

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

Conditional Use Permits, Variances and Site Plan Review
BZZ-3202

Date: September 18, 2006

Applicant: Michael Miller, 25200 Elmira Street NE, Stacy, MN 55079, (612) 338-7777

Addresses of Property: 925 N. 5th Street

Project Name: The Hitching Company and Minneapolis K9 Condos

Contact Person and Phone: Kevin Rolfes, 20 Below Studio, 23 Fourth Street NE,
Minneapolis, MN 55413, (612) 378-2021

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

Date Application Deemed Complete: August 14, 2006

End of 60-Day Decision Period: October 13, 2006

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

Ward: 5 Neighborhood Organization: North Loop Neighborhood Assn.

Existing Zoning: I2 (Medium Industrial) District, DP (Downtown Parking) Overlay
District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 13

Lot area: 8,000 square feet or .18 acres

Legal Description: Not applicable for this application

Proposed Use: Construct a new building for a horse and carriage assembly/transfer site
and animal shelter (dog daycare).

Concurrent Review:

- Amend the Conditional Use Permit for a horse and carriage assembly/transfer site.
- Conditional Use Permit for an animal shelter (dog daycare) in the I2 district.
- Variance to reduce the on-site parking requirement to zero.

- Variance of the specific development standards for an animal shelter (dog daycare) to allow outdoor dog play areas.
- Site Plan review for a new 3-story, 11,830 square foot horse and carriage assembly/transfer site and an animal shelter (dog daycare) in the I2 district.

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

Background: The applicant, Michael Miller, proposes to construct a new 3-story structure for The Hitching Company and the Minneapolis K9 condos to be located on the property at 925 North 5th Street. The site is zoned I2 which allows horse and carriage assembly/transfer sites and animal shelters (dog daycare) with conditional use permits. The Hitching Company currently operates within the existing buildings on site and has an existing conditional use permit. The applicant proposes to amend the existing conditional use permit for the horse and carriage assembly/transfer site and apply for a conditional use permit to operate an animal shelter (dog daycare). Both proposed uses on site are subject to specific development standards. The applicant proposes to vary the standard to allow outdoor dog play areas for the animal shelter. A variance is also required to vary the parking requirement for the proposed uses to zero. Additionally, site plan review is required.

The Hitching Company is a horse and carriage business that operates from April to January. The site currently has a single story building for carriage storage, a garage and four outdoor temporary horse stalls. The existing site is not open to the public. The applicant proposes to demolish the existing buildings on site in order to construct a new facility.

The proposed design would result in a 3-story, 2-floor structure based on the overall height in feet (two floors above grade and one below grade) providing space to both The Hitching Company and the Minneapolis K9 Condos. The Minneapolis K9 Condos would be a new business on the site. The applicants are proposing to create a sustainable, LEED Certified Silver building that co-locates both businesses. Both businesses would share the main level entry and retail space. The Hitching Company would occupy the majority of the lower and main levels. The stables and horse and carriage washing areas would occupy a portion of the first floor. The lower level would contain a large space for carriage storage. Employees would have lockers and laundry in the lower level as well as a break area, shower and office on the upper level. The upper level of the proposed structure would contain the Minneapolis K9 Condos. These dog daycare facilities would have kennels and indoor and outdoor dog play areas. The lower level would contain a dog exercise pool and dog grooming area.

The sustainable design and LEED strategies for this project include an extensive green roof, stormwater management including a cistern and flow reduction, local materials, low emitting materials and finishes, clear story daylight, high efficiency heating and cooling,

promotion of alternative transportation including bike racks and lockers, showers, solar power/renewable energy.

Staff has not received official correspondence from the North Loop Neighborhood Association prior to the printing of this report.

CONDITIONAL USE PERMIT – (1) Amend the Conditional Use Permit for a horse and carriage assembly/transfer site; (2) Conditional Use Permit for an animal shelter (dog daycare) in the I2 district.

Findings as Required by the Minneapolis Zoning Code:

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

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

Provided the owners operate the businesses in compliance with all applicable state and local regulations, Staff would not expect that the operation of a horse and carriage assembly/transfer site which has operated on the site previously, as well as the addition of the use of the site as an animal shelter would have detrimental impacts on the public health, safety, comfort or general welfare. Based on the surrounding land uses primarily industrial in nature (although a non-conforming multi-family residential structure is located kitty-corner from the site), Staff believes that the proposed uses would be compatible with the uses in the area.

