



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

Date: October 5, 2011
To: Council Member Gary Schiff, Chair of Zoning and Planning Committee
Referral to: Zoning and Planning Committee
Subject: Referral from the October 3, 2011 City Planning Commission Meeting
Recommendation: See report from the City Planning Commission

Prepared by: Lisa Baldwin, Planning Commission Committee Clerk (612-673-3710)

Approved by: Jason Wittenberg, Supervisor, CPED Planning-Development Services

Presenter in Committee:

10. The Cameron, BZZ-5279 and MS-213, 756 4th St N, 739 and 747 3rd St N, Janelle Widmeier, Sr Planner, 673-3156

Community Impact (use any categories that apply)

Other: See staff report(s) from the City Planning Commission

Background/Supporting Information Attached

The attached report summarizes the actions taken at the City Planning Commission meeting held on October 3, 2011. The findings and recommendations are respectfully submitted for the consideration of your Committee.

**REPORT
of the
CITY PLANNING COMMISSION
of the City of Minneapolis**

The Minneapolis City Planning Commission, at its meeting on October 3, 2011 took action to **submit the attached comment** on the following items:

10. The Cameron (BZZ-5279 and MS-213, Ward: 5), 756 4th St N, 739 and 747 3rd St N ([Janelle Widmeier](#)).

A. Rezoning: Application by Maureen Michalski, on behalf of Creamette Building, LLC, to rezone portions of the properties of 739 3rd St N and 747 3rd St N from B4N to B4S to allow a multiple-family dwelling with 44 units in an existing building.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the petition to rezone a portion of the properties of 739 3rd St N and 747 3rd St N from B4N to B4S-1.

Department of Community Planning and Economic Development – Planning Division
Rezoning Petition, Conditional Use Permit, Variance, Site Plan Review and Subdivision
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Date: October 3, 2011

Applicant: Creamette Building, LLC

Address of Property: 756 4th Street North, 739 & 747 3rd Street North

Project Name: The Cameron

Contact Person and Phone: Maureen Michalski, (612) 359-5842

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: August 23, 2011

End of 60-Day Decision Period: October 22, 2011

Ward: 5 **Neighborhood Organization:** North Loop

Existing Zoning: B4S-1 Downtown Service District, B4N Downtown Neighborhood District, and DP Downtown Parking Overlay District

Proposed Zoning: B4S-1 Downtown Service District (those portions of 739 & 747 3rd Street North that are to be combined with 756 4th Street North in the proposed subdivision)

Zoning Plate Number: 13

Legal Description of Property to be Rezoned: That part of vacated alley dedicated in Block 16, Bradford and Lewis's Addition to Minneapolis, lying between the Northeasterly extensions of the Northwesterly and of the Southeasterly lines of Lot 1, Block 1, Lofts at 730, Hennepin County.

Proposed Use: Multiple-family dwelling with 44 units.

Concurrent Review:

Petition to rezone portions of the properties of 739 3rd St N and 747 3rd St N from B4N to B4S-1.

Conditional use permit amendment for a parking lot in the DP overlay district.

Variance to increase the maximum number of allowed spaces in a parking lot in the DP overlay district from 20 to 33.

Site plan review.

Minor subdivision to adjust lot lines between the properties of 756 4th St N, 739 3rd St N and 747 3rd St N.

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Applicable zoning code and subdivision provisions: Chapter 525, Article VI Zoning Amendments; Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, Section 525.520 (20) “To vary the standards of any overlay district, other than the SH Shoreland Overlay District or the FP Floodplain Overlay District.”; Chapter 530, Site Plan Review; and Chapter 598, Land Subdivision Regulations.

Background: The applicant proposes to convert a vacant building located at the property of 756 4th St N into a multifamily residence with 44 dwelling units. The building will be renovated and brought into compliance with life safety code requirements. An accessible entrance on the north side of the building will also be created. To provide adequate room for emergency egress and other site functions needed to reuse the building for residential purposes, portions of 739 3rd Street North and 747 3rd Street North are proposed to be subdivided and added to the site. The property of 756 4th St N is zoned B4S-1 and the properties of 739 and 747 3rd St N are zoned B4N. A petition to rezone those portions of the properties of 739 3rd St N and 747 3rd St N from B4N to B4S-1 is required to prevent the creation of split zoning. An unimproved parking area exists to the north of the building. The proposal includes upgrading the parking area and defining 33 parking spaces. In the DP overlay district, an accessory parking lot is a conditional use. A maximum of 20 surface parking spaces are allowed. Because the existing parking lot is unimproved and no spaces are delineated, an amendment to the conditional use permit and a variance to allow more than 20 spaces is required. Upon approval of a conditional use permit, the action must be recorded with Hennepin County as required by state law. Site plan review is required for any new use with 5 or more dwelling units.

