the site minus the building) as open space. The code allows five points for contiguous ground level outdoor open space that is related to and proportional with the bulk of the building and landscaped with trees and shrubs. Rain gardens, where appropriate, are encouraged. Walkways and pathways shall be surfaced with pervious pavers, pervious concrete, decorative pavers, stamped concrete, colored concrete, brick or other decorative and durable materials. A minimum of thirty (30) percent of the site not occupied by buildings shall be landscaped

CPED - Planning Division Report
BZZ-4917 & PL-246

outdoor open space. A minimum of fifty (50) percent of the provided open space shall be contiguous. The open space must be immediately accessible from the principal structure. Areas should be designed for winter use and relate to the built form with consideration given to elements such as providing shelter from wind, utilizing seasonally appropriate materials, maximizing access to sunlight and providing for snow and ice removal. The green space is contiguous, landscaped with trees, will have a rain garden, and there is open space on all sides of the building, which will provide spaces that is usable during all seasons. This amenity meets the requirements for five points.

Placement and number of principal residential structures. No alternative requested. Only one building is proposed and the structure is not in the PO Pedestrian Oriented Overlay District, where an alternative can be granted for building placement. The building location, as required by site plan review, is considered under the site plan review section of this report as alternative compliance.

Bulk regulations. No alternative is requested for the Floor Area Ratio (FAR). The maximum FAR in the C3A District is 2.7. In the DH Downtown Height Overlay District the FAR is increased to 4.0. The lot in question is 95,709 square feet in area. The applicant proposes 304,277 square feet of gross floor area, an FAR of 3.2.

An alternative is requested for building height. Building height in the C3A District is limited to four stories or 56 feet, whichever is less. The DH Downtown Height Overlay District increases the allowable height to six stories, or 84 feet, whichever is less for the area (between Washington Avenue and 2nd Street South allows the height to be increased to eight stories, or 112 feet, whichever is less. The proposed structure will be 12 stories, or 132 feet. The applicant needs to provide an amenity or a combination of amenities totaling at least five points to increase the building height from six stories, or 84 feet, to 12 stories or 132 feet. See “amenities provided” section below.

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

1. Access to light and air of surrounding properties.

The building tower is located in the central part of the site and is over 100 feet from any other structure. It meets the proposed setbacks, so it should not limit access to light and air of surrounding buildings.

2. Shadowing of residential properties or significant public spaces.

Shadow studies have been included as an attachment to the staff report and include shadowing impacts after sunrise, at noon, and before sunset during March, June, September and December. The shadow study indicates that there will be some shadows cast on the Bridgewater Lofts to the southwest and on Gold Medal Park to the west. The building will not cast shadows over the entire Bridgewater Lofts building or the entire Gold Medal Park and it will only be in the early part of the day.

3. The scale and character of surrounding uses.

CPED - Planning Division Report
BZZ-4917 & PL-246

There is a mixture of building heights in the neighborhood. To the north is a four story office building, to the east and south are one to three story office and industrial buildings, to the west is the park, and to the southwest is the Bridgewater Lofts, which is 10 stories. Further to the west are residential, office, parking, and cultural buildings of various heights.

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

The proposed building will block views of the park from the east, the river from the south, and downtown from the north. From the east it will not block views from the buildings to the east any more than if the building were limited to six stories. From the north the building will be part of the downtown skyline and it will not block views for the adjacent office building more than if the height were limited to six stories. From the southwest the building will limit views of the river from some of the units on the upper floors of the Bridgewater Lofts.

Lot area requirements. No alternative requested. The development meets the minimum required lot area. The C3A District requires not less than 400 square feet of lot area per dwelling unit. With 150 proposed dwelling units on a lot of 95,709 square feet, the applicant proposes 639 square feet of lot area per dwelling unit.

Yards. No alternative requested. The development meets the minimum required setbacks. In general, setbacks are not required for properties in the commercial districts, except where adjacent to residential districts or uses and for residential uses that contain windows facing an interior side lot line. Where windows face an interior lot line a setback of five feet plus two feet for each additional floor above the first is required, not to exceed 15 feet, which at 12 stories a 15 foot setback is required. On the north side there is a 25 setback, on the east side there is a 37 foot setback, and on the west side there is a 40 foot setback.

On-premise signs. No alternative requested. The final sign plan has not been completed. Signage on the west wall may need an alternative or a variance, as it is not a primary building wall.

Off-street parking and loading. No alternative requested. The development, as proposed, exceeds the minimum and maximum parking requirements. An alternative is not available to exceed the maximum allowable parking as it is a standard of the DP Downtown Parking Overlay District, and there are no authorized alternatives for this overlay district. A variance is necessary to exceed the parking maximum of the overlay district. Please see the variance section of this staff report for a more detailed description of the parking.

Phasing plan. This will not be a phased development. The required completion date, unless extended by the zoning administrator, is October 8, 2012.