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

The site is currently utilized by The Hitching Company and has a conditional use permit to operate on the site as a horse and carriage assembly/transfer site. The addition of a use on the site as an animal shelter (dog daycare) would seem compatible. Further, the scale and intensity of the new construction on site would prove compatible with the surrounding uses and should not impede normal and orderly development of the area.

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

The site would be accessed via 5th Street North as well as off of 10th Avenue North and the public alley. There is no surface parking proposed with this

project. The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections.

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

There is an existing curb cut along 5th Street North which the applicant proposes to maintain as part of the development. A new curb cut would be provided along 10th Avenue North and the development would also utilize the alley for access purposes. The applicant is proposing to vary the on-site parking requirement to zero. All required parking spaces would be provided off-site in an adjacent underutilized surface parking lot. The applicant has stated that a maximum of 5 employees will be present at one time.

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

The conditional use permit to allow a horse and carriage assembly/transfer site and animal shelter on an industrial parcel is consistent with the relevant provisions of the Minneapolis Plan, as follows:

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

Relevant Implementation Steps:

- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods.

Relevant Policy: **9.23** Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

Relevant Policy: **9.25** Minneapolis will establish industrial districts to provide locations for industrial land uses, while ensuring that new industrial development is compatible with its surroundings.

The project would comply with the above listed policy and implementation steps of the comprehensive plan.

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

If all land use/zoning applications are approved, including conditional use permits, variances and site plan review, the proposal would comply with all provisions of the I2 District.

VARIANCES – (1) Variance to reduce the on-site parking requirement to zero; (2) Variance of the specific development standards for an animal shelter (dog daycare) to allow outdoor dog play areas.

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

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

To reduce the on-site parking requirement to zero: The property could likely be put to a reasonable use under the conditions allowed, however, strict adherence to the regulations of the zoning ordinance would likely cause undue hardship. The subject parcel is relatively small in size for an industrially zoned parcel and is located within a predominantly industrial area with abundant sources of available parking. There is ample off-street parking available in the vicinity as well as numerous underutilized surface parking lots. Further, the uses associated with the proposed development operate at different times of the day resulting in minimal parking needs. The applicant has provided an agreement with an adjacent property owner for the allowance of 5 parking spaces to be signed and designated within an adjacent, existing surface parking lot for the proposed business. Further, the location of the property within the DP (Downtown Parking) Overlay District would not permit the establishment of any new surface parking on the development site.

Variance of the specific development standards to allow outdoor dog play areas: The property could likely be put to a reasonable use under the conditions allowed, however, strict adherence to the regulations of the zoning ordinance would likely cause undue hardship. The lack of yard requirements and the design of the structure for the proposed uses does not allow for much of a ground level outdoor area for the animal shelter use (dog daycare). With the incorporation of green roof technology into the structure, there is the ability to utilize a portion of the roof for a dog run area. Staff believes that it is reasonable to allow the variance to allow an outdoor dog play area on the roof of the proposed structure, as the dogs will be supervised at all times.

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.

To reduce the on-site parking requirement to zero: The circumstances could be considered unique as the property is located within the DP Overlay District and is also

located within a predominantly industrial area with a lot of available on-street and established off-street surface parking in the immediate vicinity. Further, the operation of the uses at separate times during the day results in the need for minimal provisions for parking.

Variance of the specific development standards to allow outdoor dog play areas:

The circumstances could be considered unique as the parcel is relatively small in size and in order for the site to be usable for the proposed uses the majority of the site is either covered by buildings or available for loading and storage. The design of the structure allows for the use of the portion of the roof as a dog run area. Staff believes that the circumstances of the site warrant the granting of the variance.

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.

To reduce the on-site parking requirement to zero: The granting of the variance to reduce the required on-site parking to zero would likely be in keeping with the spirit and intent of the ordinance and would not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The applicant is providing ample parking for the proposed uses in an adjacent underutilized parking lot located across 10th Avenue North.

Variance of the specific development standards to allow outdoor dog play areas:

The granting of the variance to allow an outdoor dog play area would likely be in keeping with the spirit and intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The outdoor dog area could result in increased noise; however, the dogs would be supervised at all times and would not be left unattended to disturb adjacent neighbors. There is an adjacent nonconforming residential use located kitty corner from the site. Outdoor kennels would not be provided.

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.

To reduce the on-site parking requirement to zero: The proposed parking variance would 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 applicant has shown that all parking necessary for the proposed development will be provided for in an existing surface parking lot located across 10th Avenue North.

Variance of the specific development standards to allow outdoor dog play areas: The proposed variance of the specific development standards to allow an outdoor dog play

area would 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.

