

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit for a Planned Unit Development, Major Site Plan Review, Variance
BZZ – 1922

Date: September 13, 2004

Applicant: Park Circle Properties and Goelzer & Richardson LLP

Address of Property: 700-766 N. 4th St.

Project Name: 720 Lofts

Contact Person and Phone: David Frank, (612) 359-5844

Planning Staff and Phone: Jason Wittenberg, (612) 673-2297

Date Application Deemed Complete: August 6, 2004

End of 60-Day Decision Period: October 5, 2004

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

Existing Zoning: I2 with the DP (Downtown Parking) and IL (Industrial Living) Overlay Districts

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 13

Legal Description: Not applicable for this application

Proposed Use: Amend planned unit development to allow a new eight-story building with 99 dwelling units

Concurrent Review:

**Conditional use permit to Amend a Planned Unit Development
Major site plan review.**

Variance to reduce the required rear yard setback from 19 feet to five feet (where residential windows face the rear lot line)

Applicable zoning code provisions:

Chapter 527

Chapter 530, Site Plan Review.

Chapter 548. Table 548-3, Residential and Hotel Yard Requirements

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Background: The applicant proposes to construct an eight-story, 99-unit residential building as the second phase of a planned unit development in the North Loop neighborhood. The first phase, a 60-unit residential building, is currently under construction. The units would be ownership housing.

The Planning Commission took the following actions on the first phase of the project (710 Lofts) on December 8, 2003:

710 Lofts (BZZ-1473, Ward 5)

700-766 North 4th Street (Jason Wittenberg) *This item was continued from the November 17, 2003 meeting.*

A. Conditional Use Permit

Application by Schafer Richardson, Inc. for a conditional use permit for phase I of a planned unit development for sixty (60) dwelling units in a four-story building located at 700-766 N. 4th Street.

Motion: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit for phase I of a planned unit development for sixty (60) dwelling units in a four-story building located at 700-766 N. 4th Street, subject to the following conditions:

1. Elements of the primary exterior materials used on the front façade shall be incorporated on all sides of the building.
2. A master sign plan shall be reviewed and approved by the CPED Planning Division. A projecting sign not exceeding thirty two (32) square feet may be allowed on the building as an exception to the standards of Chapter 543 provided that any freestanding signs on the site are limited to auxiliary signs.

B. Site Plan Review

Application by Schafer Richardson, Inc. for site plan review for sixty (60) dwelling units as part of planned unit development at 700-766 N. 4th Street

Motion: The City Planning Commission adopted the findings and **approved** the site plan review application for sixty (60) dwelling units as part of planned unit development at 700-766 N. 4th Street, subject to the following conditions:

1. The applicant shall obtain an encroachment permit for all improvements in the public right of way.
2. A stormwater management plan shall be reviewed and approved by the Public Works Department.
3. The CPED Planning Division shall review and approve the final site plan, landscaping plan, and building elevations.
4. The proposed interim use of the phase I and phase II areas must be reviewed by CPED. If building permits are not obtained for either the phase II or phase III buildings

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by December 8, 2005, a landscape plan for those areas must be reviewed by CPED and implemented by the applicant no later than May 17, 2006.

5. If improvements required by Site Plan Review exceed two thousand (2000) dollars, the applicant shall submit a performance bond in the amount of 125 percent of the estimated site improvement costs prior to obtaining permits for site improvements or the permit may be revoked for non-compliance.

6. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by December 8, 2005, or the permit may be revoked for non-compliance.

C. Variance

Application by Schafer Richardson, Inc. for a variance to reduce the required rear yard setback from eleven (11) feet to five (5) feet for phase I of a planned unit development for sixty (60) dwelling units in a four-story building located at 700-766 N. 4th Street.

Motion: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the required rear yard setback from eleven (11) feet to five (5) feet for phase I of a planned unit development for sixty (60) dwelling units in a four-story building located at 700-766 N. 4th Street.