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 five points for the increase in height. The applicant proposes the following amenities: decorative or pervious pavement

CPED - Planning Division Report
BZZ-4917 & PL-246

(three points), decorative fencing (one point), pet exercise area (one point), recycling area (one point), all for a total of six points.

Amenity standard: Provide decorative pavers, pervious pavers, stamped concrete, colored concrete, pervious concrete, brick or other decorative or durable materials for a minimum of seventy five (75) percent of surface parking and/or loading areas, drives aisles, driveways and walkways that comply with the Americans with Disabilities Act accessibility requirements.

Amenity provided: The drives will have pervious pavement. Part of the west drive and the walkway to the public sidewalks will be decorative pavement. The total paved area is 12,872 square feet of which 12,174 is pervious or decorative for a total of 94 percent. This amenity meets the requirement for three points.

Amenity standard: Install high-quality decorative metal fencing where visible from the public street, public sidewalk or public pathway. The point for decorative fencing may be obtained when it is included as part of another amenity if it is also provided in other areas on the site. In no case shall chain-link fencing be considered decorative fencing.

Amenity provided: All fencing on the site is decorative aluminum fencing. This amenity meets the requirement for one point.

Amenity standard: A pet exercise area shall have a minimum dimension of twelve (12) feet by sixty (60) feet. It shall be enclosed with decorative fencing, include lighting in compliance with Chapter 535, Regulations of General Applicability and provide accommodations for proper disposal of animal waste. The pet exercise area shall not be located in a required yard.

Amenity provided: A fenced pet exercise area of 2,240 (32 feet by 72 feet) is provided. Appropriate areas for pet waste disposal will be provided. It is not located in a required yard. This amenity meets the requirement for one point.

Amenity standard: Provide 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.

Amenity provided: A trash room where all recycling can be separated and stored is provided. This amenity meets the requirements for one point.

Further, the applicant has provided the following items that partially meet the standards. There is a rain garden/stormwater management pond that will have enhanced landscaping (it is counted as part of the outdoor open space amenity). There is a green wall system that covers 40 percent of the north and east elevations (60 percent required). There is a green roof over the parking garage covering 27 percent of the roof area (50 percent is required).

The project exceeds the five points required to allow an alternative height.

Section B: Additional uses:

- **In general.** The city planning commission may authorize additional uses in the zoning district in which the planned unit development is located as provided below and subject to section 527.210. An amenity is not required in order to allow an additional use.
- **Residence and OR1 Districts.** The city planning commission may authorize additional residential uses, small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics within a planned unit development located in the Residence and OR1 Districts. The additional small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics shall not exceed two thousand (2,000) square feet per use, unless otherwise allowed by the zoning district in which the use is located.
- **OR2 and OR3 Districts.** The city planning commission may authorize additional residential uses and retail sales and services uses as allowed in the C1 District within planned unit developments located in the OR2 and OR3 Districts. Notwithstanding section 547.30(f)(2) and (3), the city planning commission may authorize retail sales and services uses greater than two thousand (2,000) square feet, but not to exceed four thousand (4,000) square feet per use. The city planning commission may allow more than two (2) such retail sales and services uses per zoning lot.

The city planning commission may authorize additional uses, as provided in Section 527.200, subject to the following standards:

- (1) Such uses are designed primarily for the residents or users of the planned unit development and of adjacent areas which are within convenient walking distance of the use.**
- (2) All additional uses, except residential uses, shall be located on the ground or first floor.**
- (3) The uses are not of such a nature or so located as to have a detrimental impact on the surrounding neighborhood or the character of the planned unit development.**
- (4) Not more than twenty (20) percent of the gross floor area of the planned unit development shall be devoted to such additional uses.**
- (5) The use is consistent with the applicable policies of the comprehensive plan.**

No additional uses are proposed for this development.

Section C: Conformance with required planned unit development findings

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 area is a mix of industrial, office, commercial, residential, park and cultural uses. There are several medium-density to high-density residential uses to the west in the Historic Mills District. The proposed building will not be out of character with the area.

- 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 building is providing the required parking in an underground garage (the applicant is requesting more parking than is allowed by the code). In addition, Public Works will require the approval of a Travel Demand Management Plan before building permits may be issued. The required bicycle parking and loading areas are exceeded as well. This site is located downtown with access to transit including bus and LRT service.

- 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 development provides the required amenities. Please see the amenities section of this report.

- 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 area is a mix of industrial, office, commercial, residential, park and cultural uses. There are several medium-density to high-density residential uses to the west in the Historic Mills District. The proposed building will not be out of character with the area. The parking is located within the building. The building height is not out of character with the downtown

- 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.**

There are no adjacent residential uses.

- 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.**

A stormwater management and erosion control plan is required as part of the site plan approval process before building permits may be issued.

- 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.**

A green roof is proposed over the parking garage. Staff encourages the applicant to consider a reconstruction service and the recycling of materials during the demolition phase of the project.