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 majority of the proposed structure is located within 8 feet of the property line along both frontages. A portion of the structure near the entry is approximately 10 feet away from the property line along 5th Street North and a portion of the structure adjacent to the horse and carriage entry is setback approximately 30 feet from the property line along the 5th Street North frontage. Alternative compliance would be necessary. Staff will recommend that the Planning Commission require that the building be constructed up to the lot line along 5th Street North. The proposed building placement would be consistent with the placement of other buildings on the block should the buildings be required to be constructed up to the property line. There is no landscaping proposed between the building and the two frontages. The principal entry to the proposed structure would be oriented towards 5th Street North; however not directly facing the frontage. Alternative compliance would be necessary. Staff will recommend that the Planning Commission

require that the door be reoriented to face the 5th Street frontage. Secondary ingress/egress points including loading areas would face the alley (southwest property line). Should the Planning Commission require that the building in its entirety be constructed up to the property line along 5th Street North, Staff would argue that the proposed development reinforces progressive design and a street-oriented building alignment. Staff would argue that reorientation of the building would further reinforce the street wall, maximize natural surveillance and facilitate pedestrian access along 5th Street North. Based on the elevation provided for the west elevation along 10th Avenue North, the proposed development would not maximize natural surveillance although it would reinforce the street wall and facilitate pedestrian access. Pedestrian access to the site would be adequate, with the principal entry located directly off of the public sidewalk along 5th Street North.

The proposed design of the building would incorporate windows at the first floor. At least 30% of the first floor façade that faces a public street or sidewalk shall be windows or doors. The north elevation of the proposed building along 5th Street North exceeds this requirement as approximately 56% of the area is either windows or doors. The windows are distributed in a more or less even manner; however the principal entry while located off of 5th Street North is not oriented toward that frontage. The west elevation of the proposed building located along the 10th Avenue North frontage does not meet the 30% window requirement and the windows are not more or less evenly distributed. Section 530.120 of the zoning code requires that for non-residential uses 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. Based on the information provided by the applicant, although there are windows between 2 and 10 feet (approximately 54 square feet) all windows are located above 4 feet and therefore, there are no windows that meet this requirement on the west elevation. Thus the percentage of windows would be calculated as 0%. Alternative compliance would be necessary. Due to the layout of the first floor with the horse stables aligned along the west building wall of the structure the applicant is concerned that providing window openings could disturb the horses. Staff believes that it is reasonable to require that some percentage of windows meet the requirement. By shifting the windows down in a vertical fashion and providing additional window openings adjacent to the loading areas, Staff believes that a reasonable window area could be attained. Further, Staff believes that allowing an uneven distribution of windows along this elevation could be deemed appropriate as the principal use of the first floor along the west elevation as previously mentioned is for horse stables.

The 10 percent window requirement on upper floors facing the street has been met along the 5th Street North frontage, however, the requirement is not being met along the 10th Avenue frontage. Alternative compliance would be necessary. Staff believes there are opportunities to provide the required 10% window area and will require it as a condition of approval.

There is a blank, uninterrupted wall greater than 25 feet in width that does not include windows, entries, recesses or projections, or other architectural elements on the east elevation. Alternative compliance would be necessary. Staff believes that it is reasonable to grant alternative compliance as a condition of approval as the east elevation

directly abuts an adjacent structure on the lot to the southeast.

The exterior materials would be compatible on all sides of the proposed buildings. The applicant is proposing that the exterior of the structure be composed of metal panels and burnished rock face block.

The proposed building form and the pitch of the roof line is compatible with other building in the area. The proposed roof line would be flat, and a 3-story building would be compatible with the district regulations as well as other structures in the area.

No parking ramp is proposed as part of the development. All proposed parking for the development would be located in an adjacent surface parking lot located across 10th Avenue North.

ACCESS AND CIRCULATION:

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

The principal entrance of the proposed structure is directly connected to the public sidewalk.

There are no transit shelters within the development. The site is not immediately adjacent to a transit stop however it is in close proximity to several bus lines.

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

There is a public alley adjacent to the site which would be utilized for access to the site.

The site has been designed to minimize the use of impervious surfaces through a combination of ground level landscaping and a proposed green roof to be located on the structure.

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.**

The proposal does not meet the 20% landscape requirement. The total site area is 8,000 square feet and the proposed building footprint on the site would be 4,875 square feet. A total of 625 square feet of landscaping would be necessary to meet the 20% requirement. The applicant is proposing 382 square feet of ground level landscaping or approximately 12% of the site not occupied by buildings. Alternative compliance would be required. The zoning code requires that there be at least 2 trees and 4 shrubs planted on the site. The applicant is proposing to have 3 trees, 24 shrubs and 44 perennials. The proposal is meeting the minimum landscape quantity requirements; however, not the overall 20% requirement.