D. Variance

Application by Schafer Richardson, Inc. for a variance to allow a portion of the off-street parking requirement to be satisfied off-site within 500 feet for phase I of a planned unit development for sixty (60) dwelling units in a four-story building located at 700-766 N. 4th Street

Motion: The City Planning Commission adopted the findings and **approved** the application for a variance to allow a portion of the off-street parking requirement to be satisfied off-site within 500 feet for phase I of a planned unit development for sixty (60) dwelling units in a four-story building located at 700-766 N. 4th Street, subject to the following condition:

1. Parking shall be provided in the second phase of the planned unit development for those dwelling units in the first phase that do not have on-site parking.

The Planning Commission approved a preliminary and final plat for the project on July 12, 2004.

CONDITIONAL USE PERMIT -

Required Findings for the Conditional Use Permit:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

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Construction of a residential building of eight stories on the site 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.

Provided residents of the development understand that they are living in an industrial area that involves large truck traffic and other reasonable industrial activity, surrounding uses should continue to operate (and may continue to operate in a legal fashion) without incident. Existing and future development of uses allowed in the industrial districts or Industrial Living Overlay District should not be negatively affected by the project.

3. Will have adequate utilities, access roads, drainage and/or other necessary facilities.

The site is 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 final plan must indicate all drainage patterns, including roof drains.

4. Will take measures to minimize traffic congestion in the public streets.

A travel demand management (TDM) plan has been reviewed and approved for the planned unit development. Measures the applicant will take include providing information about transportation alternatives to people moving into the building.

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

The following policies are relevant to the conditional use permit/p.u.d.:

Relevant Policy: **3.2** Minneapolis has adopted Downtown 2010 plan as a component of the city's Comprehensive Plan and envisions downtown Minneapolis in the year 2010 as one of the nation's finest urban centers; a place of prosperity, civilization and civic pride, that will serve as the center for the metropolitan area, the state and surrounding region.

Relevant Implementation Steps:

- Enhance downtown as a special place that offers the finest qualities and experiences associated with cities.
- Maintain downtown as the economic center for the Twin Cities metropolitan area and Upper Midwest region.
- Develop residential areas into neighborhoods that offer a variety of housing types and affordability levels, as well as traditional urban neighborhood qualities and experiences.

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Staff comment: The proposed project will cater to the market for urban living in the downtown area and, with the other residential projects recently completed or underway, would enhance the downtown economy and contribute to the character of the warehouse district.

Relevant policy: **4.9** Minneapolis will implement its adopted Housing Principles and the Housing Impact Measures through community-based strategies directing future housing development.

Relevant Implementation Steps:

- The variety of housing types throughout the city, its communities and the metropolitan area shall be increased, giving prospective buyers and renters greater choice in where they live.
- Identify and support private sector development for changing housing demographics in markets such as seniors, empty nesters and the physically challenged.
- Develop/provide incentives for placing new housing on transportation corridors.
- Up to 20 percent of the units in new multifamily housing developments should be affordable.
- Develop/provide tax and zoning incentives to developers for infill housing that is well designed, serves several income levels, adds to the tax base and fits the urban environment.
- *The quality of Minneapolis' housing stock shall be improved.*
- Neighborhood livability, including safety, traffic calming, streetscape, green space, retail development and community schools are recognized as vital to housing success.

Staff comment: The project would contribute to housing variety in the North Loop and the city. The applicant has indicated a desire to offer for-sale units that are more affordable than other large-scale residential development projects that have been constructed in the vicinity.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this c.u.p.

Staff is unaware of any conflicts between the phase II proposal and the IL Overlay District.

Through the planned unit development, staff is recommending approval of the following exceptions to the standards of the zoning code.

