

## **Community Planning and Economic Development Planning Division Report**

Rezoning, Conditional Use Permits, Variances, and Site Plan Review  
BZZ-2324

**Date:** May 23, 2005

**Applicant:** Phoenix Lofts Inc. c/o Schafer Richardson, Inc.

**Address Of Property:** 221 Main Street SE and 224 2<sup>nd</sup> Street SE

**Project Name:** Phoenix Lofts

**Contact Person And Phone:** David Frank – Schafer Richardson 612-359-5844

**Planning Staff And Phone:** Jim Voll 612-673-3887

**Date Application Deemed Complete:** April 25, 2005

**End of 60 Day Decision Period:** June 24, 2005

**Date Extension Letter Sent:** May 16, 2005

**End of 120 Day Decision Period:** August 23, 2005

**Ward:** 5      **Neighborhood Organization:** Marcy-Holmes

**Existing Zoning:** I1 Light Industrial District

**Existing Overlay Districts:** IL Industrial Living Overlay District; MR Mississippi River Critical Area Overlay District; SH Shoreland Overlay District.

**Proposed Zoning:** C3A Community Activity Center District (and removal of the ILOD)

**Plate Number:** 14

**Legal Description:** All of Lot One (1), the Northeasterly or front half of Lot Two (2), and the Southeasterly two-thirds (2/3) of the rear or Southwesterly half of Lot Two (2), the Southeasterly two-thirds (2/3) of Lot Nine (9) and all of Lot Ten (10), all in Block Forty-nine (49), Saint Anthony Falls, Hennepin County, Minnesota; Tract J, Registered Land survey No. 1535, files of the Registrar of Titles, Hennepin County Minnesota as identified on the respective plan(s) of said additions(s) on file in the Office of the Register of Deeds in and for Hennepin County, Minnesota.

**Proposed Use:** Mixed-use building with 90 dwelling units and 5,500 square feet of first floor retail.

**Concurrent Review:**

**Rezoning:** From I1 Light Industrial and ILOD to C3A Community Activity Center District.

**Conditional Use Permit:** To allow 90 dwelling units.

**Conditional Use Permit:** To increase the height from 2.5 stories to 5 stories in the SH Shoreland Overlay District and from 4 stories to 17 stories in the C3A District.

**Conditional Use Permit/Variance:** To build on slopes in the SH Shoreland Overlay District (no longer necessary).

**Variance:** To reduce the required westerly interior side yard from 37 feet to various distances.

**Variance:** To increase the Maximum allowable Floor Area Ratio from 3.78 to 6.07.

**Site Plan Review.**

**Appropriate Section(s) of the Zoning Code:** Chapter 525, Article VI Zoning Amendments; Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances; and Chapter 530 Site Plan Review.

**Background:** Phoenix Lofts, Inc. proposes to demolish the Pillsbury Data Center located at 221 Main Street SE and 224 2nd Street SE and to construct in its place a 90 unit residential building with first floor retail along Main Street SE. Development of five or more dwelling units requires a conditional use permit and site plan review. This project also requires a conditional use permit to increase the height of the building. The development also requires variances to exceed the maximum allowable floor area ratio and for the required setbacks along the west side of the site. A conditional use permit/and variance to build on a steep slope in the Shoreland Overlay was required in error and should be returned to the applicant with the fee.

The building is located on a slope between Main and 2<sup>nd</sup> Streets and is designed so the tower is in the center of the structure, rising to 17 stories from Main Street. The parts of the building that front on the streets are lower with five stories on Main Street and three on 2<sup>nd</sup> Street.

The City of Minneapolis completed an Environmental Assessment Worksheet (EAW) for this project. On August 26, 2004 the City Council decided not to order the development of an Environmental Impact Statement.

Attached to this report are letters of support from the Marcy-Holmes and Nicollet Island-East Bank neighborhood groups.

**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 C3A Community Activity Center District was established to provide for the development of major urban activity and entertainment centers with neighborhood scale retail sales and services. In addition to entertainment and commercial uses, residential uses, institutional and public uses, parking facilities, limited production and processing and public services and utilities are allowed. The C3A districts are

mapped in areas designated as Activity Centers in the comprehensive plan. The East Hennepin Activity Center is to the west of this site within a triangle created by Central and East Hennepin Avenues and extends along Main Street through the former “festival markets” of River Place and St. Anthony Main.

