

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

Rezoning, Conditional Use Permits, Variances and Site Plan Review
BZZ-2953

Date: June 26, 2006

Applicant: Tony Barranco, 700 Central Development, LLC, 708 Central Avenue NE,
Minneapolis, MN 55414, (612)801-8649

Address of Property: 700-708 Central Avenue NE and 119-123 7th Street SE

Project Name: Archive Lofts

Contact Person and Phone: Mike Kunnick, Walsh Bishop Associates, 900 Second
Avenue South, Suite 300, Minneapolis, MN 55402, (612)338-8799

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

Date Application Deemed Complete: May 9, 2006

End of 60-Day Decision Period: July 7, 2006

End of 120-Day Decision Period: On June 5, 2006, Staff sent the applicant a letter
extending the decision period to no later than September 5, 2006.

Ward: 3 **Neighborhood Organization:** Marcy Holmes Neighborhood Association
& Nicollet Island - East Bank Neighborhood Association

Existing Zoning: I1 (Light Industrial) District, Industrial Living Overlay District (ILOD)

Proposed Zoning: C3A (Community Activity Center) District

Zoning Plate Number: 14

Lot area: 41,674 square feet or .96 acres

Legal Description: See attachment.

Proposed Use: Renovation of the existing buildings as well as additions to the existing
structures for an integrated mixed-use residential and commercial development.

Concurrent Review:

- Petition to rezone the subject properties from the I1 district to the C3A district and remove the Industrial Living Overlay District (ILOD).
- Conditional Use Permit for 103 residential units.

- Conditional Use Permit to increase the maximum allowable height from 4 stories or 56 feet to 9 stories or 99 feet.
- Variance to increase the maximum allowable floor area ratio (F.A.R.) on site. *Application was returned.*
- Variance of the interior side yard along the east property line from 21 feet to 3 feet for the proposed development.
- Site plan review for renovations to the existing buildings as well as new construction.

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

Background: The applicant proposes to rehabilitate and convert existing 7-story and 4-story warehouse buildings located on the property at 700 and 708 Central Avenue NE, into a mixed-use housing and commercial project. The proposal would also include the construction of a new 6-story condominium building and associated parking connecting to the two existing structures for a unified singular structure. The property is currently zoned I1 with an ILOD. The applicant proposes to rezone the subject parcels to the C3A district. All ground level units fronting on to Central Avenue NE and 7th Street SE would be used for retail/commercial and office type uses. Based on the proposal, a conditional use permit for 103 residential units is also required as is a conditional use permit to allow an increase in the maximum allowable height from 4 stories or 56 feet to 9 stories or 99 feet. A variance is required for the interior side yard along the east property line from 21 feet to 3 feet for the proposed development and site plan review is also required. The variance to allow an increase in the maximum allowable floor area ratio on site was returned as the applicant has clarified that the proposed development would include commercial uses that would make the project eligible for a density bonus in the C3A district; thus eliminating the need for the variance.

The existing 700 Central Avenue NE structure consists of a timber frame and wood floors with exterior brick bearing walls. One new steel-framed floor would be added to the existing four-story building and would be capped with a pitched metal roof. The new floor would step back from the existing parapet edge to provide roof-top terraces for the condominium units. The first floor of this building contains commercial space with storefronts on both Central Avenue and Seventh Street. The remaining floors would be dedicated to condominiums.

The existing 708 Central Avenue NE structure consists of a poured concrete frame and floors with brick exterior walls. Two new steel framed floors would be added to the existing seven-story building and would be capped with a built-up flat roof. The new floors would step back from the existing parapet edge to provide roof-top terraces for the condominium units. New balconies would be added to the south, east and west elevations. The first floor of the building would contain artist units with storefronts on Central Avenue.

The new structure as proposed would be a total of 6-stories built above one level of at-grade parking. The structure would be capped with a flat built-up roof. A new parking structure with one level below grade, one-level of at-grade, and one parking deck level would serve the entire development. Balconies would be constructed along the north and south elevations. The first floor of the new building facing onto Seventh Street would contain two parking entrances with a pattern of brick alcoves and planters between.

The parking structure as proposed would be contained within the “L-shape” formed by the three condominium buildings with one level below grade, one level at grade and an open parking deck above the at grade level.

Staff has received correspondence from the Marcy-Holmes Neighborhood Association which has been attached for reference.