The existing building is historically known as the Cameron Transfer and Storage Company Building, and more recently, as the Dial Building. This building is not locally designated; however, it is a potential historic resource based on its association with internationally renowned Minneapolis engineer Claude Allen Porter “C.A.P.” Turner. Its significance lies in how the building is constructed with a reinforced concrete structural system that is comprised of mushroom cap columns that Turner designed and patented in 1906. The applicant is intending to utilize preservation tax credits. Those applications go through the State Historic Preservation office (SHPO), but do not require HPC review. In order to qualify for the credits, the developer will have to comply with the Secretary of Interior’s Standards for the Treatment of Historic Properties for the rehabilitation of the building. If the tax credits are not pursued, staff will work with the applicant to ensure that the work on the building will still meet the Secretary’s Standards.

The Cameron building was included as part of the planned unit development (PUD) for the 710, 720, and 730 Lofts buildings located at the properties of 710-730 4th Street North in order for those developments to maximize the allowed density under the previous zoning. In July of this year, the city council adopted the North Loop rezoning study which changed the zoning of the entire PUD from I2 Medium Industrial to B4S-1 and removed the IL Industrial Living Overlay District. With no minimum lot area requirement in the B4S district, the Lofts buildings are no longer dependent on the lot area of the Cameron building site. The applicant is proposing to remove the subject property from the PUD. To remove a property from a PUD, the PUD must be in compliance with the land use approvals, any zoning code nonconformities created by the withdrawal would need to be addressed, and the conditional use permit will need to be recorded with Hennepin County for the parcels remaining in the PUD. Removing 756 4th St N from the PUD would not result in the creation of any nonconformities. The PUD is in

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compliance with its land use approvals and all required amenities have been provided on the Lofts parcels. Staff will provide the applicant with the conditional use permit recording document, which will need to be recorded before building permits to convert the Cameron building to a multi-family dwelling can be issued.

Correspondence from the North Loop Neighborhood was received and is attached to this report. Staff will forward comments, if any are received, at the City Planning Commission meeting.

REZONING: Petition to rezone portions of the properties of 739 3rd St N and 747 3rd St N from B4N to B4S-1.

Findings as required by the Minneapolis Zoning Code:

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

The proposed zoning would be consistent with the applicable policies of the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*. Downtown is designated as a growth center. The future land use of the subject site is designated as mixed use. Specific to the Downtown growth center, the plan states:

As the physical and economic center of the city, Downtown is a logical place for a concentration of employment, housing, and other complementary uses....The land use pattern strengthens the concentrated office core with surrounding entertainment, cultural, and residential development. High intensity uses are encouraged to make the best use of the premium location and to strengthen the city's core.

According to the principles and polices outlined in the plan, the following apply to this proposal:

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

- 1.15.1 Support development of Growth Centers through planning efforts to guide decisions and prioritize investments in these areas.
- 1.15.3 Encourage the development of high- to very high-density housing within Growth Centers.

The property is also located within the boundaries of the *North Loop Small Area Plan* that was adopted by the City Council into the comprehensive plan. The recommended land use for the site is high density mixed use in the area referred to as Warehouse West. According to the principles and polices outlined in the plan, the following guidance applies to this proposal:

- Land uses in the North Loop that support the strength and character of the Downtown Core instead of competing with it.
- Preference for mid- to high-density mixed-use developments that combine residential, commercial, and retail (where appropriate) uses.
- Service-oriented commercial uses are appropriate in areas off the designated Commercial Corridors.

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- Promotion of an overall increase in neighborhood housing density that includes a continuum of housing choices.
- Land uses organized to encourage and support public transit, cycling, and walking as viable alternatives to the private automobile.
- Development in this district should continue to protect and preserve the historic warehouse structures with an emphasis on adaptive re-use.

Staff comment: The property of 756 4th St N is currently zoned B4S-1. The B4S-1 district allows a mix of uses at a high density. Rezoning portions of the 739 3rd St N and 747 3rd St N properties will allow them to be subdivided and combined with the property of 756 4th St N facilitating the adaptive reuse of the existing warehouse building.