*The Minneapolis Plan* defines Activity Centers as follows:

- Activity Centers generally have a diversity of uses that draw traffic from citywide and regional destinations, but do not generally support automobile uses.
- Activity Centers are complimented by medium and high density residential uses, and also accommodate retail and commercial services, entertainment uses, educational campuses, or other large-scale cultural or public facilities.
- Activity Centers have a traditional urban form (building siting and massing).
- Activity Centers have a significant pedestrian and transit orientation, as service and features of these areas are already good.
- Activity Centers have uses that are active all day long and into the evening.
- A mix of uses occurs within structures and within the larger boundaries of Activity Centers.
- Activity Centers have a unique urban character that distinguishes them from other commercial areas because of the mix and complementary type of uses as well as the traffic the area generates.

To summarize the concept, Activity Centers are destinations that attract large numbers of visitors, workers, and residents. They include a concentration of activities throughout the day and into the evening—including high pedestrian, automobile, and transit traffic, and a mix of uses located that result in a well-defined sense of place.

It is the opinion of Planning staff that the site should be considered part of the East Hennepin Activity Center designated in the *Minneapolis Plan*. There is C3A zoning adjacent to the site along the west property line. Extension of the Plan’s Activity Center designation eastward approximately one hundred feet to 3<sup>rd</sup> Avenue SE is consistent with the purpose and character of the Activity Center.

**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. While the redevelopment of the site will be an improvement to the area and will provide housing, this can be accomplished to a smaller scale under the existing zoning.

**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, and industrial uses including offices, commercial uses, apartment buildings, and large industrial buildings. The area directly to the west and adjacent to the site is zoned C3A and this rezoning would extend the district to cover the remainder of the block. This should 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 wide 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, and park uses.

**CONDITIONAL USE PERMIT (for 90 residential units)**

**Findings as required by the Minneapolis Zoning Code:**

The Minneapolis City Planning Department 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 proposed development will replace a small office building with a 90 unit residential building with first floor commercial on Main Street. While multifamily residential is appropriate for this area, a building of this size can not be achieved on this parcel under the allowable floor area ratio (FAR) without a large variance. The bulk may be out of character for the C3A district on a parcel of this size. If the FAR were reduced closer to the allowable 3.78 staff would recommend approval of the conditional use permit, but because staff is recommending denial of the FAR variance, the conditional use permit for the 90 units as configured should be denied as well, as the building is too large for the site. However, multifamily development and a density of 90 units, should not be considered detrimental to 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.**

The surrounding area is developed, but there are plans to redevelop various parcels near the site in the future. This building should not be detrimental to surrounding properties if it complies with applicable HPC and site plan review conditions of approval and if the bulk of the building is reduced to a floor area

ratio that is closer to that allowed by the C3A District. While a building of this height and bulk may not necessarily be out of character with the area on its own or if it were on a larger parcel, in this case it is an overbuilding of the site and this may have an impact on the surrounding area.

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

Utilities and access are existing and adequate. Public Works and the Fire Department have reviewed the plans for access and circulation and they find the plans acceptable. The final drainage plan is required to be approved by Public Works before and permits may be issued.

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

Access to the parking is on the west side of the building from Main Street SE. The zoning code requires 102 parking spaces. There are three retail commercial spaces that require four spaces each and 90 dwelling units that require one space each, for a total of 102 spaces. One handicapped van accessible space is required for the commercial parking area and one will be provided for the commercial area. The applicant proposes 179 parking spaces, of which six are handicapped accessible for the residential part of the project. Traffic impacts were disclosed as a part of the EAW and this site is included in the Travel Demand management plan for the entire A Mill project. Public Works has indicated that the development should not have a significant impact on traffic in the area.

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

There are several policies in *The Minneapolis Plan* that support infill development and housing choice. Policy 4.11 states that “Minneapolis will improve the range of housing types for those with few or constrained choices.” This policy has implementation steps that promote infill housing, a variety of housing types, and mixed income housing. Policy 4.13 states that “Minneapolis will expand the type and range of housing types for residents with substantial choice.” Policy 4.15 states that “Minneapolis will carefully identify project sites where housing redevelopment or housing revitalization are the appropriate responses to neighborhood conditions and market demand.” The redevelopment of the site for multi-family housing is in conformance with many of the housing policies of the comprehensive plan. However, the plan also states that in Activity Centers the City should “encourage new development to relate to traditional siting and massing, where it is already established.” Activity Centers and the associated C3A zoning limit bulk to a FAR of 2.7 (3.78 with the allowed density bonuses) and this site has a proposed FAR of 6.07. This is almost a doubling of the allowed FAR and this may be more massive than what is deemed appropriate on a parcel of this size.