REZONING

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

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

According to the *Minneapolis Plan*, the subject parcels are located on Central Avenue NE in the area where Central Avenue is a designated Community Corridor. According to the Principles and Policies outlined in the *Minneapolis Plan*, the following apply to this proposal:

4.1 Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods.

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

Implementation Steps:

- Discourage the conversion of existing residential uses to commercial uses, but encourage the development of mixed-use residential dwelling units in commercial buildings where appropriate.
- Support the continued presence of small-scale retail sales and commercial services along Community Corridors.

4.4 Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive

reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

Implementation Steps:

- Provide for a range of commercial districts that provide the services required by the residents and businesses.
- Encourage the economic vitality of the city’s commercial districts while maintaining compatibility with the surrounding areas.

The project is in conformance with these policies and implementation steps of the comprehensive plan.

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

The amendment is primarily in the interest of the property owner, however it could be considered to be in the public interest insofar as the development would result in the rehabilitation of two existing vacant structures. The rezoning would allow the applicant to construct a 103-unit mixed-use residential and commercial development along a Community Corridor. Adopted policies in the comprehensive plan indicate that there is a public interest associated with adding housing capacity in along major corridors.

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 properties are located off of Central Avenue NE and are currently zoned I1 with an ILOD. The site is bordered predominantly by I1 zoning to the north, east and west, and by C2 zoning to the south. Adjacent uses include a mixture of commercial and industrial uses. Given the mixture of surrounding zoning classifications and uses in the area as well as the relative proximity to an Activity Center, Staff believes that the C3A zoning district would be compatible and appropriate in this location.

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

There are reasonable uses of the property permitted under the existing I1 zoning classification, however, it is Staff’s position that the proposed alteration of the underlying zoning district to the C3A district is appropriate and more reasonable due to the trend of development within the general area. The I1 zoning district is

a Light Industrial district. Permitted uses in the I1 district include, but are not limited to, the following:

- Research, development and testing laboratory
- Art gallery
- Restaurants
- Clinic, medical or dental
- Coffee shop
- Child care center

Further, the ILOD would permit residential uses, however at a much lesser density than what is being proposed.

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

Under the 1963 Zoning Code, the property was zoned M2-1 (Limited Manufacturing District). There has been a change in the character and trend of development within the general area as other warehouse buildings have been converted into both commercial and residential type uses. Due to the proximity to C2 zoning as well as the proximity of the site to Hennepin Avenue and the existing Activity Center, Staff believes that the rezoning request is reasonable and appropriate and is consistent with the trend of additional high density, mixed use development in the area.

CONDITIONAL USE PERMIT – for 103 residential dwelling units.

Findings as required by the Minneapolis Zoning Code for a Conditional Use Permit:

The Minneapolis Department of Community Planning and 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.

Development of a 103-unit residential condominium development should not have negative impacts on the area should a 7 foot setback be provided on the east side of the site as recommended by Staff. The proposed development complements other uses in the area and the additional residential units will

strengthen the commercial base within the neighborhood. The proposal is under the allowable density for the site as 173 units are permitted with density bonuses for enclosed parking and for mixed commercial and residential uses proposed for the structure. Staff does not believe that the project would prove detrimental to public safety, comfort or general welfare.

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

The site is currently occupied by two existing vacant warehouse buildings and a surface parking lot located along 7th Street SE. The proposed density of the project would prove compatible with the surrounding uses and should not impede normal and orderly development of the area provided an adequate transition/setback through landscaping is maintained between the project and the residential dwellings to the east of the site. Further, utilizing the site for 103 units of for-sale condominiums would provide additional opportunities for housing within the neighborhood. This property is in close proximity to a number of commercial uses, restaurants, bars, offices, etc. This development would result in the rehabilitation of two existing buildings and replacement of a surface parking lot with a mixed use development that would provide needed commercial goods and services.

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

The site would be accessed off of 7th Street SE via two curb cuts. The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant will be required to continue to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development should the applications be approved. This would be required to ensure that all procedures are followed and that the development complies with all city and other applicable requirements.

The applicant is in the process of submitting a TDM (Travel Demand Management) Plan for review by the Public Works Department. The applicant is aware that all applicable plans are expected to incorporate any applicable comments or modifications required by the Public Works Department.