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

The site is being replatted into one lot. Please see the subdivision section of this report.

VARIANCE (to increase the maximum allowable parking)

Findings Required by the Minneapolis Zoning Code:

- 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.**

In general, residential buildings have a minimum parking requirement of one space per dwelling unit and there is no maximum parking limit. In the downtown districts (B4, B4S, and B4C) there is no minimum parking requirement for residential uses (except for visitor parking) and the maximum depends on the zoning district. For uses located in the downtown, but outside of the downtown zoning districts, the parking requirements are regulated by the underlying zoning and the DP Downtown Parking Overlay District. The DP Overlay District requires that residential uses provide 90 percent of the zoning district minimum, which in the C3A is one space per dwelling unit. At 150 units this equals 135 parking spaces minimum. The DP Overlay District requires that residential uses provide no more than 1.7 parking spaces per dwelling unit (as compared to 1.5 in the B4 District, and 1.6 in the B4C District), excluding accessible spaces required by the building code and visitor spaces required by the zoning code. The building code requires six accessible parking spaces and the zoning code requires three visitor parking spaces. The applicant proposes 292 parking spaces. Subtracting the accessible and visitor spaces the total is reduced to 283 spaces, a ratio of 1.9 spaces per dwelling unit. This is an increase of 28 spaces over the allowable ratio.

The applicant has provided findings detailing the reasons for the amount of parking. In addition, the applicant has provided the Travel Demand Management Plan survey report for the nearby Bridgewater Lofts, which covers travel and parking conditions and uses at that building, as background supporting

CPED - Planning Division Report
BZZ-4917 & PL-246

the amount of proposed parking for the proposed development (please see attached findings and report). In general, the applicant has indicated that it is difficult to sell units without the proposed number of spaces, as many of the residents anticipated to live in this building will have more than one vehicle. Further, the applicant states that for this type of residential building the number of vehicles does not necessarily equate to vehicle use or trip generation. The applicant claims that limiting the parking to reduce trip generation and to encourage other modes of transport when the number of vehicles does not correlate to these factors is a hardship.

The parking maximums were adopted to promote urban design that is not dominated by parking, to improve stormwater management, and to encourage transit usage. While the proposed development has been designed to meet or exceed stormwater management requirements and has enclosed parking, the proposed amount of parking discourages the use of other modes of travel in an area that is well-served by transit. Staff can find no hardship to exceed the parking maximum from 1.7 to 1.9 spaces per dwelling unit.

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

The existing site is industrial land with underutilized buildings and parking. The proposed development is similar to other residential development. Staff can find no unique circumstance about the site or the use that supports exceeding the established parking maximum.

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

The parking maximums were adopted to promote urban design that is not dominated by parking, to improve stormwater management, and to encourage transit usage. While the proposed development has been designed to meet or exceed stormwater management requirements and has enclosed parking, the proposed amount of parking discourages the use of other modes of travel in an area that is well-served by transit. Staff can find no hardship to exceed the parking maximum from 1.7 to 1.9 spaces per dwelling unit.

- 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.**

The variance will allow for more parking, but this should not significantly increase congestion in the public streets. It should not be detrimental to the public welfare or safety or increase the danger of fire.

SITE PLAN REVIEW

Required Findings for Site Plan Review

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND 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

CPED - Planning Division Report
BZZ-4917 & PL-246

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.

- **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 building is not within eight feet of the property line along 2nd Street South. The building is setback 18 feet. Staff recommends alternative compliance. The applicant has indicated that residential units on the first floor are less desirable when located close to the street. The site plan shows a landscaped yard as an amenity in lieu of the requirement. The entrances to the building open onto the public sidewalk on 2nd Street South and onto the porte-cochere.

Parking is located within the structure.

The exterior materials are made of stone, metal, and glass. Future changes in material may require review before the City Planning Commission. The new building walls will contain architectural detail including changes in materials, articulated elevations with recesses and projections, and varied roof heights. The building materials are compatible on all four sides.

There are no blank walls, without a change in material for lengths of more than 25 feet, on the building.

Residential uses are required to provide 20 percent windows on the first floor and 10 percent windows

CPED - Planning Division Report
BZZ-4917 & PL-246

on the floors above for elevations facing a public street. The elevation facing 2nd Street South provides 73 percent on the first floor and 92 percent on the floors above. The windows are evenly distributed and are vertical in proportion.

A principal entrance is clearly defined at the front of the building that is emphasized with a canopy.

There are active uses on the entire first floor of the building.

The roof of the building is flat. The other buildings in the area have flat roofs.

ACCESS AND CIRCULATION:

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

The entrances to the building open onto the public sidewalk on 2nd Street South and onto the porte-cochere.

There are no integrated transit shelters on site.

Vehicular access and circulation has been designed to minimize conflict with residential properties. There is no alley adjacent to the site.