Signs

The applicant proposes a sign that does not meet the regulations of Chapter 543, On-Premise Signs. Section 527.170 authorized the Planning Commission to grant exceptions to Chapter 543 in planned unit developments. Residential uses in industrial districts are governed by Table 543-1 of the zoning code. The applicant seeks the following exceptions to allow a projecting sign along N. 4th Street:

- An increase of the maximum permitted sign height from 12 feet to 57 feet.
- To allow a projecting sign for a residential use in an industrial district.

Staff believes that a proposed projecting sign is generally compatible with the architecture of the building provided the sign stays within the 32 square-foot limitation that is consistent with the residential use. Counting, in this instance, only the area of the individual numerals, the sign would be approximately 30 square feet in area. The numerals would project approximately four feet from the building façade. Staff recommends that the Commission limit the individual sign area to 32 square feet. The sign would be similar in size and height to the sign that was approved on the 710 building.

Building Height

Staff recommends approval of an exception to the height limitation to allow the building to be constructed up to eight stories in height. Increasing the maximum height would promote an integrated project with substantial site amenities. The project, which is adjacent to a public alley, would not unduly impede access to light and air on adjacent properties, would not shadow existing residential properties, is consistent with the height of other buildings located within several blocks of the site, and does not appear to substantially block views.

Minimum Lot Area

As authorized by 527.150 of the zoning code, staff recommends that the Planning Commission grant a minimum lot area reduction through the planned unit development application for the purpose of promoting the integrated development with high quality site amenities. At this point, the applicant seeks a four percent reduction in the minimum required lot area (after consideration of authorized density bonuses).

Additional Findings Required For Planned Unit Developments:

In addition to the conditional use permit standards contained in Chapter 525, Administration and Enforcement, before approval of a planned unit development the city planning commission also shall find:

- 1. That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:**
 - a. The character of the uses in the proposed planned unit development, including in the case of a planned residential development the variety of housing types and their relationship to other site elements and to surrounding development.**

The applicant proposes only residential uses. A variety of unit types are proposed. Residents would have private balconies. A number of ground-level units would offer access to the adjacent landscaped yards. Surrounding buildings are primarily used for office and warehouse functions that should prove generally compatible with residential development provided that residents of the proposed

development understand that they will be living amidst a working industrial area that includes, for example, truck traffic and loading functions that may operate in early morning hours and obstruct area streets.

b. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access and availability of transit alternatives.

A Travel Demand Management (TDM) Plan for the planned unit development has been reviewed and approved. Vehicle access to the below grade off-street parking area would take place from 4th Street and will likely be shared with the vehicle access to a proposed third phase of the p.u.d. The public alley adjacent to the site would remain open at this time but would not be used for vehicle access to the 720 building. Pedestrian access to the site would be appropriate insofar as pedestrians could easily access the common entrances from the public sidewalks. The downtown business district, the entertainment district, and the riverfront are among the amenities that are within a reasonable walk of the proposed development. The project is located two blocks from Metro Transit routes 14 and 32. To encourage bicycle use as an alternative to automobile travel, the applicant will offer secure indoor bicycle storage for residents. Outdoor bicycle parking is also encouraged to accommodate visitors.

c. The site amenities of the proposed planned unit development, including the location and functions of open space and the preservation or restoration of the natural environment or historic features.

The applicant proposes a 45-foot-wide landscaped area northwest of the building. Also, residents on the southeast side of the building would have direct access to the landscaped area that was approved as part of the 710 proposal.

d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.

The height and massing are appropriate for this location. Although the buildings nearest the proposed development are one and two stories in height, there are a number of historic buildings within a three-block radius of the site that are between six and eight stories in height. The site would include more green/open area than is typically found on area parcels, which is consistent with the intent of the planned unit development to include on-site amenities. While the siting and massing would be similar to the 710 building, the building would feature a much different appearance. The front façade would feature primarily precast concrete wall panels, metal wall panels, and clear glass. The same materials would be used

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on the sides and rear of the building, with the metal panels having the most prominence on the sides. The 710 building will feature brick on the front and corner side and a mix of brick and concrete on the rear and interior side. While staff is somewhat concerned that the appearance of the 720 building does not sufficiently lead one to believe that this planned unit development is an integrated development, the applicant offers a high quality design.