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

Chapter 541 of the zoning code requires one off-street parking space per dwelling unit and 1 space per 300 square feet of gross floor area in excess of 4,000 square feet for general retail, however no less than a minimum of 4 spaces per tenant space. Based on the uses proposed within the development, a total of 103 parking spaces would be required for the residential uses and a total of 24 parking spaces for the proposed retail/commercial spaces, resulting in a requirement of 127 parking spaces. The applicant proposes to provide 168 parking spaces for the proposed development in a parking garage which exceeds the requirement. The proposal includes parking for 20 bicycles as well.

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

The conditional use permit to allow 103-units of housing in a condominium development is consistent with the relevant provisions of the Minneapolis Plan, as follows:

According to Map 9.7 found in the *Minneapolis Plan*, this property is located in a retail-commercial area, along a community corridor within close proximity to an activity center.

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

Relevant Implementation Steps:

- Discourage the conversion of existing residential uses to commercial uses, but encourage the development of mixed-use residential dwelling units in commercial buildings where appropriate.
- Promote more intensive residential development along these corridors where appropriate.
- Support the continued presence of small-scale retail sales and commercial services along Community Corridors.

4.7 Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that gives it a unique and urban character.

9.5 Minneapolis will support the development of residential dwellings of appropriate form and density.

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

9.11 Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.

Policy 9.22 Minneapolis will promote increased housing production in designated areas of the City in order to accommodate population growth.

The proposal is in conformance with the above noted policies and implementation steps of the comprehensive plan.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit, the rezoning request, relevant variances, and site plan review.

If all land use/zoning applications are approved, including a rezoning, conditional use permits, variances and site plan review, the proposal would comply with all provisions of the C3A District.

CONDITIONAL USE PERMIT - to increase the maximum permitted height from 4 stories or 56 feet to 9 stories or 99 feet. The existing structures on the site are currently 6 stories or 58 feet tall and 7 stories or 79 feet tall.

Findings as Required by the Minneapolis Zoning Code:

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

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

Staff does not believe that additions to the existing structures to allow a 9-story or 99 foot tall building, would be detrimental to or endanger the public health, safety, comfort or general welfare. Relative to other developments recently approved in the general vicinity, including both the Cobalt development and the Mathwig development, the overall height in feet is comparable to those approvals. As there are existing buildings that are being rehabilitated as part of this development project, the floor heights in the buildings are already established and any floor height over 14 feet constitutes 2 stories. This is the case in both existing structures, thus inflating the overall height in stories relative to the height in feet. Further, only small portions of new construction would exceed the current height

of the building at 79 feet, and those portions are setback anywhere from 8 to 10 feet from Central Avenue NE.

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

This property is located in a fully developed area. The addition of 20 feet in height to the top of an existing building would not be expected to be injurious to the use and enjoyment of other property in the vicinity nor should it impede on possible future development. The existing structure currently exceeds the proposed underlying district allowance of 4 stories or 56 feet at 7 stories or 79 feet. As previously mentioned other development located within the general vicinity have been approved for comparable heights.

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

As previously mentioned, the site would continue to be accessed off of 7th Street SE. The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development should the plan be approved. This would be required to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

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

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

See the above listed response to finding #5 in the conditional use permit application.

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

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

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

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

1. Access to light and air of surrounding properties.

This development would not be expected to have any additional impacts on the amount of light and air that surrounding properties receive. The development as it currently exists, exceeds the maximum allowable threshold for height in the C3A district. The proposed roof-top additions to the existing structures are oriented relatively far enough towards the interior of the site as they step-back from the existing roofline along Central Avenue NE from 8 to 10 feet. Further, the impacts are mitigated by the “L-shaped” design of the structure as the bulk and massing of the building is oriented towards the street edge.

2. Shadowing of residential properties or significant public spaces.

There are some smaller residential properties located immediately east of the site, however, there are no significant adjacent public spaces. Staff would expect that the shadowing impacts on the properties to the east would be negligible as the proposed additions would not be expected to further shadow the residential properties significantly more than the existing structures. Further, the massing of the additions, including the setback from Central Avenue NE and the separation along the east property line of approximately 20 feet to the residential building wall should limit the impacts of shadowing.