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

The Cameron building has been vacant for years and is not in compliance with current life safety ordinances for residential occupation. The rezoning along with the subdivision will allow for a development to proceed that would adaptively reuse the building. Protecting and preserving historic warehouse structures is supported by the comprehensive plan. The amendment is in the public interest and not solely in the interest of the property owner.

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 B4S-1 zoning in the immediate area generally extends from 5th Ave N to 10th Ave N for the properties with frontage on 4th St N and 5th St N. From east of this area to the properties fronting Washington Ave N, properties are zoned B4N. The proposed zoning would only make a small change to those boundaries to allow the lot lines between the subject properties to be adjusted. The proposed zoning would be compatible with the surrounding uses and zoning classifications.

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.

With only a few exceptions, both the B4S-1 and B4N districts allow the same uses and both allow high density development. The rezoning is necessary to allow the lot lines between the subject properties to be adjusted without creating split zoning, which is not allowed by the zoning code.

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.

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There has been no change in the character or trend of development since the subject properties were rezoned by the city council in July of this year.

CONDITIONAL USE PERMIT: To allow a 33 space accessory parking lot in the DP overlay district.

Findings as required by the Minneapolis Zoning Code for the conditional use permit:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below 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 establishment of a 33 space parking lot would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

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.

There is a mix of uses in the surrounding area, including residential, commercial and industrial. The applicant is proposing to improve the parking area with surfacing, landscaping, and screening. Generally, reducing and/or limiting the size of surface parking increases the land area available for higher intensity development that is appropriate in the downtown area. The Cameron building exists and the Bassett Creek tunnel runs through the north corner of the site making structured parking difficult with additional expense to establish than other downtown properties. The applicant is proposing improvements to the parking area including paving, landscaping and on-site retention of stormwater runoff from the parking area. Staff is recommending that a 7 foot wide landscaped yard is provided between the parking area and the lot line adjacent to 4th St N to lessen the visual impact of the surface parking area. With the implementation of the proposed improvements and the staff recommendation for landscaping, the use should have little effect on surrounding properties.

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

The site would be served by existing infrastructure. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way. The main vehicle access to the parking lot would be from 4th St N.

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

The parking lot would be limited to 33 spaces and would provide parking for a multi-family dwelling with 44 units. It would have direct access to 4th St. An access easement through the

parking lot and vacated alley would allow shared vehicle access for the Cameron building and the Bassett Creek office building and lofts, located at the north end of the block, to the driveway behind those buildings. Alternate access options are not available for larger trucks because of existing building locations, narrow access and significant grade changes. The proposal should prevent some congestion in the streets.

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

In *The Minneapolis Plan for Sustainable Growth*, the following principles and policies apply to parking lots:

Policy 10.18: Reduce the visual impact of automobile parking facilities.

10.18.1 Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses.

10.18.3 Locate parking lots to the rear or interior of the site.

Policy 10.22: Use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land.

10.22.3 Design the site, landscaping, and buildings to promote natural observation and maximize the opportunities for people to observe adjacent spaces and public sidewalks.

In the *North Loop Small Area Plan*, structured parking built below, or embedded within, development projects is preferred and surface parking is strongly discouraged. However, the plan also recognizes that it is challenging to build over the Bassett Creek tunnel due to the need for continued subterranean maintenance of the infrastructure. Where the tunnel is located, the plan identifies the area as an appropriate place to add green space. The plan also envisions establishing new segments of 8th Ave N between 3rd St N and 5th St N to “better connect the neighborhood to the river through a combination of a pedestrian, bicycle, and automobile connection[s]... A public/private partnership should be developed to make this opportunity a reality.” The plan also encourages the design and delivery of high quality public spaces and streetscapes, such as improving greening and landscaping along public sidewalks.

Staff comment: The existing parking area is located at the interior of the site, but is unimproved. The Bassett Creek tunnel crosses under the northern quadrant of the site. If 8th Ave N is extended in the future, it would likely extend through the northerly row of parking spaces. A parking structure would likely encroach into this area as well in order for it to be built on this site, which would conflict with the 8th Ave vision. The applicant has indicated that they would be willing to work with the City and surrounding property owners when 8th Ave can be constructed. For this proposal, landscaping would be provided between the parking lot and the 4th St N sidewalk (2.5 feet of which would be located on-site) and north of the parking area to allow for on-site retention of stormwater. The proposed landscaping would also allow views at eye level to and from the 4th St sidewalk. Through the site plan review, staff is recommending that a 7 foot wide landscaped yard is provided between the parking area and the lot line adjacent to 4th St N to provide a higher quality space next to the public sidewalk and to further minimize the adverse effects of surface parking. To the extent

practical and feasible at this time, the use would be consistent with these policies of the comprehensive plan upon the implementation of the proposed improvements and the staff recommendation for landscaping.