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

**it is located upon approval of the rezoning, conditional use permit for height, variances, and site plan review.**

The proposal will conform with the applicable regulations upon the approval of the rezoning, conditional use permits, setback variances, and site plan review.

**CONDITIONAL USE PERMIT (from 2.5 and 4 stories to 5 and 17 stories)**

**Findings as required by the Minneapolis Zoning Code:**

The Minneapolis City Planning Department 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 height of structures or buildings are measured as the vertical distance from the natural grade either at the curb level or at a point ten (10) feet away from the front center of the structure or building, whichever is closer, to the top of the highest point of the structure, or to the top of the highest point of the roof on a flat or shed roof, the deck line on a mansard roof, or the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

The C3A District limits the height of multiple-family dwellings to four stories, or 56 feet, whichever is less. In the SH Shoreland Overlay District the height is limited to two and one-half stories or 35 feet, whichever is less. The Shoreland Overlay District is measured as 300 feet from the Mississippi River. Part, but not all of this building is in the Shoreland Overlay District. The part of the building that is in the district has been limited to five stories, so a conditional use permit is necessary to increase the height here from two and one-half stories to five stories. A conditional use permit is necessary for the entire building to exceed four stories.

A story is measured as that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or fourteen (14) feet, whichever is less, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under floor space is more than six (6) feet above grade, for more than fifty (50) percent of the total perimeter, or is more than twelve (12) feet above grade at any point, such basement, cellar, or unused under floor space shall be considered a story.

Measured from Main Street the height of the building varies moving south from Main Street north to 2<sup>nd</sup> Street from five stories to 17 stories back down to six stories. A portion of the tower on the west side is stepped down to 14 stories. While the building is three stories up from the sidewalk on 2<sup>nd</sup> Street this part of the building is considered to be six stories because the height is measured from Main Street.

The proposed development will replace a small office building with a 90 unit residential building. The height of the building has been reviewed by the HPC and has been found to be compatible with the

surrounding 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.**

The surrounding area is developed, but there are plans to redevelop various parcels near the site in the future. The HPC found this height to be compatible with the surrounding area. This building height should not be detrimental to surrounding properties provided the overall mass is reduced to reflect the floor area allowed (with applicable density bonuses) in the C3A District.

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

Utilities and access are existing and adequate. Public Works and the Fire Department have reviewed the plans for access and circulation and they find the plans acceptable. The final drainage plan is required to be approved by Public Works before and permits may be issued.

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

Access to the parking is on the west side of the building from Main Street SE. The zoning code requires 102 parking spaces. There are three retail commercial spaces that require four spaces each and 90 dwelling units that require one space each, for a total of 102 spaces. One handicapped van accessible space is required for the commercial parking area and one will be provided for the commercial area. The applicant proposes 179 parking spaces, of which six are handicapped accessible for the residential part of the project. Traffic impacts were disclosed as a part of the EAW and this site is included in the Travel Demand management plan for the entire A Mill project. Public Works has indicated that the development should not have a significant impact on traffic in the area. Increasing the maximum permitted height would have no appreciable impact on traffic congestion.

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

While the comprehensive plan does not indicate appropriate heights for specific sites, there are several policies in Chapter 9, City Form, that refer to traditional urban form and building form and context especially regarding how buildings relate to their surroundings. This building height should not be out of character with the surrounding area if it complies with HPC and site plan review conditions of approval.

- 6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of the rezoning, conditional use permit for height, variances,**

**and site plan review.**

The proposal will conform with the applicable regulations upon the approval of the rezoning, conditional use permits, setback variances, and site plan review.

**In addition to the conditional use standards contained in Chapter 525 and this article, 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 increase in height will not prevent access to light and air for surrounding properties. The building is recessed on the north, south, and west sides, which will allow access to light and air and does not exceed the required setback along the street frontage.

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

There are no residential properties adjacent to the site. The building is stepped back at the north and south sides to reduce the impact on the park land to the south.

**(3) The scale and character of surrounding uses.**

There are or will be buildings of similar height in the immediate area. The HPC has found the building to be in character with the surrounding area.

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

The building will not significantly block views of landmark buildings to the west and north. It will block views of the river and downtown from the north, but not significantly more than it would if it were limited to four stories. It will affect views of the red tile elevator from the west, but HPC did not find that this height would be detrimental to surrounding historic properties.

**CONDITIONAL USE PERMIT/VARIANCE (to build on steep slopes in the SH Shoreland Overlay)**

This application was required in error. The site is not located on a steep slope in the Shoreland Overlay. Staff recommend that this application and the associated fee be returned to the applicant.