The applicant is proposing to install a two-tier green roof on the proposed structure. Portions of the first floor exterior roof would include a green roof area as well as the upper level green roof. Based on the plan submitted the applicant proposes to provide approximately 3,300 square feet of landscaping on the green roofs. Additionally, a total of 32 green roof perennials would be installed on the green roof. Staff believes that this is an acceptable alternative compliance measure and will recommend that the Planning Commission grant alternative compliance.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is**

not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.

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

All parking is being provided off-site in an adjacent surface parking lot. Access to the site for loading and carriage and horse storage is being provided off of 5th Street North as well as off of 10th Avenue North and the public alley. The water drainage on site would need to be designed so as not to drain onto any adjacent lots.

The applicant is proposing to install lighting on the elevations above the entrances. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541.

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

There are no parking facilities for the proposed development.

Staff would not expect the proposal to result in the blocking of views, shadowing of public space or adjacent properties. The proposed building would also not be expected to have significant impacts on light, wind and air in relation to the surrounding area.

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 uses are conditional in the I2 District.

Specific Development Standards for a horse and carriage assembly/transfer site:

1. The use shall comply with the requirements of Chapter 76, Stables, of the Minneapolis Code of Ordinances.
2. The use shall be located at least one hundred (100) feet from a residence or office residence district, a ground floor permitted or conditional residential use, or a food or beverage use.
3. The site plan and routes shall be approved by the health department and the city engineer.

Specific Development Standards for an animal shelter:

1. Except in the I3 District, all activity shall be within a completely enclosed building with soundproofing and odor control. Outdoor kennels shall be prohibited.

With the approval of the conditional use permits, variances, and site plan review, this development would meet the requirements of the R4 zoning district.

Parking and Loading: Chapter 541 of the zoning code requires that the parking requirement for the horse and carriage assembly/transfer site be determined as approved by conditional use permit. Typically, Staff utilizes the guidance found in 541.170 to determine how many spaces should be required by the conditional use permit which include: (1) documentation regarding the actual parking demand for the proposed use; (2) the impact of the proposed use on the parking and roadway facilities in the surrounding area; (3) whether the proposed use is located near a parking area that is available to the customers, occupants, employees and guests of the proposed use; (4) the availability of alternative forms of transportation. Based on the proximity and availability of parking within the general area, Staff believes that it is reasonable to require one additional parking space for the horse and carriage assembly/transfer portion of the development. Further, Chapter 541 of the zoning code requires 1 space per 300 square feet of gross floor area in excess of 4,000 square feet for an animal shelter. The square footage of the animal shelter portion of the development would be 2,400 square feet; therefore, the minimum of 4 would be required. Based on these provisions a total of 5 off-street parking spaces would be required for the proposed development. The applicant is proposing to vary the parking requirement to zero and utilize an existing underutilized parking lot located across 10th Avenue North for their parking needs. The Hitching Company and Minneapolis K9 Condos have entered into an agreement with the owner of said parking lot, Cord Sets, Inc., for 5 parking spaces to be marked and reserved for the business. That agreement has been attached for reference. Staff believes that the provision of 5 parking spaces is adequate based on the proposed uses of the site and the fact that the two separate uses operate at different times of the day.

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

adjacent permitted or conditional residential uses. A detail of the enclosure shall be submitted with final plans.

Signs: All new signage is required to meet the requirements of the code. Permits are required from the Zoning Office should any signage be included for the development.

Maximum Floor Area: The maximum F.A.R. for all structures located in the industrial districts is the gross floor area of the building which is 11,830 square feet divided by the area of the lot which is 8,000 square feet. The outcome is 1.48 which is less than the maximum of 2.7 that is permitted in the I2 District.

Minimum Lot Area: Not applicable for this development.

Height: Maximum building height for of all principal structures located in the industrial districts is 4 stories, not to exceed 56 feet. The proposed structure would comply with this limitation as the proposed development is 3 stories or 32 feet.

Yard Requirements: There are no required yards for the proposed development.

Building coverage: Not applicable for this development.

Impervious surface area: Not applicable for this development.

MINNEAPOLIS PLAN

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

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

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

ALTERNATIVE COMPLIANCE

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

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally**

designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.

- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Alternative compliance is necessary as a portion of the structure near the entry is approximately 10 feet away from the property line along 5th Street North and a portion of the structure adjacent to the horse and carriage entry is setback approximately 30 feet from the property line along the 5th Street North frontage. Staff believes it is practical to require a modification and will recommend that the Planning Commission require that the entire frontage of the building be constructed up to the lot line along 5th Street North.

Alternative compliance is necessary as the principal entry to the proposed structure while oriented towards 5th Street North is not directly facing the frontage. Staff will recommend that the Planning Commission require that the door be reoriented to face the 5th Street frontage.

Alternative compliance is necessary as the west elevation of the proposed building located along the 10th Avenue North frontage does not meet the 30% window requirement and the windows are not more or less evenly distributed. Staff believes that it is reasonable to require that some percentage of windows meet the requirement. By shifting the windows down in a vertical fashion and providing additional window openings adjacent to the loading areas, Staff believes that a reasonable window area could be attained. Staff will recommend that the Planning Commission require that the 10th Avenue North frontage have 20% windows. Staff believes that allowing an uneven distribution of windows along the west elevation could be deemed appropriate as the principal use of the first floor along the west elevation is for horse stables. Staff will recommend that the Planning Commission grant alternative compliance for the distribution of windows on the west elevation.

Alternative compliance is necessary as the 10 percent window requirement on upper floors facing the street has not been met along the 10th Avenue North frontage. Alternative compliance would be necessary. Staff believes there are opportunities to provide the required 10% window area and will recommend that the Planning Commission require it as a condition of approval.

Alternative compliance is necessary as there is a blank, uninterrupted wall greater than 25 feet in width that does not include windows, entries, recesses or projections, or other architectural elements on the east elevation. Alternative compliance would be necessary. Staff believes that it is reasonable for the Planning Commission to

grant alternative compliance as the east elevation directly abuts an adjacent structure on the lot to the southeast.

Alternative compliance is necessary as the proposal does not meet the 20% landscape requirement although the required landscaping quantities are being provided on the site. A total of 625 square feet of landscaping would be necessary to meet the 20% requirement. The applicant is proposing 382 square feet of ground level landscaping or approximately 12% of the site not occupied by buildings. The applicant is proposing to install a green roof on the proposed structure. Based on the plan submitted the applicant proposes to provide approximately 3,300 square feet of landscaping on the green roofs. Further, a total of 32 green roof perennials would be installed on the green roof. Staff will recommend that the Planning Commission grant alternative compliance as the combination of landscaping on the ground level and on the green roof would be an acceptable substitution.

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for to amend the conditional use permit for a horse and carriage assembly/transfer site for property located at 925 N. 5th Street subject to the following condition:

1. Compliance with all applicable state and local regulations pertaining to horse and carriage assembly/transfer sites.
2. The use is subject to the specific development standards for a horse and carriage assembly/transfer site as stated in Chapter 536 of the zoning code.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit for an animal shelter (dog daycare) in the I2 district for property located at 925 N. 5th Street subject to the following condition:

1. The use is subject to the specific development standards for an animal shelter as stated in Chapter 536 of the zoning code except as authorized by a variance of the enclosed building requirement.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application to allow a variance to reduce the on-site parking requirement to zero for property located at 925 N. 5th Street subject to the following condition:

1. That a lease be maintained for 5 off-site parking spaces to be utilized for the proposed development.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application to allow a variance of the specific development standards for an animal shelter (dog daycare) to allow outdoor dog play areas for property located at 925 N. 5th Street subject to the following condition:

1. All dogs shall be supervised at all times when utilizing the outdoor dog play areas.

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 adopt the above findings and **approve** the site plan review application for property located at 925 N. 5th Street 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 September 18, 2007 unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Modification of the building wall up to the property line along 5th Street North per Section 530.110 of the zoning code.
4. Reorientation of the principal entry to the proposed structure to face the 5th Street North frontage.
5. Incorporation of 20% windows into the west elevation along the 10th Avenue North frontage per Section 530.120 of the zoning code.

6. Modification of the west elevation along the 10th Avenue North frontage to provide the required 10% window area on upper floors facing the street per Section 530.120 of the zoning code.
7. A detail of the trash enclosure shall be submitted with final plans to demonstrate compliance with section 535.80 of the zoning code.
8. As alternative compliance to substitute for the landscaping requirement, a green roof of not less than 243 sq. ft. shall be installed and maintained on the building.

Attachments:

1. Description of project and findings
2. Correspondence
3. Shared parking agreement
4. Zoning map
5. Plans – site survey, site plan, floor plans, elevations, landscape plans
6. Photos
7. PDR report