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 proposed use will conform to the applicable regulations of the district in which it is located upon the approval of the rezoning, conditional use permit, variance, site plan review, and subdivision.

VARIANCE: To increase the maximum number of spaces allowed in an accessory parking lot in the DP Overlay District from 20 to 33.

Findings as required by the Minneapolis Zoning Code:

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

The parking lot exists, but spaces are not defined. A nonresidential building exists on the site and is proposed to be converted to a multi-family dwelling. The building has historic significance. To be able to provide parking for the residents, options are limited. The Bassett Creek tunnel crosses under the northern quadrant of the site. If 8th Ave N is extended in the future as envisioned by the *North Loop Small Area Plan*, it would likely extend through the northerly row of parking spaces. A parking structure would likely encroach into this area as well in order for it to be built on this site, which would conflict with the 8th Ave vision. These practical difficulties exist and the unique circumstances were not created by the applicant.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

The purpose of the DP overlay district is to preserve significant and useful buildings, to protect the unique character of the downtown area and the mixed-use downtown neighborhoods, and to encourage higher density development in the downtown area by restricting the establishment or expansion of surface parking lots. The comprehensive plan also discourages surface parking lot downtown, but recognizes the challenges associated with building over the Bassett Creek tunnel. A parking structure would also likely overlap the area where 8th Ave N is envisioned to extend through the site. The applicant is proposing to rehabilitate and repurpose a building with historic significance. To address the anticipated parking needs of the proposed use, the existing parking area would be improved including defining parking spaces. The request is reasonable. To the extent practical, the use would be consistent with the intent of the ordinance and comprehensive plan.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will

not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

To minimize any adverse effects, improvements are proposed to the parking area. Landscaping would be provided between the parking lot and the 4th St N sidewalk (2.5 feet of which would be located on-site). Through the site plan review, staff is recommending that a 7 foot wide landscaped yard is provided between the parking area and the lot line adjacent to 4th St N to provide a higher quality space next to the public sidewalk and to further minimize the adverse effects of surface parking. With the implementation of the proposed parking lot improvements and staff recommendation, the use should have little effect on surrounding properties. Granting the variance should not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the 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 the Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.

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- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances, windows, and active functions:
 - Residential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:

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

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

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
 - Ground floor active functions:

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

Conformance with above requirements:

The building is built up to the front line.

A principal entrance would not face the street. The main entrance of the building would face the parking lot. The applicant is requesting alternative compliance because strict adherence is impractical. Historically, an entrance has been located on the front façade. Currently, the entrance opening sits above grade. Originally, the opening was at grade. SHPO staff would like the opening to be returned to

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its original location. The opening for that entrance will remain; however, it will not be functional. Internal circulation is most efficient with the entrance in the middle of the building. Providing access from the front entrance is further complicated by the fact that the first floor elevation is located approximately 4 feet above the adjacent grade. Stairs and landings needed to get up to the first floor level would occupy a significant amount of space within the dwelling unit proposed at that corner of the building. Because the main entrance would be set back a significant distance from the 4th St N sidewalk, it would not have a prominent presence on the street as called for in the *North Loop Small Area Plan*. As an alternative, staff is recommending that the planning commission require enhanced landscaping, including increased seasonal interest and number and variety of plants, that would border the walkway to the main entrance. For the landscaping requirements for the parking area adjacent to the street, staff is also recommending that a wider yard is provided by the applicant. This would also provide additional room to provide an enhanced landscaped area.

The accessory parking would be located at the interior of the site.

Blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length exist. On the side and rear walls of the building, the applicant is proposing to incorporate additional window openings that will eliminate most of blank walls exceeding 25 feet in width.

The primary exterior materials of the building are stone, brick and glass. Other than the addition of window and door openings, no changes are proposed to the facades.

The principal entrance would be defined and emphasized by a canopy and windows.

The walls facing the parking area (northwest) and the street (southwest) are subject to the window requirements. No changes to the amount of windows are proposed on the wall facing 4th St N. The amount of windows on each floor facing the parking area will increase from 3.2 percent to 16.7 percent. New windows would be vertical in proportion and distributed in a more or less even manner.