**VARIANCE (to reduce the side yard setback)**

**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, no setbacks are not required for properties in the commercial districts, except where adjacent to residential districts and for residential uses that contain windows facing an interior side lot line. This structure is bordered on three sides by public streets, so no setbacks are required on the northerly, easterly, and southerly sides of the development. There are no residential developments to the west, but this is a residential structure with windows facing this interior yard, so a setback of five feet plus two feet for each additional floor above the first is required. The westerly interior yard has a required setback of 37 feet (17 stories requires  $5 + 2(16) + 37$ ) and the actual setback varies at different points along the property line from 1.5 feet to 20 feet along the lower levels of the building and from 24 feet to 32 feet for the 17 story tower at the middle of the building.

The site has a significant grade change from south to north and has a irregular property line on the westerly side. The 37 foot setback is determined by the tower and applies to the whole building, but the tower itself is setback at least 20 feet from the westerly property line except for a small portion at the northwesterly corner of the tower. The westerly side of the building at the north side of the site does not have windows for the lower part of the building. The westerly side of the building at the south side of the site has windows, but if it were not subject to the same setback as the tower (if it were a stand alone five story building) it would meet the required setback. It is a hardship to require the lower base of the building to meet the setback required for the tower.

If the tower meets the required setback it will narrow the building by approximately 17 feet. Having a very narrow lot with an irregular setback makes it very difficult to develop the site if the required setbacks are met and this may be a hardship. The setback variances allow a reasonable use of the property.

- 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 site is irregular, has a grade change, is near a park, and is in an historic district. The design of the building has a taller tower in the center of the structure to provide a design that lessens the impacts on surrounding uses and parkland. The taller tower creates a larger setback. These are conditions that are not generally applicable to other properties in the City.

- 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 intent of the ordinance is to provide a setback for facades with windows along interior yard setback where a building could be built along the property line on an adjacent parcel. This is to meet building code requirements for fire protection and to prevent a situation where a building would be built on the adjacent parcel blocking the windows. The tower part of the building with windows will be setback approximately 20 feet from the west property line except for a small part at the northwesterly part of the tower. This will allow access to light and air for these units and therefore should not circumvent the 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.**

The proposed variance should have no effect on congestion in the public streets. Adequate parking is provided. The variance should not endanger public health or safety or increase the danger of fire.

#### **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.**

The building is located up to the property line on 2<sup>nd</sup> Street SE and along 3<sup>rd</sup> Avenue SE, but is approximately 15 feet from the property line on Main Street SE. This was done so the building would match the setbacks of the adjacent buildings on Main Street and to match the streetscape as well. The area between the building and the lot line on Main Street will contain brick pavers and future outdoor seating areas. Staff recommends granting alternative compliance to allow the building to be setback 15 feet on main Street. The principal entrances for the commercial spaces face Main Street. The principal entrances for the residential structure face 2<sup>nd</sup> Street and 3<sup>rd</sup> Avenue. The building facades will contain architectural detail and have been approved by the HPC. However, there is a blank uninterrupted façade of greater than 25 feet at the north end of the west side wall that is required to architectural elements. The changes to this part of the wall will need to be reviewed by HPC staff. The windows on the building meet the requirements of the site plan chapter. The structure has a flat roof similar to other structures in the area.

#### **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 entrance to the building open onto the public sidewalks. Public Works and the Fire Department have reviewed the site plan for access and circulation and find them acceptable. Planning staff is somewhat concerned about having a curb cut on each of the three street frontages. Much of the site is covered by buildings, drives and walkways. While there is little net permeable site area, the applicant is proposing a green roof on part of the structure to mitigate this factor.

## **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.

Less than 1 percent of the site minus the building is landscaped. However, the applicant is proposing a 5,888 square foot green roof, landscaping planters in the right-of-way between the building and the sidewalk, and brick pavers that form a patio in front of the building on Main Street as amenities in lieu of the 20 percent landscaping. Further much of the net site area consists of an access easement that cannot be landscaped. Staff recommends granting alternative compliance. There are no open parking lots that require landscaped yards.

## **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.

CPED – Planning Division Report  
BZZ - 2324

- 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.

There are not surface parking lots on the site, so concrete curbing is not an issue. 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 shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from 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 from any permitted or conditional residential use.
- (4) Lighting shall not 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.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

There are no adjacent residential uses that would be affected by headlight glare. The design of the buildings has been planned to minimize the blocking of important views of the city, to minimize the shadowing of public spaces and adjacent properties, and to minimize the generation of wind currents at ground level. While the site is located in an historic district, there are no locally designated structures on the site that are contributing to the district.

