

**Department of Community Planning and Economic Development – Planning  
Division  
Site Plan Review  
BZZ-3146**

**Date:** August 14, 2006

**Applicant:** Mr. Brett Thielen, JJT Development, LLC, 12600 Creek View Avenue  
Savage, MN 55378-2369, (952) 894-0376

**Address of Property:** 516 8<sup>th</sup> Street South

**Project Name:** The Sexton Phase II

**Contact Person and Phone:** Erika Arms, Tanek, Inc., 118 E. 26<sup>th</sup> Street, Suite 300,  
Minneapolis, MN 55404, (612) 879-8225

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

**Date Application Deemed Complete:** July 18, 2006

**End of 60-Day Decision Period:** September 15, 2006

**End of 120-Day Decision Period:** Not applicable for this application

**Ward:** 7     **Neighborhood Organization:** Elliot Park Neighborhood Inc.

**Existing Zoning:** B4S-1 (Downtown Service District) and DP overlay (Downtown  
Parking Overlay District)

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 19

**Lot area:** 27,225 square feet or .63 acres

**Legal Description:** Not applicable for this application

**Proposed Use:** Construction of a 34-story mixed-use building with 252 residential units  
and 9 levels of above-grade parking.

**Concurrent Review:**

- Site Plan review for a 34-story, 252 residential unit development with ground  
level commercial space.

**Applicable zoning code provisions:** Chapter 530 Site Plan Review.

**Background:** The applicant, JJT Development, proposes to construct a new 34-story mixed-use, 252 unit residential building on the property located at 516 8<sup>th</sup> Street South. The property is zoned B4S-1 and is located in the Downtown Parking (DP) Overlay District. The DP Overlay District is not applicable for the proposed development as the district was created to preserve significant and useful buildings, to protect the unique character of the downtown area and the mixed-use downtown neighborhoods by restricting the establishment or expansion of surface parking lots. No surface parking lots are proposed as part of the project. Site plan review is the only formal land use application required based on the proposal. The applicant received prior approval to vary the required parking for the proposed restaurant use to be located at the corner of 8<sup>th</sup> Street South and Portland Avenue to zero.

The structure as proposed would include liner uses on the ground floor with an approximate 4,800 square foot restaurant at the corner of Portland Avenue and 8<sup>th</sup> Street South and residential units potentially with home occupations uses as well. A total of 9 floors of above grade parking would be provided on floors 3-11. One level of underground parking would be dedicated to parking and building support services. Residential units would be located on floors 12-34. The ground level of the structure is proposed to be located approximately 3 feet from the property line along both Portland Avenue and 8<sup>th</sup> Street South. The structure is then proposed to be setback at approximately 5 feet along both frontages at the parking level and the design has been further modified to incorporate a 15 foot setback along the northwest property line adjacent to the House of Charity for the residential floors (with windows) located above the parking, which meets the requirement of the zoning code. The proposal also incorporates a 1,500 square foot outdoor seating area on the 3<sup>rd</sup> floor for the proposed restaurant space.

The first phase of the development was approved in January of 2004, and involved the restoration of the existing Sexton building located on the property at 521 7<sup>th</sup> Street South and the construction of a new multi-use building on the property located at 516 8<sup>th</sup> Street South. The new structure as approved would have been 5 stories or 67 feet tall with liner uses only on the first floor. The proposal included conditional use permit approval for up to 128 residential units. Alternative compliance was granted by the Planning Commission based on the previous proposal as the applicant was requesting a setback greater than the allowable eight feet along Portland Avenue.

A more recent submission was heard by the Planning Commission on May 8, 2006. The proposal required Site Plan review, as well as a variance for the interior side yard along the northwest property line adjacent to the House of Charity and a variance to reduce the required parking for the proposed restaurant use to be located at the corner of 8<sup>th</sup> Street South and Portland Avenue to zero. Both the Site Plan review and variance of the interior side yard were denied and not appealed during the 10-day appeal period. The variance to reduce the required parking to zero for the restaurant use was approved.

The surrounding land uses are varied as one would expect in a downtown area. To the east and north are surface parking lots, to the west is the House of Charity Building and a surface parking lot and to the south is the Kraus Anderson one- story office building.

The Elliot Park Neighborhood Inc. (EPNI) supports the proposed project. The letter has been attached for reference. All neighborhood letters received prior to the printing of this report have also been attached for reference.