- e. **The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.**

The Public Works Department has not indicated concerns about the capacity of the public infrastructure in relation to this project. A stormwater management plan is required for the project, which will be reviewed by the Public Works Department.

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

The applicant has replatted the property. A plat was approved by the Planning Commission on July 12, 2004.

VARIANCE -

Findings Required by the Minneapolis Zoning Code for the Proposed Variance:

1. **The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The property depth is relatively typical of parcels in the area. Note, however, that the only reason the project must provide a rear yard setback is that there is a residential use providing windows facing the rear lot line. The fact that the rear lot line, in this case, abuts a public right of way reduces the concern that a building would be constructed that would block light and air to the residential units.

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

The fact that the parcel does not share a rear lot line with a residential use and instead the rear of the building is along a public alley is unique and is not generally applicable to other projects.

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

The variance in question is along a public right of way rather than a common property line. The portion of the building fronting along the public alley would be seven stories in height (plus a mechanical penthouse). A seven story building would require a setback of 17 feet. If the alley were to be vacated and the centerline of the alley would become the new property line, the building would be set back 15 feet from that centerline.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The Planning Department does not expect that granting the variance would affect congestion or public safety.

MAJOR SITE PLAN REVIEW -

Required Findings for Major 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. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C 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.**

- **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 façade shall provide architectural detail and shall contain windows at the ground level or first floor.**
- **In larger buildings, architectural elements shall be emphasized.**
- **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 where visible from a public street or a residence or office residence district.**
- **Entrances and windows:**
 - **Residential uses shall be subject to section 530.110 (b) (1).**
 - **Nonresidential uses shall be subject to section 530.110 (b) (2).**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

Conformance with above requirements:

The building would contribute to a street wall along 4th Street. Natural surveillance and pedestrian access to the building would be maximized through a common entrance along 4th (accessed via stairs or an accessible ramp) and individual entrances to units would be provided via walkways located in the landscaped yards.

The applicant proposes to set the building five feet back from the property line along North 4th Street, which would match the setback of the 710 building.

Landscaping would be located between the building and the front lot line.

The principal common entrance would face the front lot line.

On-site accessory parking facilities would be enclosed and located partially below grade.

The building would include sufficient architectural detail and would make generous use of windows, combining to avoid large blank walls. The exception, however, is the parking garage level that faces the public alley, which includes a blank wall offering little or no visual interest or architectural relief. The front façade would feature primarily precast concrete wall panels, metal wall panels, and clear glass. The same materials would be used on the sides and rear of the building, with the metal panels having the most prominence on the sides.

Plain face concrete block would not be used as a primary exterior building material.

The principal entrance would be clearly defined with a canopy and signage and windows would exceed 20 percent of the first floor façade facing the street and would vertical in proportion and evenly distributed.

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 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

Conformance with above requirements:

Walkways (both a stairway and an accessible walkway) are proposed from the public sidewalk to the principal common entrance.

There are no transit shelters on or immediately adjacent to the site.

Vehicular access would take place through a new curb cut along 4th Street. One curb cut would be used for the 720 building and a planned future phase, minimizing conflicts between pedestrians and vehicles.

Traffic flow would not negatively affect residential properties in the area.

Given that the proposed development does not include an open parking lot, the amount of snow to be removed or stored would be minimal.

The site would include more permeable area than is typical in the vicinity and the amount of impervious surface area is generally minimized while meeting other site objectives.

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 shall be landscaped as specified in section 530.150 (a).**

- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- 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.
- 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 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 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 530.220.
- 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 530.60, as provided in section 530.230.