Public Works and the Fire Department have reviewed this proposal for access and circulation, and find them acceptable with the conditions listed in the attached PDR report.

All areas that are not covered by buildings, pedestrian access, and paved areas necessary for parking, loading, and the associated maneuvering are pervious surfaces used for landscaping and stormwater management.

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

CPED - Planning Division Report
BZZ-4917 & PL-246

year. Screening shall be satisfied by one or a combination of the following:

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

The site plan shows 72 percent of the site, minus the building footprint, as landscaping (51 percent of the entire site). The lot area is 95,709 square feet and the footprint of the building is 47,299 square feet. This leaves 48,410 square feet, of which 20 percent (9,682 square feet) is required to be landscaped. The applicant is providing approximately 35,095 square feet of landscaped area on site. The landscaping figures listed above do not include the green roof areas.

The development is required to provide 19 trees and 96 shrubs. The site plan shows 30 deciduous, three coniferous, and four ornamental on-site trees and approximately 126 on-site shrubs as well some perennials.

There are no surface parking lots and the loading area does not front on a public street.

All other areas not used for parking, drives, walks, or the building are landscaped.

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

CPED - Planning Division Report
BZZ-4917 & PL-246

- **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

All parking is within the building.

The building will not significantly shadow public spaces (please see attached shadow study), nor significantly generate wind currents at ground level for the public sidewalk.

The plan meets the CPED guidelines. The site is designed with landscaping, fencing, and architectural features to delineate space and control access while allowing views into and out of the site. Staff recommends that proper lighting be provided and that the landscaping follow the three-foot seven-foot rule to allow proper views into and out of the site.

There are no historic structures or features on the site.

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 residential use is a conditional use in the C3A Community Activity Center District.

Off-Street Parking and Loading:

Minimum automobile parking requirement: For uses located in the downtown, but outside of the downtown zoning districts, the parking requirements are regulated by the underlying zoning and the DP Downtown Parking Overlay District. The DP Overlay District requires that residential uses provide 90 percent of the zoning district minimum, which in the C3A is one space per dwelling unit. At 150 units this equals 135 parking spaces minimum. The building code requires six accessible parking spaces and the zoning code requires three visitor parking spaces. The applicant proposes 292 parking spaces.

Maximum automobile parking requirement: In general, residential buildings have no maximum parking limit. In the downtown districts the maximum depends on the zoning district (B4, B4S, and B4C). For uses located in the downtown, but outside of the downtown zoning districts, the parking requirements are regulated by the underlying zoning and the DP Downtown Parking Overlay District. The DP Overlay District requires that residential uses provide no more than 1.7 parking spaces per dwelling unit (as compared to 1.5 in the B4 District, and 1.6 in the B4C District), excluding accessible spaces required by the building code and visitor spaces required by the zoning code. The building code requires six accessible parking spaces and the zoning code requires three visitor parking spaces. The applicant proposes 292 parking spaces. Subtracting the accessible and visitor spaces the total is reduced to 283 spaces, a ratio of 1.9 spaces per dwelling unit. This is an increase of 28 spaces over the allowable ratio. The applicant has applied for a parking variance. Staff is not recommending approval of the variance (please see the variance section of the staff report).

Bicycle parking requirement: Multiple-family dwellings are required to provide one bike parking space

CPED - Planning Division Report
BZZ-4917 & PL-246

per every two dwelling units. At 150 units 75 bike parking spaces are required. Not less than 90 percent of these spaces shall meet the standards for long-term bicycle parking, which requires that they are located in enclosed or supervised areas providing protection from theft, vandalism, and weather and are accessible to intended users. The bike parking is provided by wall-mounted racks over the parking spaces for a total of 150 spaces.

Loading: For residential uses of 100 to 250 units one small (10 feet by 25 feet) is required. One small loading space is provided at the northeast corner of the building. In addition, loading space is provided in the porte-cochere on the west side of the building.

Maximum Floor Area: The maximum FAR in the C3A District is 2.7. The DH Downtown Height Overlay District increases the FAR to 4.0. The lot in question is 95,709 square feet in area. The applicant proposes 304,277 square feet of gross floor area, an FAR of 3.2.

Building Height: Building height in the C3A District is limited to four stories or 56 feet, whichever is less. The DH Downtown Height Overlay District increases the allowable height to six stories, or 84 feet, whichever is less for the area (between Washington Avenue and 2nd Street South allows the height to be increased to eight stories, or 112 feet, whichever is less. The proposed structure will be 12 stories, or 132 feet. An alternative to allow an increase in height is being requested as a part of the conditional use permit for a planned unit development. Staff is recommending approval of the increase in height.

Minimum Lot Area: The C3A District requires not less than 400 square feet of lot area per dwelling unit. With 150 proposed dwelling units on a lot of 95,709 square feet, the applicant proposes 639 square feet of lot area per dwelling unit.