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

**ZONING CODE:** The proposed use is a conditional use in the C3A District.

**Off-Street Parking and Loading:** The zoning code requires 102 parking spaces. There are three retail commercial spaces that require four spaces each and 90 dwelling units that require one space each, for a total of 102 spaces. One handicapped van accessible space is required for the commercial parking area and one will be provided. The applicant proposes 179 parking spaces, of which six are handicapped accessible.

**Maximum Floor Area:** The maximum FAR in the C3A District is 2.7 and with two density bonuses of 20 percent the allowable FAR is 3.78. The lot in question is 39,824 square feet in area. The applicant proposes 241,935 square feet of gross floor area, an FAR of 6.07.

**Building Height:** Building height in the C3A District is limited to four stories or 56 feet, whichever is less and in the SH Shoreland Overlay to two and one-half stories or 35 feet, whichever is less. The portion of the building in the Shoreland Overlay will be five stories. The taller part of the structure, located outside the Shoreland Overlay District, will be 17 stories.

**Minimum Lot Area:** The C3A District requires not less than 400 square feet of lot area per dwelling unit. With 90 proposed dwelling units on a lot of 39,824 square feet, the applicant proposes 442 square feet of lot area per dwelling unit.

**Yard Requirements:** In general, no setbacks are required for properties in the commercial districts, except where adjacent to residential districts and for residential uses that contain windows facing an interior side lot line. This structure is bordered on three sides by public streets, so no setbacks are required on the northerly, easterly, and southerly sides of the development. The westerly interior yard has a required setback of 37 feet and the actual setback varies at different points along the property line from 1.5 feet to 20 feet along the lower levels of the building and from 24 feet to 32 feet for the 17 story tower at the middle of the building.

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

**Hours of Operation:** In the C3A District, uses may be open to the public during the following hours: Sunday through Saturday from 6:00 a.m. to 1:00 a.m.

**Signs:** Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. The preliminary sign plan appears to meet all code requirements. The final sign plan is not yet finalized, but 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 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. Trash is stored inside the building, but if dumpsters are utilized in the future they are required to be screened to the standards of the zoning code.

**MINNEAPOLIS PLAN:** Please see finding number 5 under the conditional use permit sections of this report.

**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 to allow the building to be setback 15 feet from Main Street SE. The applicant is providing decorative brick pavers and an outdoor seating area as an amenity in lieu of having the building up to the property line. In addition, setting the building back puts it in line with other buildings to the west on Main Street.

Alternative compliance is necessary to allow the applicant is providing a green roof, brick pavers, and landscaping planters in the right-of-way in lieu of the required 20 percent landscaping. Further, much of the net site area is dedicated to an access easement for the property to the west.

**RECOMMENDATIONS:**

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the rezoning from I1 to C3A and to remove the ILOD:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning application from the I1 to C3A Districts and to remove the ILOD for property located at 221 Main Street SE and 224 2<sup>nd</sup> Street SE.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the conditional use permit for 90 dwelling units:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **deny** the conditional use permit application for 90 dwelling units for property located at 221 Main Street SE and 224 2<sup>nd</sup> Street SE.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the conditional use permit to increase the height of the building from 2.5 to 5 stories and from 4 stories to 17 stories:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the conditional use permit application to increase the height from 2.5 to 5 stories and from 4 stories to 17 stories for property located at 221 Main Street SE and 224 2<sup>nd</sup> Street SE.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the conditional use permit/variance to allow construction on slopes in the SH Shoreland Overlay District:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **return** the conditional use permit/variance application and fee to allow construction on slopes in the SH Shoreland Overlay District for property located at 221 Main Street SE and 224 2<sup>nd</sup> Street SE.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance to reduce the side yard setback:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the variance application to reduce the interior (westerly) side yard setbacks from 37 feet to various distances for property located at 221 Main Street SE and 224 2<sup>nd</sup> Street SE, subject to the following condition:

- 1) The setback variances along the west side shall not be any less that shown on the attached site plan.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance to increase the floor area ratio:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **deny** the variance application to increase the maximum allowable floor area ratio from 3.78 to 6.07 for property located at 221 Main Street SE and 224 2<sup>nd</sup> Street SE.

**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 mixed use 90 unit residential building located at 221 Main Street SE and 224 2<sup>nd</sup> Street SE; subject to the following conditions:

1. CPED Planning staff review and approval of the final site and landscaping plans.
2. All site improvements shall be completed by May 23, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

**Attachments:**

- 1) HPC letter.
- 2) Statements from the applicant.
- 3) Zoning map.
- 4) Site plan, floor plan, and elevations.
- 5) Photos.