3. The scale and character of surrounding uses.

The scale and character of the buildings as well as the architectural styles of the surrounding properties in this area are varied. Relative to similar developments within the general vicinity, Staff believes that the proposal is compatible with the scale and character of other buildings in the area. The Cobalt development also located along Central Avenue NE was approved for 6 stories or 80 feet along Central Avenue NE and to 8 stories or 110 feet along University Avenue SE. The Mathwig development located on 110 6th Street NE was approved as an 8-story building. The design and allocation or distribution of height on site would be compatible with the surrounding uses.

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

There are no landmark buildings, significant open spaces or water bodies near the development site that would be affected by significant shadows.

VARIANCE – (1) Variance to increase the maximum allowable floor area ratio (F.A.R.) on site – *Application was returned*; (2) Variance of the interior side yard along the east property line to 3 feet for the proposed development.

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

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.

Interior side yard along the east property line to 3 feet: The property could likely be put to a reasonable use under the conditions allowed however, strict adherence to the regulations of the zoning code would cause undue hardship. Staff believes that while granting a setback variance is reasonable, more of a buffer should be provided adjacent to the residential properties along the east property line. Based on the allocation of height on the opposite side of the site, Staff believes that requiring the applicant to comply with the 21 foot setback requirement would cause undue hardship. Granting a setback variance to 7 feet while providing a larger landscape buffer between the structure and the east property line would be reasonable as the height of the structure adjacent to the east property line consisting of the parking ramp would be 2 stories in height. A two-story building would require a 7 foot setback.

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.

Interior side yard along the east property line to 3 feet: The circumstances could be considered unique to the parcel of land for which the variance is being sought as there are site limitations due to the fact that a portion of the site is already developed and is being rehabilitated and incorporated into the design of the development. It is Staff's position that because much of the site is already developed the circumstances are unique. Staff believes that more of a buffer should be provided, however, as the proposed 3 foot separation is inadequate. Staff recommends that the Planning Commission require a setback of 7 feet be integrated into the final plan.

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.

Interior side yard along the east property line to 3 feet: The granting of a variance to allow a setback variance along the east property line to 7 feet would likely be in keeping with the spirit and intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The proposed setback of 3 feet would not be in keeping with the spirit and intent of the ordinance.

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.

Interior side yard along the east property line to 3 feet: The proposed variance to allow a decrease in the setback adjacent to the east property line would likely 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 should the setback be increased to 7 feet.

SITE PLAN REVIEW

Required Findings for Site Plan Review

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.

- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
- Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

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

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

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

designed with architectural detail or windows, including display windows, that create visual interest.

A total of 103 condominium units are proposed for the site in addition to commercial spaces along both Central Avenue NE and 7th Street SE. Both the existing and proposed building are located up to the property lines along Central Avenue NE and 7th Street SE. The structures would be linked internally, thus creating one unified principal structure. The building would be oriented towards both of the streets. The use of progressive design and street-oriented building alignments is somewhat reinforced with the proposed development; however, parking is proposed within the ground level of the proposed structure along 7th Street SE resulting in a windowless ground floor elevation. The design also somewhat maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation along the Central Avenue NE frontage and along a portion of the 7th Street SE as a proposed retail space wraps the corner. The area between the building and the public streets will have new tree plantings along both street frontages. Based on the active uses proposed for the development, Staff considers this to be a pedestrian oriented development along the Central Avenue NE street frontage as well as a portion of the 7th Street SE frontage, although some of the 7th Street SE frontage contains drive-cuts and a wall masking ground level parking.

The elevation of the building along Central Avenue NE incorporate windows that meet the 30% window requirement; however, the façade of the building along 7th Street SE does not as only 17% is being provided, therefore, alternative compliance would be required. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. The proposal is meeting the intent of this requirement by integrating active uses at the street level along Central Avenue NE as well as a portion of 7th Street SE. The proposed development meets the 10% window requirement on each floor above the first floor that faces the public street and public sidewalk. The windows are distributed in a more or less even manner.

There are blank, uninterrupted walls greater than 25 feet in width that do not include windows, entries, recesses or projections, or other architectural elements along the north and east elevations. Alternative compliance is necessary. Staff would recommend that the Commission require that the elevations be modified to meet the provision. The exterior materials would be compatible as different types of brick and stucco as well as various metal elements would be utilized.

The majority of the proposed building form and pitch of the roof lines would be considered compatible with other buildings in the area as most of the roof lines in the vicinity are flat. One of the proposed additions would include a pitched roof. Staff would recommend that the Planning Commission require that the roof line be modified to a flat roof to match into the existing structure and maintain compatibility with surrounding structures.