Dwelling Units Per Acre: The applicant proposes 68 dwelling units per acre. High-density is 50 to 120 dwelling units per acre.

Yard Requirements: In general, setbacks are not required for properties in the commercial districts, except where adjacent to residential districts or uses and for residential uses that contain windows facing an interior side lot line. Where windows face an interior lot line a setback of five feet plus two feet for each additional floor above the first is required, not to exceed 15 feet. At 12 stories a 15 foot setback is required. On the north side there is a 25 setback, on the east side there is a 37 foot setback, and on the west side there is a 40 foot setback.

Specific Development Standards: No specific development standards are applicable for this project.

Hours of Operation: Not applicable for a residential building.

Signs: All signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. No alternative requested. The final sign plan has not been completed. Signage on the west wall may need an alternative or a variance, as it is not a primary building wall. The applicant is aware that signs require zoning office approval and permits.

Refuse storage: 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

CPED - Planning Division Report
BZZ-4917 & PL-246

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. The refuse containers are stored inside the building.

Lighting: The lighting will comply with Chapters 535 and 541 including the following standards:

535.590. Lighting. (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH: Please see finding number one under the rezoning section of the report and finding number five under the conditional use permit sections of this report. In addition the comprehensive plan has the following policies from the Urban Design chapter:

Policy 10.4: Support the development of residential dwellings that are of high quality design and compatible with surrounding development.

10.4.1 Maintain and strengthen the architectural character of the city's various residential neighborhoods.

CPED - Planning Division Report
BZZ-4917 & PL-246

10.4.2 Promote the development of new housing that is compatible with existing development in the area and the best of the city's existing housing stock.

Policy 10.5: Support the development of multi-family residential dwellings of appropriate form and scale.

10.5.1 Smaller-scale, multi-family residential development is more appropriate along Community Corridors and Neighborhood Commercial Nodes.

10.5.2 Medium-scale, multi-family residential development is more appropriate along Commercial Corridors, Activity Centers, Transit Station Areas and Growth Centers outside of Downtown Minneapolis.

10.5.3 Large-scale, high-rise, multi-family residential development is more appropriate in the Downtown Minneapolis Growth Center.

Policy 10.6: New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level.

10.6.1 Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks.

10.6.2 Promote the preservation and enhancement of view corridors that focus attention on natural or built features, such as the Downtown skyline, landmark buildings, significant open spaces or bodies of water.

10.6.3 Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses.

10.6.4 Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces.

10.6.5 Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level.

10.6.6 Integrate transit facilities and bicycle parking amenities into the site design.

SMALL AREA PLANS ADOPTED BY COUNCIL: Please see finding number one under the rezoning section of this report and finding number five under the conditional use permit sections of this report.

The *Update to the Historic Mills District Master Plan* was adopted by the City Council in September of 2001. While this parcel is part of the study area it does not specifically discuss the area east of 11th Avenue South in detail. It shows the area as a technology park on the land use map, which is no longer the established exclusive future land use for this area. More relevant guidance is provided by the comprehensive plan.

It is the opinion of staff that with the staff recommendations the proposed site plan is in conformance with the comprehensive plan.

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

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

The building is not within eight feet of the property line along 2nd Street South. The building is setback 18 feet. Staff recommends alternative compliance. The applicant has indicated that residential units on the first floor are less desirable when located close to the street. The site plan shows a landscaped yard as an amenity in lieu of the requirement. The entrances to the building open onto the public sidewalk on 2nd Street South and onto the porte-cochere.

PRELIMINARY PLAT

Required Findings:

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

The proposed lots are in conformance with the land subdivision regulations, zoning ordinance, and comprehensive plan.

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 proposed subdivision will create one lot out of two platted lots and one outlot. This will have no effect on surrounding property owners or congestion in the public streets.

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

The site is relatively flat (with a slight slope to the north) and does not present the above noted 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.

A site plan addressing these issues is required before building permits may be issued. Access is from 2nd Street South and 11th Avenue South.

5. The subdivision makes adequate provision for storm or surface water 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 does not exceed the amount occurring prior to development.

A stormwater management and erosion control plan is required as part of the site plan approval process before building permits may be issued.

RECOMMENDATIONS

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission and City Council adopt the findings above and **approve** the rezoning from the I1 Light Industrial District, and to remove the ILOD Industrial Living Overlay District, to the C3A Community Activity Center District for property located at 110 and 124 – 12th Avenue South and 1102 – 2nd Street South.

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

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 for a planned unit development for property located at 110 and 124 – 12th Avenue South and 1102 – 2nd Street South 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.

Recommendation of the Community Planning and Economic Development Department –

CPED - Planning Division Report
BZZ-4917 & PL-246

Planning Division for the parking variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **deny** the variance application to increase the maximum allowable ratio of parking to dwelling units from 1.7 to 1.9 for property located at 110 and 124 – 12th Avenue South and 1102 – 2nd Street South.