**SITE PLAN REVIEW:**

**Required Findings for Site Plan Review**

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

**Section A: Conformance with Chapter 530 of Zoning Code**

**BUILDING PLACEMENT AND FAÇADE:**

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

- **The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.**
- **Entrances and windows:**
- **Residential uses:**
  - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
    - a. **Windows shall be vertical in proportion.**
    - b. **Windows shall be distributed in a more or less even manner.**
  - **Nonresidential uses:**

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

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

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

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

The proposed structure would be located approximately 3 feet from the property line along 8<sup>th</sup> Street South. The majority of the structure along Portland Avenue would also be located approximately 3 feet from the property line with a small portion setback approximately 15 feet from the property line. Alternative compliance would be necessary for this portion of the structure. The proposed structure would be oriented towards the street as multiple principal entrances would face both 8<sup>th</sup> Street

South and Portland Avenue. The principal entrance for the residential lobby is located off of Portland Avenue. The principal entrance for the commercial/retail (restaurant) space is oriented towards Portland Avenue. The ground floor of the proposed structure would have a combination of a commercial/restaurant space and residential units with potential home occupations.

The use of progressive design and street-oriented building alignments is reinforced with the proposed development along both Portland Avenue and 8<sup>th</sup> Street South. The design maximizes natural surveillance and visibility as the ground floor elevation is almost entirely composed of doors and windows and facilitates pedestrian access and circulation. The area between the building and the public streets will not have landscaping as the applicant proposes to increase the width of the sidewalks and the building is nearly constructed up to the property lines along both frontages. Based on the active uses proposed for the development on the ground floor, Staff considers this to be a pedestrian oriented development along both Portland Avenue and 8<sup>th</sup> Street South.

The façade of the proposed building along all street frontages incorporate windows that meet the 30% window requirement at ground level. All ground level windows must be transparent (non-reflective). Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. The proposal is meeting the intent of this requirement by integrating active uses at the street level. The proposed development meets the 10% window requirement as applicable on each floor above the first floor that faces the public street and public sidewalk.

The exterior materials and appearance of the rear and side walls of the proposed building are proposed to be similar to and compatible with the front of the building. The materials on the proposed structure would be brick, glass, pre-cast concrete and metal railings with details that relate to the existing Sexton building. The proposed building incorporates architectural elements including windows and entries and recesses and projections. There are no blank uninterrupted walls that exceed 25 feet in width.

The roof line would be flat, which would be consistent with other buildings in the vicinity.

There is a 9-story above grade parking ramp proposed for the development as well as one level of underground parking. All parking for the site including the underground and above grade parking would be accessed off of Portland Avenue, mid-block between the existing and proposed buildings. According to the elevations, the parking ramp has been designed so that sloped floors do not dominate the appearance of the façade as the exposed floors are flat. The ramp is proposed to be screened, however, will be partially open based on the design of the screening. As previously mentioned the ramp will partially expose floors 3-11 of the proposed structure.

### **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.**

Existing sidewalks and walkways connect the buildings in conformance with the requirements of the zoning ordinance. The principal entrances of the proposed building are located adjacent to the public sidewalks. Primary entrances to the building lobby and proposed restaurant space are located off of Portland Avenue. The primary entrances to the residential units are located off of 8<sup>th</sup> Street South and will be located just off of the public sidewalk. The residential entrance as required is a secure entrance.

There are no transit shelters within the development.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses.

There would likely be some impacts on adjacent residential properties related to shadowing, and impacts on wind and air as further detailed below.

There is no public alley adjacent to the site.

The applicant will need to incorporate into the final design a provision for bicycle parking. Section 541.440 (Bicycle parking in the downtown districts) states that where passenger automobile parking is provided, one (1) secure bicycle parking space shall be provided within the parking facility for every twenty (20) automobile spaces, but in no case shall fewer than four (4) or more than thirty (30) bicycle parking spaces be required. Where automobile parking spaces are monitored or are covered or weather protected, bicycle parking spaces shall be provided on the same basis.

The majority of the site is covered by proposed and existing buildings. As there is little or potentially no impervious surface on site, alternative compliance would be necessary.

### **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.**

Buildings with 50,000 square feet or more of new or additional gross floor area located in the Downtown districts are exempt from the general landscaping and screening requirements. In addition, there are no proposed surface parking lots that would require landscaping and screening. The applicant has proposed to locate street trees along both Portland Avenue and 8<sup>th</sup> Street South; these planting are subject to Park Board approval.

#### **ADDITIONAL STANDARDS:**

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**

- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
  - **Natural surveillance and visibility**
  - **Lighting levels**
  - **Territorial reinforcement and space delineation**
  - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

The applicant is proposing to install decorative sconce type, wall mounted light fixtures throughout the site. A photometric plan was not submitted as part of the application but will be required with the final submittal. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance. Planning Staff is still concerned with the potential glare from the lights in the garage despite the proposed screening. The City's CPTED officer has recommended that any additional plantings follow the 3' – 7' rule to allow visibility on site.