Conformance with above requirements:

For the purpose of this landscape review staff is reviewing only the area on which the phase II/720 building would be situated, which has approximately 31,428 square feet of lot area. (Note that the extent of phase II does not precisely coincide with the Lot 2 that was recently platted in the 710 Lofts replat.) The building footprint would be approximately 20,820 square feet. The lot area minus the building footprint of phase II therefore consists of approximately 10,608 square feet. At least 20 percent of the net site area (2,121 sq. ft.) must be landscaped. The applicant's landscape plan proposes to landscape well in excess of 20 percent of the site. The

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applicant would install a temporary wooden fence at the north side of the limits of the phase I project. This fence should not exceed six feet in height.

The proposed plan would comply with the required number of trees and shrubs based on the amount of net site area. The applicant intends to preserve existing boulevard trees and plant new trees in the boulevard and right of way, which requires a permit from the Park Board.

There are not required landscaped yards since the site would not have parking or loading along a public street and the site is not adjacent to a residential use.

Turf will cover all areas that are not paved or landscaped. The applicant must indicate the proposed interim use of lot area where subsequent phases are proposed. If building permits are not obtained for the phase III building by November 17, 2005, a landscape plan for that area must be reviewed by CPED and implemented by the applicant no later than May 17, 2006. Since the site is located in the Downtown Parking Overlay District, this area may not be used for off-street parking.

ADDITIONAL STANDARDS:

- **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.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **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.**
- **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 applicant proposes a number of decorative light poles as well as wall-mounted lighting. Lighting must comply with Chapter 535 of the zoning code. The applicant must ensure that the metal halide lights proposed near the entrance to the garage are filtered and fully shielded to avoid excess glare.

There are no adjacent residential properties that would be affected by headlight glare.

It is not evident that significant views would be blocked by the development.

Since the project is situated largely north of the public sidewalks, shadowing of sidewalks would not be significant.

Wind currents should not be major concern.

The applicant should consider clearly delineating private versus public spaces through fencing and landscaping.

For the time being, the applicant has preserved a building on the site that may be a historic resource. Future use of the building has not yet been identified.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE: The site is zoned I2 and also includes the IL (Industrial Living) and DP (Downtown Parking) Overlay Districts. The IL (Industrial Living) Overlay District allows for the construction of residential dwelling units. Dwellings in the ILOD require a conditional use permit as indicated in section 551.370 of the zoning code. In this case, the conditional use permit for the planned unit has been selected by the applicant. The dwelling units are subject to the standards of section 551.370(1) of the zoning code, as follows, unless otherwise altered through a variance or through the planned unit development:

- a. Supportive housing shall be subject to the requirements of Chapter 536, Specific Development Standards.
- b. Alterations made to the exterior of an existing building shall maintain the architectural integrity and character of the building and surrounding area.
- c. The maximum height of single and two-family dwellings and cluster developments shall be two and one-half stories (2.5) or thirty-five (35) feet, whichever is less.
- d. No vibration, excessive dust, noise, light, glare, smoke, odor, truck traffic or other substance or condition, shall be generated by uses in the building that will have an adverse impact on the residential use of the building.

Parking and Loading: The zoning code requires one off-street parking space per dwelling unit, requiring 99 off-street parking spaces in this case. The applicant proposes 138 enclosed spaces that would be partially below grade. In addition to providing parking for the 720 building, the garage will serve six of the residential units in the 710 building that did not have on-site parking.

Signs: As noted above, the applicant seeks the following exceptions to allow a projecting sign along N. 4th Street:

- An increase of the maximum permitted sign height from 12 feet to 57 feet.
- To allow a projecting sign for a residential use in an industrial district.