Active functions would occupy 100 percent of the 4th St building frontage.

The roof is flat, consistent with nearby buildings.

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.

Conformance with above requirements:

The building entrance would connect to the public sidewalk and parking facility with a walkway that exceeds four feet in width.

No transit shelters are proposed.

Vehicle access would primarily be from 4th St N through one curb cut. The proposed curb cut is approximately 8 feet narrower than the existing curb cut. The applicant is also proposing access from the vacated alley to allow a drive easement with the Bassett Creek buildings. The proposed access should have little effect on the surrounding residential properties and minimal impact on pedestrians.

The amount of landscaping around the parking area would increase and minimizes the use of impervious surfaces.

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.**

Conformance with above requirements:

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 29,999 square feet. The building footprint is approximately 7,596 square feet. The lot area minus the building footprint therefore consists of approximately 22,403

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square feet. At least 20 percent of the net site area (4,480.6 square feet) must be landscaped. Approximately 8,450 square feet of the site would be landscaped. That is equal to 37.7 percent of the net lot area.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 9 and 45 respectively. The applicant would provide 14 canopy trees and 38 shrubs on-site. In lieu of providing the additional shrubs on-site, the applicant is proposing 33 shrubs and 4 canopy trees in the 4th St N boulevard. Two ornamental trees are also proposed on-site. The remainder of the landscaped area would be covered with plants including perennials, sod, vines and wood mulch. For these reasons, staff is recommending that the planning commission grant alternative compliance to the on-site shrub requirements.

A 7 foot wide landscaped yard (on-site) and screening that is 3 feet in height and 60 percent opaque is required between 4th St N and the parking area. In the landscaped yard at least 2 trees and 6 shrubs are required. A 2.5 foot wide landscaped yard (on-site) with the required screening is proposed. Fourteen shrubs would be provided, but no trees. The applicant is requesting alternative requirement for the width of the landscaped yard because the interior boulevard is 6 feet wide and would also be landscaped. If 4th St is reconstructed in the future, the interior boulevard may be reduced in size. Also, providing a wider landscaped yard will reduce the visibility of the parking area and allow room for a more enhanced landscaped area leading to the main entrance. Complying with the yard width will also allow additional room for the required trees. For these reasons, staff is recommending that the planning commission not grant alternative compliance for the width of the required landscaped yard and providing trees in the required landscaped yard.

All surface parking spaces would be within 50 feet of an on-site tree.

Installation and maintenance of all landscape materials must comply with the standards outlined in section 530.210.

ADDITIONAL STANDARDS:

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
 - Natural surveillance and visibility
 - Lighting levels
 - Territorial reinforcement and space delineation
 - Natural access control
- To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

Conformance with above requirements:

The parking area would be defined by 6 inch by 6 inch concrete curbing except along the north side of the parking area where the curbing is designed to allow infiltration of the stormwater runoff in the proposed rain garden.

No changes are proposed to the building that would impede any views of important elements of the city, significantly shadow the adjacent streets or properties, or generate wind currents.

The site will include crime prevention design elements. Additional windows will be added on the building to increase natural surveillance. Adequate lighting would be provided around the site. Landscaping and fencing would distinguish between public and private spaces. Landscaping would also be at an appropriate height to allow views into and out of the parking area at ground level.

The existing building would be rehabilitated as part of the development.

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 property of 756 4th Street North is zoned B4S-1 with the DP overlay district. The properties of 739 and 747 3rd Street North are zoned B4N with the DP overlay district. To prevent the creation of split zoning, the applicant is proposing to rezone the portions of 739 and 747 3rd Street North that will be subdivided and added to 756 4th Street North to B4S-1. A multifamily dwelling with 5 or more units in the B4S district is a permitted use.

In the DP overlay district, an accessory parking lot is a conditional use. The parking lot must be located on the same zoning lot as the principal use served and the number of spaces can not exceed 20. The proposed parking lot would be on the same zoning lot as the use served and would have 33 spaces. Although a parking lot exists on the site, it is unimproved and no spaces are delineated. Therefore an amendment to the conditional use permit and a variance to allow more than 20 spaces is required.

Parking and Loading:

Minimum automobile parking requirement: No parking is required for residential uses in the downtown districts. Multiple-family dwellings of less than 50 units are also not required to provide visitor parking. Thirty-three spaces are proposed. Of the spaces provided, at least one must be accessible. One accessible space would be provided. All other spaces would be standard sized except for one compact space.