The proposed parking facilities are located in one level of an underground ramp, and in 9 levels of an above grade screened parking ramp. The parking facilities have been designed for the most part to avoid headlights from shining on adjacent properties as the ramp is screened, however portions of the screening will be open to allow ventilation.

Due to the proposed height of the building within the development, some blocking of views would be expected as would some shadowing of public space and adjacent properties. The proposed building would also be expected to have some impacts on light, wind and air in relation to the surrounding area. The building incorporates graduated setbacks which would be expected to result in reduced ground level winds compared to a building with no building wall articulation.

**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 permitted in the B4S-1 District

With the approval of the site plan review, this development would meet the requirements of the B4S-1 zoning district.

**Parking and Loading:** Chapter 541 of the zoning code requires one off-street parking space per dwelling unit. In the B4S-1 district, the requirement is 90% of that amount specified in Chapter 541. The applicant proposes to provide a total of 436 parking spaces for both the proposed building and the existing Sexton building. There are a total of 123 residential units in the Sexton building and a total of 252 proposed as part of this

development for a total of 375 total residential units. The proposed development as proposed would exceed the requirement, as only 338 off-street parking spaces would be required to provide parking for both the existing Sexton building and the proposed building. The restaurant proposed as part of the development received prior approval to vary the parking requirement to zero.

**Signs:** All new signage is required to meet the requirements of the code. No signage is being approved as part of this development. Permits are required from the Zoning Office for any signage for the proposed development.

**Maximum Floor Area:** The lot area is 27,225 square feet. The maximum FAR allowed in the B4S-1 District for dwellings is 8. The applicant qualifies for a 20 percent floor area bonus ( $1.6 + 8 = 9.6$ ) for enclosed parking, as allowed by section 549.110 of the zoning code. With this density bonus, the applicant is allowed up to 261,360 square feet of gross floor area (GFA).  $27,225 \times 8 = 217,800$ , plus a 20 percent bonus of 43,560 = 261,360. The applicant proposes 328,194 square feet of GFA or an FAR of 12.05 (based on the definition in section 520.160 of the zoning code) and has therefore filed for an increase in the maximum permitted floor area as allowed through an administrative review of the floor area ratio premiums applicable in the Downtown Districts. Based on an analysis of the two floor area ratio premiums that the applicant would very clearly qualify for (see below), the applicable premiums add an addition permitted FAR of 3 (or a total of 12.6), which would allow up to 343,035 square feet of GFA.

**Floor Area Ratio Premiums:** There are no height limits in the B4S-1 zoning district. The overall size/bulk of buildings is limited by the maximum floor area ratio (FAR). To calculate FAR, one would divide the total square footage of the building (excluding that portion of the building devoted to accessory off-street parking or loading facilities, including aisles, ramps and maneuvering space) by the total square footage of the site.

**Street level retail uses, subject to the following standards:**

- Retail uses shall be limited to Retail Sales and Services uses and Food and Beverages uses included in Table 549-1 Principal Uses in the Downtown Districts.
- Retail uses shall extend along at least sixty (60) percent of the building wall fronting on any street.
- Each retail use shall have at least one (1) separate entrance from the sidewalk.
- Street level uses shall include awning or canopies to provide protection to pedestrians and to emphasize individual uses and building entrances.
- At least forty (40) percent of the first floor façade that faces a public street, sidewalk or parking lot shall be windows or doors of clear or lightly tinted glass that allow views into and out of the

building at eye level, except within the NM Nicollet Mall Overlay District, where such district standards shall apply.

- The street level retail space shall be maintained in good order for the life of the principal structure.

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT  
DEPARTMENT – PLANNING DIVISION RESPONSE**

- The street level retail uses proposed as part of the development would meet the above standards. The Planning Division has determined that this project qualifies for a floor area ratio premium of one.

*Value awarded for street level retail = 1*

**Sidewalk widening, subject to the following standards:**

- The existing sidewalk shall be less than fifteen (15) feet wide.
- The widened sidewalk shall be at least fifteen (15) feet wide, open to the sky, paved with materials that meet or exceed city standards for sidewalk finishes, and shall include the provision of street trees as approved by the Planning Director.
- The widened sidewalk shall be maintained in good order for the life of the principal structure.

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT  
DEPARTMENT – PLANNING DIVISION RESPONSE**

- The applicant proposes to widen the existing 8-9 foot wide public sidewalks along Portland Avenue and 8<sup>th</sup> Street South subject to the above listed standards. The Planning Division has determined that this project qualifies for a floor area ratio premium of two – one for each widened sidewalk along the frontages.

*Value awarded for sidewalk widening = 2*

**Minimum Lot Area:** Not applicable in the B4S-1 district.

**Dwelling Units per Acre:** Based on the lot area of 27,225 or .63 acres and a total of 252 units provided (dwelling units / acreage), 400 dwelling units per acre are being provided based on the proposal.