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Maximum Floor Area: The lot area, according to the applicant, is 115,045 square feet. The maximum F.A.R. in the I2 District is 2.7. The Industrial Living Overlay District does not further regulate F.A.R. for residential uses. The 710 Lofts building, upon completion, will have 74,070 square feet of gross floor area. The 720 Lofts building is proposed to have 126,420 square feet. There is also an existing building on the site that has 35,700 square feet. Thus, after completion of the first two phases (710 and 720), the applicant would have a total of 236,190 square feet, which is an FAR of 2.05. With future phases, it appears that the applicant would be eligible for a bonus to increase the maximum floor area by providing all required parking within an enclosed structure. This would increase the maximum F.A.R. to 3.24. Note that after buildout of second and third phases, as shown, the proposed F.A.R. would be 3.36. The Planning Commission, through the p.u.d., would be authorized to increase the permitted floor area by 20 percent, which would allow the F.A.R. proposed by the applicant.

Minimum Lot Area: As previously noted, the overall lot has 115,045 square feet. The IL Overlay District requires not less than 900 square feet of lot area per dwelling unit. This would allow 127 dwelling units on the site. The 710 building will have 60 units and the applicant currently seeks approval for an additional 99 dwelling units for a total of 159 units in the first two phases. Thus the applicant proposes 723 square feet of lot area per dwelling unit.

The applicant qualifies for a bonus to increase the number of dwelling units by providing enclosed parking, which therefore decreases the minimum amount of lot area per dwelling unit. One density bonus would allow the applicant to construct a total of 152 dwelling units. This would reduce the required lot area per dwelling unit to 756.87 square feet. The planning commission may reduce this requirement by up to 20 percent through a planned unit development, which would reduce the lot area per dwelling unit requirement to 605 square feet.

For future phases, the applicant could apply for a variance to reduce the minimum lot area by up to 30 percent, which, if approved, could reduce the lot area to 424 square feet per dwelling unit, allowing for a total of 271 dwelling units.

Height: Building height in the industrial districts is limited to four stories or 56 feet, whichever is less. The planning commission may grant increases in height through the planned unit development application. The applicant's proposed phase II building would be eight stories in height. Staff is recommending approval of an exception to the height limitation to allow the proposed eight-story building.

Yard Requirements: Section 550.160(c) of the zoning code requires that residential and hotel uses provide interior side and rear yard setbacks of five feet plus two feet for every story above the first where windows face those yards. The applicant is required to provide a 19-foot setback from the rear lot line but has filed a variance to allow a five-foot setback.

Specific Development Standards: None

Hours of Operation: Residential uses are not governed by maximum hours of operation.

Dumpster screening: Refuse would be stored inside the building.

MINNEAPOLIS PLAN:

See the conditional use permit analysis above.

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

Staff is not aware of a conflict between the proposed use and any development plan or objective adopted by the city council.

Alternative Compliance. The Planning Commission may approve alternatives to any major 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, 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.**

RECOMMENDATIONS

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

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 amend a planned unit development to construct an eight-story building with ninety nine (99) dwelling units located at 700-766 N. 4th St., subject to the following conditions:

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1. A projecting sign not exceeding thirty two (32) square feet—considering only the area of the numerals—may be allowed on the building as an exception to the standards of Chapter 543 provided that any freestanding signs on the site are limited to auxiliary signs.

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

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 variance to reduce the required rear yard setback from nineteen (19) feet to five (5) feet to allow an eight-story building with ninety nine (99) dwelling units located at 700-766 N. 4th St.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Major 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 major site plan review to allow an eight-story building with ninety nine (99) dwelling units located at 700-766 N. 4th St., subject to the following conditions:

1. Metal halide lights proposed at the garage entrance shall be shielded to avoid excess glare as required by Chapter 535 of the zoning code.
2. Planning Department staff review and approval of the final site and landscape plans.
3. If improvements required by Site Plan Review exceed two thousand (2000) dollars, the applicant shall submit a performance bond in the amount of 125 percent of the estimated site improvement costs prior to obtaining permits for site improvements or the permit may be revoked for non-compliance.
4. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by September 13, 2006, or the permit may be revoked for non-compliance.

Attachments:

1. Statements submitted by the applicant
3. Letter from neighborhood association
4. Zoning map
6. Site plan
7. Landscape plan
8. Floor plans
9. Elevations
10. Building rendering
11. Photos