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

The Community Planning and Economic Development - Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for a 150 unit residential building located at 110 and 124 – 12th Avenue South and 1102 – 2nd Street South, subject to the following conditions:

1. CPED Planning staff review and approval of the final elevations and site and landscaping plans before permits may be issued.
2. All site improvements shall be completed by October 8, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the preliminary subdivision plat for property located at 110 and 124 – 12th Avenue South and 1102 – 2nd Street South.

Attachments:

- 1) PDR Report.
- 2) Statements from the applicant.
- 3) Zoning map.
- 4) Site plan, floor plan, and elevations.
- 5) Shadow and context studies.
- 6) Photos.

**Excerpt from the
CITY PLANNING COMMISSION MINUTES
Minneapolis Community Planning & Economic Development (CPED)
Planning Division**

250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385
(612) 673-2597 Phone
(612) 673-2526 Fax
(612) 673-2157 TDD

MEMORANDUM

DATE: September 23, 2010

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of September 7, 2010

The following actions were taken by the Planning Commission on September 7, 2010. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

Commissioners present: President Motzenbecker, Cohen, Gorecki, Huynh, Luepke-Pier and Tucker – 6

Not present: Bates (excused), Bourn, Carter (excused) and Schiff (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

12. Park Vista (BZZ-4917 and PL-246, Ward: 7), 110-124 12th Ave S and 1102 2nd St S ([Jim Voll](#)).

A. Rezoning: Application by Shamrock Development for a rezoning from the I1 Light Industrial District to the C3A Community Activity Center District and to remove the ILOD Industrial Living Overlay District for property located at 110-124 12th Ave S and 1102 2nd St S.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning from the I1 Light Industrial District, and to remove the ILOD Industrial Living Overlay District, to the C3A Community Activity Center District for property located at 110 and 124 – 12th Ave S and 1102 – 2nd St S.

B. Conditional Use Permit: Application by Shamrock Development for a conditional use permit for a planned unit development for property located at 110-124 12th Ave S and 1102 2nd St S.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit for a planned unit development for property located at 110 and 124 – 12th Ave S and 1102 – 2nd St S subject to the following condition:

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

C. Variance: Application by Shamrock Development for a variance to increase the maximum allowable parking ratio of spaces per dwelling unit in the DP Downtown Parking Overlay District from 1.7 to approximately 1.9 for property located at 110-124 12th Ave S and 1102 2nd St S.

Action: Notwithstanding staff recommendation, the City Planning Commission **approved** the variance application to increase the maximum allowable ratio of parking to dwelling units from 1.7 to 1.8 for property located at 110 and 124 – 12th Ave S and 1102 – 2nd St S, based on the following findings:

1. The approval includes the use of shared transportation which will move towards a more pedestrian city.
2. The reduction in the parking ratio from 1.9 to 1.8 and adding the shared vehicle will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality.
3. Will not substantially increase the congestion of the public streets.

And subject to the following condition:

1. Provision of one shared car.

D. Site Plan Review: Application by Shamrock Development for a site plan review for property located at 110-124 12th Ave S and 1102 2nd St S.

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for a 150 unit residential building located at 110 and 124 – 12th Ave S and 1102 – 2nd St S, subject to the following conditions:

1. CPED Planning staff review and approval of the final elevations and site and landscaping plans before permits may be issued.

2. All site improvements shall be completed by October 8, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

E. Plat: Application by Shamrock Development for a preliminary subdivision plat for property located at 110-124 12th Ave S and 1102 2nd St S.

Action: The City Planning Commission **approved** the preliminary subdivision plat for property located at 110 and 124 – 12th Ave S and 1102 – 2nd St S.

Staff Voll presented the staff report.

Commissioner Huynh: I know the project came to Committee of the Whole quite some time ago, I was just wondering if there were any changes as a result of some of the Planning Commission's comments at that time from what we have currently submitted.

Staff Voll: Yes. The main concern was not having an entrance on 2nd St S and there was some concern, although from my reading of the meeting there was a split feeling on the porte cochere and drive on the west side of the building but the main concern was not so much that that be eliminated but than an entrance be added on 2nd St and they have added an entrance there. You can see there's the landscaped area and permeable or decorative pavers and a canopy over it and it's a true entrance, it's not one of those doors that just locks. While they still have their entrance to the west of the building they do have an actual entrance off to the front of the building.

President Motzenbecker opened the public hearing.