A parking ramp is proposed as part of the development. The parking structure as proposed would be contained within the “L-shape” formed by the unified condominium building with one level below grade, one level at grade entirely enclosed and an open parking deck above the at grade level. While sloped floor would not dominate the appearance, not all vehicles would be screened from view as the ramp would be exposed along the north and east elevations. A 42 inch high masonry screening wall has been provided in an attempt to mitigate the potential impacts from vehicle headlights. Alternative compliance would be required.

ACCESS AND CIRCULATION:

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

The principal entries to the retail spaces lining both Central Avenue NE and 7th Street SE would be located directly off the public sidewalk. The primary residential entrance and lobby would be located at the interior of the site and not directly off of the public sidewalk due to the configuration constraints and varying elevations of the existing buildings. The residential entrance as required is a secure entrance.

There are no transit shelters within the development, however the site is located along a Metro Transit bus line.

The proposed development has been designed to minimize conflicts with pedestrian traffic. However, Staff would argue that the project may have impacts on the residential uses to the east based on the minimal setback of the structure along the east property line.

There is no public alley adjacent to the site. The site would be accessed off of 7th Street SE.

The site has been somewhat designed to minimize the use of impervious surfaces through the use of landscaping as the proposal meets the 20% requirement. The majority of the site is covered by proposed and existing buildings. However, Staff believes that there are additional opportunities to improve and increase the impervious surface on site as additional landscaping should be provided along the east property line to buffer the development from the residential uses to the east.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
 - **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

According to the applicant, once the project is complete approximately 100 percent of the site not occupied by buildings or 1,412 square feet of the site would be landscaped. The site is approximately 41,674 square feet in size with buildings occupying 40,262 square feet. Based on the site information, approximately 282 square feet of landscaping would be required. The zoning code requires that there be at least 1 tree and 3 shrubs planted on the site. The applicant is proposing to have 1 tree and 3 shrubs on the site. The proposal is meeting the minimum landscape quantity requirements.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**

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

All parking is being provided in a parking ramp with access via 7th Street SE. The water drainage on site has been designed so as not to drain onto any adjacent lots.

The applicant is proposing to install lighting at each unit entry and wall mounted lighting throughout the development. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541.

The City's CPTED officer has recommended that any additional plantings follow the 3' – 7' rule to allow visibility on site. Staff would concur with this recommendation.

The parking facilities have not been designed to avoid headlights from shining on adjacent properties as the second floor of the proposed ramp would be open to the industrial properties to the north.

Staff would not expect the proposal to result in the blocking of views. The proposed additions to the structure would be expected to have negligible shadowing impacts on adjacent properties and public spaces. The shadow studies are attached for reference. The proposed additions would be expected to have minimal impacts on light, wind and air in relation to the surrounding area as well.

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

ZONING CODE - The proposed use is conditional in the C3A District

With the approval of the rezoning, conditional use permits, variances and site plan review, this development would meet the requirements of the C3A zoning district.

Parking and Loading: Chapter 541 of the zoning code requires one off-street parking space per dwelling unit and 1 space per 300 square feet of gross floor area in excess of 4,000 square feet for general retail, however no less than a minimum of 4 spaces per tenant space. Based on the uses proposed within the development, a total of 103 parking spaces would be required for the residential uses and a total of 24 parking spaces for the proposed retail/commercial spaces, resulting in a requirement of 127 parking spaces. The applicant proposes to provide 168 parking spaces for the proposed development in a parking garage which exceeds the requirement.

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

Signs: No signs are proposed at this time. All new signage is required to meet the requirements of the code. Permits are required from the Zoning Office should any signage be included for the development.

Maximum Floor Area: The maximum F.A.R. for multiple-family dwelling units in the C3A District is the gross floor area of the building which is 143,025 square feet divided by the area of the lot which is 41,674 square feet. The outcome is 3.43 which is greater than the maximum of 2.7 that is permitted in the C3A District. However, the project is eligible for a 20% (.54) bonus for enclosed parking and a 20% (.54) bonus for mixed commercial-residential uses within the development. Therefore, overall the project would be allowed an F.A.R. of 3.78. The applicant is proposing an F.A.R. of 3.43.