Maximum automobile parking requirement: The maximum parking requirement for residential uses in the B4S district is 1.6 spaces per dwelling unit. The applicant is proposing 0.75 spaces per unit.

Bicycle parking requirement: The minimum bicycle parking requirement is equal to one space per two dwelling units. Not less than 90 percent of the required bicycle parking must meet the standards for long term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks

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shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, required long-term bicycle parking spaces must be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. The total minimum requirement is 22 spaces, of which at least 20 must meet the long-term parking requirements. The applicant would provide 22 long-term spaces.

Loading: A loading space is not required for multiple family dwellings with less than 100 units.

Maximum Floor Area: The proposed lot area is 29,999 square feet. The maximum FAR allowed in the B4S-1 District is 8.0. The existing building has 30,384 square feet not including the basement (basement floor area is not included when ½ or less of the basement height is above natural grade for more than 50 percent of the total perimeter). Therefore, the FAR is 1.01.

Minimum Floor Area: The proposed lot area is 29,999 square feet. The minimum FAR required in the B4S-1 District is 2.0. The existing building has 30,384 square feet. Therefore, the FAR is 1.01. When the zoning changed on this site from I2 to B4S-1 with the adoption of the North Loop rezoning study by the City Council in July of 2011, the existing building became legally nonconforming to this requirement.

The minimum gross floor area required for a dwelling unit is 500 square feet. The minimum gross floor area required for an efficiency unit is 350 square feet. There are 19 efficiency units and 25 dwelling units proposed.

Minimum Lot Area: Not applicable.

Dwelling Units per Acre: The applicant proposes a density of 63.9 dwelling units per acre.

Lot Coverage: Not applicable.

Impervious Surface Coverage: Not applicable.

Building Height: Not applicable.

Yard Requirements: Uses located in the downtown districts are not subject to yard requirements unless they are adjacent to residential or office residential districts or the use is a residential use with windows facing an interior or rear lot line. The subject site is not adjacent to a residence or office residence district. The building would have windows on each floor facing the interior side and rear lot lines. The minimum yard requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor, but not to exceed 15 feet. The existing building is 4 stories in height; therefore the minimum yard requirement is 11 feet. All walls with windows would be at least 11 feet from the interior and rear lot lines.

Specific Development Standards: Not applicable.

Refuse screening: Refuse storage containers are required to be screened from the street and adjacent residential uses as required by section 535.80. A 7-foot high, solid wood fence would screen the refuse containers.

Screening of mechanical equipment: All mechanical equipment is required to be arranged so as to minimize visual impact by using screening and must comply with Chapter 535 and district requirements including:

535.70. Screening of mechanical equipment. (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

- (1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
 - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
 - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
 - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

Lighting: Existing and proposed lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

535.590. Lighting. (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.

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

Signs: A monument sign¹, 24 square feet in area and 8 feet tall, is proposed. The B4S district allows one monument sign up to 32 square feet in area and 8 feet in height on this site. The base of a freestanding sign is also required to be screened. Any new signage will require Zoning Office review, approval, and permits. The proposed freestanding sign would be located in the public right-of-way (ROW); however, it must be located on the subject site. The zoning code does not authorize freestanding signs to be in the ROW; therefore an encroachment permit would be needed before a sign permit could be issued. The ROW ordinance does not authorize encroachment permits for signs; therefore one cannot be granted.

MINNEAPOLIS PLAN: In addition to the principles and policies of *The Minneapolis Plan for Sustainable Growth* outlined in the rezoning and conditional use permit sections of this report, the following also apply:

Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

- 1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

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

- 1.15.1 Support development of Growth Centers through planning efforts to guide decisions and prioritize investments in these areas.
- 1.15.3 Encourage the development of high- to very high-density housing within Growth Centers.

Policy 3.1: Grow by increasing the supply of housing.

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

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

¹ *Monument sign.* A freestanding sign with its sign face mounted on the ground, on a solid base at least as wide as the sign, or on one (1) or more poles or beams with not more than one (1) foot of open area between the sign face and the ground or base.

- 3.2.1 Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.

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

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

Policy 10.19: Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces, buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.

- 10.19.1 In general, larger, well-placed, contiguous planting areas that create and define public and private spaces shall be preferred to smaller, disconnected areas.
- 10.19.2 Plant and tree types should complement the surrounding area and should include a variety of species throughout the site that include seasonal interest. Species should be indigenous or proven adaptable to the local climate and should not be invasive on native species.
- 10.19.7 Boulevard landscaping and improvements, in accordance with applicable city polices, are encouraged.