Lynn Leegard (Shamrock Development): I'm only going to address the variance requests where the staff has recommended denial. I know you have a letter that we submitted along with it but I want to emphasize the information regarding previous projects that we've done and if you look at the information in the letter that talks about Bridgewater that is just kind of kitty-corner from this site, very similar project, similar type units, we speculate it will probably be similar types of buyers that will purchase in that building. That building was built with 281 residential units and 509 parking if you backed out the handicap stalls, there was 524 total, we had 15 handicap so we had 509. That actually resulted then in a parking ratio of 1.81. We are currently at 1.78, which I think demonstrates this far into the project that it's not an issue that we overbuilt the parking, I think it's needed in the project. The concern that we have is Bridgewater was actually approved and built prior to the passage of the Overlay District and the requirement of the 1.7 maximum, but if we backtrack and looked at what would have happened at Bridgewater with the 1.7, it would have resulted in a construction of 32 fewer parking stalls and we currently today then would have had 60 residential units and only 75 parking stalls which actually brings us down to a 1.25 parking ratio. The concern as a developer is, especially when we have some of the more expensive units along the park which is what's left, it's not uncommon in a project that you have some of the less expensive smaller units selling first in the building and what you end up with in the end is some of your more expensive units, our experiences as a developer that's done seven other condo projects is that those are probably going to need two parking spaces because it's couples that are buying them that both have vehicles even if they're not necessarily using them on a day to day basis and that would have resulted in, we believe, that we'd have residential units that would be left in the building and not have parking. I went back and looked at two other projects that we did which are similar in types of units, both new construction, they happen to be in the North Loop, not in the mill district, but it's two of the projects that we've done. In 212, we had 54 residential units in that building and we had 102 parking units that sold. I looked at sold units to look at sort of what that consumption would be and that gave us a 1.88 parking ratio. In Rock Island, we had 63 residential units and we had 117 parking stalls that were taken as part of those sales which was a 1.86 parking ratio. I think we have clear history in the developments that we've done and our concern, and respectfully we disagree that this idea that if you limit how many cars people can have it will limit what they're driving. I think I also attached for you the Bridgewater study which demonstrates that we're at a 1.81 parking ratio and yet 54% of the people in that study indicated that they use walking as part of their

primary mode of transportation and commuting but they still wanted to own a vehicle. This site originally, if it was built according to based on how many square feet were in the site itself, we would have the ability to build 406 parking stalls. The units, based on how many square feet there are, we could have 406 and we're simply asking for 292. We don't believe three parking stalls for guest parking is sufficient. I think if you were to ask people that live in the residential buildings that you'd probably need more and so in our site plan or layout we've actually recommended or want to put in ten guest and then eight handicap. If you really look at the parking ratio as it relates to the actual residence...because my understanding is they only give you credit for three and if you build seven more guest parking it gets counted in the calculation but if you pull them out and look at just the calculation for residents, in our plan we have 274 parking proposed for residents which is really a 1.84 parking ratio, not 1.9 that the staff indicated and that 1.84 is really consistent with our actual history of projects that we've done. I think the downside is that we are at a huge hardship if we get to the end of a project and don't have enough parking left for the residents and I think it will make those units primarily unsellable.

Commissioner Tucker: You had a lot of ratios, on Bridgewater residential, what was that ratio?

Lynn Leegard: On Bridgewater, if you look at just the beginning of what was developed, Bridgewater had 1.81 as the initial parking ratio. Today if you look at how many parking units are left versus how many are current, the parking ratio is 1.78.

Commissioner Gorecki: On Bridgewater, are you separating out your commercial and residential parking spaces?

Lynn Leegard: Yes.

President Motzenbecker closed the public hearing.

Commissioner Huynh: I will move to approve the rezoning (Gorecki seconded).

President Motzenbecker: Any further discussion? All those in favor? Opposed?

The motion carried 5-0.

Commissioner Huynh: I will move approval of item B for the CUP for a planned unit development (Gorecki seconded).

President Motzenbecker: Any further discussion? All those in favor? Opposed?

The motion carried 5-0.

Commissioner Huynh: I will move to item D and come back. I will move approval of item D with the two conditionals (Gorecki seconded).

President Motzenbecker: Any further discussion? All those in favor? Opposed?

The motion carried.

Commissioner Huynh: I am going to move item E, the plat for the location (Gorecki seconded).

President Motzenbecker: Any further discussion? All those in favor? Opposed?

The motion carried 5-0.

Commission Huynh: I am going to move staff recommendation to deny the variance for item C and keep it at a maximum of 1.7 (Tucker seconded). Some of the information we were able to receive from the Bridgewater here was very helpful, but I think a lot of the information as far your survey actually supported the reason why you would need less single occupied vehicles, for the reason on page five on your Bridgewater survey, people would do a mode split for a downtown area. Transportation where 18% of the occupants would actually use single occupancy vehicle and therefore on page seven where you have question number two about the primary mode for commuting to work or school, you have driving alone and don't commute with the tally of 59% that would actually use single occupancy vehicles so you leave 40 or so percent of people that use alternative modes of transportation and so for that reason, with just a little over half of the occupants using single occupancy vehicles, I can't see how that could justify increasing your parking maximum and looking at other alternatives to support different modes of transportation in this neighborhood which is trying to promote the LRT, the bus, pedestrian amenities. So, I am not speaking in favor of the applicant.