**Height:** There are no height limitations in the B4S-1 District.

**Yard Requirements:** The required yards are as follows:

*Front (Portland Avenue and 8<sup>th</sup> Street South):* 0 feet

*Interior side and rear yards:* 15 feet – for the residential floors with windows facing the lot line

**Building coverage:** Not applicable for this development.

**Impervious surface area:** Not applicable for this development.

### **MINNEAPOLIS PLAN**

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

- Promote a street-level design of buildings that contribute to downtown’s vitality and security by encouraging individual entrances to street-level building tenants, windows and architectural detailing.
- Encourage improvements to the public right of way that support pedestrian and transit circulation and that beautify downtown.
- Promote building heights and designs that protect the image and form of the downtown skyline, that provide transition to the edges of downtown and that protect the scale and qualities in areas of distinctive physical and historic character.
- Support private use of the public right of way where it adds interest and vitality to the pedestrian environment.
- Support housing opportunities in downtown for all income levels, with an emphasis on providing additional moderate to high income owner-occupied units.
- Protect residential areas from encroachment of incompatible land uses, and ensure that the physical environment of downtown residential areas is compatible with housing by minimizing traffic impacts, maintaining security, and providing and maintaining amenities.

This development supports these principles and policies.

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

There are two additional plans that are applicable for the subject parcel. One is *The Downtown East/North Loop Master Plan* and the other is the *Elliot Park Master Plan*.

*The Downtown East/North Loop Master Plan* was approved by the City Council in October of 2003. This site is within the plan area. There are several policies from the plan that apply to this project area. It is Staff’s position that although there some elements of the proposal that comply and other aspects that do not, the proposal is an appropriate use of the subject site.

The *Downtown East/North Loop Master Plan* is not supportive of the construction of single use parking ramps in the Downtown East sector. The proposed structure has several

floors dedicated to above grade parking; however, there are other uses within the proposed structure that would categorize the structure as more than a single use parking ramp. Ideally, the new facility would have liner uses on all levels of the proposed facility in order for it to be completely enclosed and hidden from public view.

The *Downtown East/North Loop Master Plan* discusses view corridors. The proposed project site lies within one of those identified view corridors. The proposed construction may interfere with the view corridor.

*The Elliot Park Master Plan* was approved in August of 2002. The plan appears to call for a mixture of both “Downtown oriented” development 14 stories and higher to the west of the neighborhood as well as transition 4 to 8 story mixed use development on this specific block which is conflict with the goals for higher density on the site that is called for in the *Downtown East/North Loop Master Plan*. Additionally, the proposal calls for new link to park space for the parcel which the applicant is no longer proposing to provide along Portland Avenue. Furthermore, the intent of the Master Plan is to make Elliot Park more pedestrian-friendly and livable through greening efforts, encourage in-fill development of new housing and retail space as well as preserve the distinctive historic features while integrating them into new design and development initiatives.

The proposal is generally in conformance with *Downtown 2010* (the comprehensive plan), *The Elliot Park Master Plan* and the requirements of the zoning code.

### **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 required as a portion of the building wall along Portland Avenue is located approximately 15 feet from the property line. Any setback greater than 8 feet from the property line requires alternative compliance. The majority of the

structure along Portland Avenue is located approximately 3 feet from the property line. The applicant proposes to setback and recess the principal entry to the residential lobby along Portland Avenue which results in an approximate 15 foot setback. Staff believes that the proposal has met the intent of the provision and that allowing a portion of the structure to be recessed relative to the majority of the building wall is reasonable.

Alternative compliance is also required as there is little or potentially no impervious surface on site. The lack of impervious surface is due to the majority of the site being covered by proposed and existing buildings. Staff believes that it is reasonable to grant alternative compliance based on the existing built conditions on site and the difficulty of integrating a new structure within that built environment.

### **RECOMMENDATIONS:**

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

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission **approve** the site plan review application for property located at 516 8<sup>th</sup> Street South subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation and landscaping plans.
2. All site improvements shall be completed by August 14, 2007 unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The applicant shall submit a lighting plan showing foot candle measurements before final plans are approved.
4. The addendum to the approved Travel Demand Management Plan must be approved prior to submission of plans for final approval and building permit issuance.
5. The proposed residential live/work units shall comply with the home occupation standards of Chapter 535 of the zoning code.
6. Compliance with the bicycle parking provision in the downtown districts as required by Section 541.440 of the zoning code.

**Attachments:**

1. Statement of use and description
2. Correspondence – EPNI and neighborhood letters
3. Zoning map
4. Plans – site, elevations
5. Photos