The *North Loop Small Area Plan* also includes the following guidance:

- Design new and rehabbed buildings to have an urban street frontage with direct access to the public sidewalk.
- Include prominent front entrances and abundant window glass on building facades.
- Face principal entrances of buildings – commercial, industrial, residential – to the street and public sidewalk.

Staff comments: A multi-family residential use is appropriately located in the Downtown growth center. Substantial landscaping improvements are proposed on the site. With the implementation of the staff recommendations for additional landscaping improvements to address the potential adverse impacts of a 33 space parking lot and a main entrance oriented to the parking lot instead of the street, the site plan would consistent with these policies of the comprehensive plan.

ALTERNATIVE COMPLIANCE:

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

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

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- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

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

- Principal entrance facing the street

A principal entrance would not face the street. The main entrance of the building would face the parking lot. The applicant is requesting alternative compliance because strict adherence is impractical. Historically, an entrance has been located on the front façade. Currently, the entrance opening sits above grade. Originally, the opening was at grade. SHPO staff would like the opening to be returned to its original location. The opening for that entrance will remain; however, it will not be functional. Internal circulation is most efficient with the entrance in the middle of the building. Providing access from the front entrance is further complicated by the fact that the first floor elevation is located approximately 4 feet above the adjacent grade. Stairs and landings needed to get up to the first floor level would occupy a significant amount of space within the dwelling unit proposed at that corner of the building. Because the main entrance would be set back a significant distance from the 4th St N sidewalk, it would not have a prominent presence on the street as called for in the *North Loop Small Area Plan*. As an alternative, staff is recommending that the planning commission require enhanced landscaping, including increased seasonal interest and number and variety of plants, that would border the walkway to the main entrance. For the landscaping requirements for the parking area adjacent to the street, staff is also recommending that a wider yard is provided by the applicant. This would also provide additional room to provide an enhanced landscaped area.

- Number of shrubs required on-site

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 9 and 45 respectively. The applicant would provide 14 canopy trees and 38 shrubs on-site. In lieu of providing the additional shrubs on-site, the applicant is proposing 33 shrubs and 4 canopy trees in the 4th St N boulevard. Two ornamental trees are also proposed on-site. The remainder of the landscaped area would be covered with plants including perennials, sod, vines and wood mulch. For these reasons, staff is recommending that the planning commission grant alternative compliance to the on-site shrub requirements.

- Width of required landscape yard and trees in required landscaped yard

A 7 foot wide landscaped yard (on-site) and screening that is 3 feet in height and 60 percent opaque is required between 4th St N and the parking area. In the landscaped yard at least 2 trees and 6 shrubs are required. A 2.5 foot wide landscaped yard (on-site) with the required screening is proposed. Fourteen shrubs would be provided, but no trees. The applicant is requesting alternative requirement for the width of the landscaped yard because the interior boulevard is 6 feet wide and would also be landscaped. If 4th St is reconstructed in the future, the interior boulevard may be reduced in size. Also, providing a wider landscaped yard will reduce the visibility of the parking area and allow room for a more enhanced landscaped area leading to the main entrance. Complying with the yard width will also allow additional room for the required trees. For these reasons, staff is

recommending that the planning commission not grant alternative compliance for the width of the required landscaped yard and providing trees in the required landscaped yard.

MINOR SUBDIVISION

Findings Required by the Minneapolis Zoning Code for the Proposed Minor Subdivision:

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

Each parcel will be in conformance with the applicable requirements of the zoning ordinance, comprehensive plan, and subdivision regulations.

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

The proposed subdivision will adjust common lot lines to allow for the renovation and repurposing of the building on the property of 756 4th St N, which will have a positive effect on the surrounding area. The subdivision will not eliminate any off-street parking. This subdivision will not be out of character with the area and will not add significant congestion to the public streets.

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

The subject properties do not present the above noted hazards. The applicant has indicated they will conduct an environmental assessment and create a plan to address any remediation needs.

- 4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

Changes to the grade would be minimal. Access is available from adjacent streets.

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

The proposed development would result in less stormwater runoff. The Public Works Department will review the project for appropriate drainage and stormwater management.