Minimum Lot Area: The project would meet the minimum lot area and lot width requirement of the C3A District. The lot has 41,674 square feet of lot area, and is situated on a lot greater than 40 feet in width. For multiple-family dwellings 5,000 square feet or 400 square feet per dwelling unit is required, whichever is greater. Based on the proposal to include 103 residential units, 41,200 square feet of lot area would be required. The proposal meets the minimum lot area requirement without the inclusion of density bonuses for enclosed parking and for a mixed commercial-residential project which would allow a total of 173 dwelling units on the site.

Height: Maximum building height for principal structures located in the C3A District is 4 stories or 56 feet, whichever is less. The proposal would not conform with this requirement as a conditional use permit is being requested to allow an increase in height to 9 stories or 99 feet.

Yard Requirements: The required yards are as follows:

Front: 0 feet

Rear yard: 15 feet

Interior side yards: 21 feet (5+2x)

The proposal requires a variance of the interior side yard along the east property line.

Building coverage: Not applicable for this development.

Impervious surface area: Not applicable for this development.

MINNEAPOLIS PLAN

See the above listed response to finding #5 in the conditional use permit application.

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

No small area plans for this area of Minneapolis have been adopted by the City Council.

ALTERNATIVE COMPLIANCE

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

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

Alternative compliance is necessary based on the proposal as the elevation of the building along 7th Street SE does not incorporate windows that meet the 30% window requirement as only 17% is being provided between 2 and 10 feet. Staff believes that it is reasonable to grant alternative compliance along the south elevation as it is not

practical to require that window openings be punched into the proposed ground level parking screening wall that is being provided as part of the continuum of the development along 7th Street SE. The alternative compliance measures being proposed by the applicant are built in recessed planters with a “living wall” system to break-up the windowless wall. Staff recommends that the Planning Commission grant alternative compliance.

There are blank, uninterrupted walls greater than 25 feet in width that do not include windows, entries, recesses or projections, or other architectural elements along the north and east elevations. Alternative compliance is necessary. Staff would recommend that the Commission require that the elevations be modified to meet the provision.

A parking ramp is proposed as part of the development. The parking structure as proposed would be contained within the “L-shape” formed by the unified condominium building with one level below grade, one level at grade entirely enclosed and an open parking deck above the at grade level. While sloped floor would not dominate the appearance of the north and east elevations, there is the potential that not all vehicle headlights would be screened from view as a 42 inch masonry screening wall would be provided. Alternative compliance would be required. It is Staff’s position that providing a masonry screen wall 42 inches in height would mitigate the majority of the impacts from headlights and recommends that the Planning Commission grant alternative compliance.

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the property located at 700-708 Central Avenue NE and 119-123 7th Street SE from the I1 district to the C3A district and removal of the ILOD.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow for a 103-unit residential development on property located at 700-708 Central Avenue NE and 119-123 7th Street SE.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow an increase in height for a 103-unit residential development on property located at 700-708 Central Avenue NE and 119-123 7th Street SE subject to the following condition:

1. The building shall not exceed a height of 9 stories or 99 feet along Central Avenue NE.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission **return** the application for a variance of the maximum allowable floor area ratio (F.A.R.) on site for property located at 700-708 Central Avenue NE and 119-123 7th Street SE.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the interior side yard along the east property to 7 feet for the proposed development for property located at 700-708 Central Avenue NE and 119-123 7th Street SE subject to the following condition:

1. A 7-foot setback shall be provided along the east property line.
2. Landscaping shall be provided within the required 7-foot yard adjacent to the east property line.

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

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission **approve** the site plan review application for property located at 700-708 Central Avenue NE and 119-123 7th Street SE subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation and landscaping plans before building permits may be issued.
2. All site improvements shall be completed by June 26, 2007 unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

3. The Travel Demand Management Plan must be approved by the Planning Director prior to submission of plans for final approval and building permit issuance.
4. The applicant shall provide a 7 foot wide landscaped strip along the east property line.
5. The area between the building and the public streets will have new tree plantings along both street frontages.
6. Incorporation of windows, entries, recesses, projections or other architectural elements along the north and east elevations to break up the blank uninterrupted walls that exceed 25 feet in width per Section 530.120.
7. All rooflines incorporated within the development shall be flat.

Attachments:

1. Statement of use and description of the project
2. Findings and land use application
3. Correspondence
4. Zoning map
5. Plans, site, elevations, roof, photos
6. Shadow studies
7. PDR notes