Commissioner Gorecki: I'm going to speak against the motion. The reason being is I think we continue when we talk about parking to find a one size fits all and that's probably my biggest problem when we talk about parking. I think here the applicant is shown, and I have personal experience, that when you are selling condominiums you can't have enough parking. I don't think the 1.9 is being an outrageous amount of parking that that they're requesting. I think the difference between providing the parking and encouraging other modes of transportation are completely separate issues and we want to connect the two. A couple might have two cars, my wife and I have two cars, but we are constantly trying to find new ways to engage ourselves on bicycles, walking, light rail, but unfortunately we have to have two cars to operate as two separate business people and I don't think that's not consistent with the type of buyers you would see in a condominium project like this. That's one of the reasons why I would move my colleagues to not support this motion and to look at rethinking the 1.7 and 1.9 parking ratio.

Commissioner Tucker: I will speak in favor of the motion to deny the application. We had a lot of numbers thrown around, that was for other projects without pedestrian overlay and before the standards for variances got a little more strict. I don't see where we find the hardship to grant this variance and I also think we need to support our pedestrian overlays.

Commissioner Cohen: I agree with Commissioner Gorecki. I think 1.7 is too restrictive given what else is going on in that particular neighborhood. They started with 1.78 and ended up with 1.81. I think to keep them at 1.7 is unreasonable and will cause an undue hardship in tough economic times but I'd like to split the difference between 1.7 and 1.9. I think the advocate for the developer spoke about a 1.84 being what they actually would feel comfortable with and that's what I'd like to see if this particular motion fails I will move 1.84.

President Motzenbecker: I agree with Commissioners Gorecki and Cohen on this only because I have direct personal experience to this. I myself have a parking space and my wife doesn't because there is no more parking spaces available in my building so she parks outside. I often don't use my car. I live five blocks from work, I ride my bike or walk 90% of the time and my car stays in its parking space because I choose to use those alternative forms of transportation, but to be able to have that parking space is key. I parked outside for 15 years and it's really nice to have a warm place in the winter time despite maybe not using the car. Also, to the guest parking, in my own experience, my building has eight spots which are always full so I think three is actually quite small given that my building only has 24 units and this has substantially more. I realize that this is a little against our recent parking minimums and maximums but I think Commissioner Gorecki makes a good point that that's why we're here to look at these as individual items and decide in that sense if they fit these larger goals. I think in this case given what the Bridgewater is looking at and what is happening, I actually would be in support of what Commissioner Cohen was mentioning and I was going to mention the same that it be 1.85 or 1.84.

Commissioner Luepke-Pier: I'm kind of torn on this one because I'm a car person because to take public transportation would take me three times as long. If I lived in a condominium and I had some hour cars

available I probably would get rid of my car. There's a lot of people that have a space and have a car even though they say they walk everywhere. I would support Commissioner Huynh's motion because I wish they would provide more alternate means for people to have a vehicle that would maybe be accessible and paid for by the association or something like that rather than providing a space for a car that will sit there 250 days of the year.

Commissioner Gorecki: Let me try this, I will move a substitute motion to move the staff recommendation to 1.8 with one HourCar installation into the building (Tucker seconded).

President Motzenbecker: The substitute motion before us is to accept staff recommendation for denial and in lieu thereof approve an increase in the ratio from 1.7 to 1.8 with the addition of one HourCar added to the development.

Staff Wittenberg: Is the intent that that need be provided by HourCar or that it be a shared vehicle not necessarily affiliated with HourCar.

President Motzenbecker: Shared vehicle.

Commissioner Gorecki: Shared vehicle would be more appropriate.

Commissioner Huynh: I'm a little torn on this one because I think that my understanding is that the city is working on developing shared car programs throughout certain parking ramps throughout the city and I think the Mill City parking ramp is one of those parking ramps that would be providing these types of services down the road. I'm kind of conflicted that we would be forcing the applicant to provide this. The intent is to reduce the single occupancy vehicles but I think that I stand with my initial intent which is that we stand at the 1.7 parking ratio.

Commissioner Tucker: I think Commissioner Gorecki's substitute motion addresses his first comments about reducing the need for more parking by introducing this shared vehicle concept and at the same time providing a bit more parking so I think it's a good compromise and justifiable by moving us towards a more pedestrian oriented city.

President Motzenbecker: All those in favor of the substitute motion? Opposed?

The motion carried 4-1.

Commissioner Tucker: Unless it's already been noted by staff, one finding is that the approval includes the use of shared transportation which will move toward a more pedestrian city.

President Motzenbecker: I would add that the reduction in the parking ratio from 1.9 to 1.8 and adding the shared vehicle falls under finding three which is with the spirit and intents of the ordinance and it won't alter the essential of the locality. It would also not substantially increase congestion for item four.