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 petition to rezone a portion of the properties of 739 3rd St N and 747 3rd St N from B4N to B4S-1.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow 33 space accessory parking lot in the DP Downtown Parking Overlay District for the property located at 756 4th St N, subject to the following condition:

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

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 variance to increase the maximum number of spaces allowed in an accessory parking lot in the DP Overlay District from 20 to 33 for the property located at 756 4th St N.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Site Plan Review:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review for the property located at 756 4th St N, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final building elevations, floor, site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by November 4, 2012, or the permit may be revoked for non-compliance.
3. As an alternative to providing a principal entrance facing 4th St N required by section 530.110 of the zoning code, the applicant shall install enhanced landscaping, including increased seasonal

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interest, number and variety of plants, in the areas adjacent to the walkway leading to the main entrance.

4. A 7 foot wide landscaped yard shall be provided on-site between the parking area and the 4th St N right-of-way as required by section 530.170 of the zoning code. Two canopy trees shall also be provided in these required yards.
5. The freestanding sign shall comply with the applicable requirements of Chapter 543, On-Premise Signs.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a minor subdivision for the properties located at 756 4th St N, 739 3rd St N and 747 3rd St N.

Attachments:

1. PDR comments
2. Applicants statement of use and findings
3. Correspondence
4. Zoning map
5. Plans
6. Photos

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

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

MEMORANDUM

DATE: October 7, 2011

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

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

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

SUBJECT: Planning Commission decisions of October 3, 2011

The following actions were taken by the Planning Commission on October 3, 2011. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

Commissioners present: Cohen, Huynh, Luepke-Pier, Mammen, Tucker and Wielinski – 6

Not present: President Motzenbecker (excused), Carter (excused) and Schiff (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

10. The Cameron (BZZ-5279 and MS-213, Ward: 5), 756 4th St N, 739 and 747 3rd St N ([Janelle Widmeier](#)).

A. Rezoning: Application by Maureen Michalski, on behalf of Creamette Building, LLC, to rezone portions of the properties of 739 3rd St N and 747 3rd St N from B4N to B4S to allow a multiple-family dwelling with 44 units in an existing building.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the petition to rezone a portion of the properties of 739 3rd St N and 747 3rd St N from B4N to B4S-1.

B. Conditional Use Permit: Application by Maureen Michalski, on behalf of Creamette Building, LLC, for a conditional use permit amendment for a parking lot in the DP overlay district for properties located at 756 4th St N, 739 and 747 3rd St N.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow 33 space accessory parking lot in the DP Downtown Parking Overlay District for the property located at 756 4th St N, subject to the following condition:

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

C. Variance: Application by Maureen Michalski, on behalf of Creamette Building, LLC, for a variance to increase the maximum number of allowed spaces in a parking lot in the DP overlay district from 20 to 33 for properties located at 756 4th St N, 739 and 747 3rd St N.

Action: The City Planning Commission adopted the findings and **approved** the variance to increase the maximum number of spaces allowed in an accessory parking lot in the DP Overlay District from 20 to 33 for the property located at 756 4th St N.

D. Site Plan Review: Application by Maureen Michalski, on behalf of Creamette Building, LLC, for a site plan review for properties located at 756 4th St N, 739 and 747 3rd St N.

Action: The City Planning Commission adopted the findings and **approved** the application for site plan review for the property located at 756 4th St N, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final building elevations, floor, site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by November 4, 2012, or the permit may be revoked for non-compliance.
3. As an alternative to providing a principal entrance facing 4th St N required by section 530.110 of the zoning code, the applicant shall install enhanced landscaping, including increased seasonal interest, number and variety of plants, in the areas adjacent to the walkway leading to the main entrance.
4. A 7 foot wide landscaped yard shall be provided on-site between the parking area and the 4th St N right-of-way as required by section 530.170 of the zoning code. Two canopy trees shall also be provided in these required yards.
5. The freestanding sign shall comply with the applicable requirements of Chapter 543, On-Premise Signs.

E. Minor Subdivision: Application by Maureen Michalski, on behalf of Creamette Building, LLC, for a minor subdivision to adjust lot lines between the properties of 756 4th St N, 739 3rd St N and 747 3rd St N.

Action: The City Planning Commission adopted the findings and **approved** the application for a minor subdivision for the properties located at 756 4th St N, 739 3rd St N and 747 3rd St N.

Commissioner Tucker opened the public hearing.

No one was present to speak to the item.

Commissioner Tucker closed the public hearing.

Commissioner Wielinski moved approval of the consent agenda (Huynh seconded).

The motion carried 5-0.