

Community Planning and Economic Development Planning Division Report

Rezoning, Conditional Use Permits, Variance, and Site Plan Review
BZZ-4319

Date: March 23, 2009

Applicant: Bluff Street Development

Address Of Property: 600 Main Street SE

Project Name: 600 Main Street

Contact Person And Phone: Gretchen Camp – BKV Group 612-373-9122

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

Date Application Deemed Complete: February 19, 2009

End of 60 Day Decision Period: April 20, 2009

Ward: 3 **Neighborhood Organization:** Marcy-Holmes

Existing Zoning: I2 Medium Industrial District

Existing Overlay District: IL Industrial Living Overlay District, SH Shoreland Overlay District, and MR Mississippi River Critical Area Overlay District.

Proposed Zoning: C3A Community Activity Center District and to remove the IL Industrial Living Overlay District.

Plate Number: 15

Legal Description: See attached sheet.

Proposed Use: Multi-story building with 98 dwelling units and ground floor commercial.

Concurrent Review:

Rezoning: From the I2 Medium Industrial District and ILOD Industrial Living Overlay District to the C3A Community Activity Center District.

Conditional Use Permit: To allow 98 dwelling units.

Conditional Use Permit: To increase the height from 2.5 stories in the SH Shoreland Overlay District and from 4 stories in the C3A District to 6 stories 70 feet.

Variance: To reduce the south interior side yard setback from 15 feet to various distances down to zero feet at the closest point to the property line.

Site Plan Review.

Appropriate Section(s) of the Zoning Code: Chapter 525, Article VI Zoning Amendments; Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, specifically Section 525.520(1) “To vary the yard requirements”; and Chapter 530 Site Plan Review.

Background: The applicant proposes to build a six-story multi-family residential apartment building with a small first-floor retail space facing 6th Avenue SE. The site is just outside of the St. Anthony Falls Historic District. The eastern boundary of the district is 6th Avenue SE. It is within the boundaries of the University Area Moratorium, but is not subject to the moratorium as it has more than four dwelling units. The applicant is requesting a rezoning to the C3A Community Activity Center District. The development also requires a conditional use permit for 98 units, a conditional use permit to increase the height to 6 stories, and a variance of the south side yard setback. On March 3, 2005 the Board of Adjustment approved a nonconforming use certificate (BZZ-2201) for vehicle parking.

As of the writing of this report, staff has not received any correspondence from the neighborhood group, but will forward comments, if any, at the Planning Commission meeting.

REZONING (from I1 Industrial to C3A Commercial and to remove the ILOD)

Findings As Required By The Minneapolis Zoning Code:

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

The C3A Community Activity Center District was established to provide for the development of major urban activity and entertainment centers with neighborhood scale retail sales and services. In addition to entertainment and commercial uses, residential uses, institutional and public uses, parking facilities, limited production and processing and public services and utilities are allowed. The C3A districts are mapped in areas designated as Activity Centers in the comprehensive plan and occasionally adjacent to Activity Centers. The East Hennepin Activity Center is to the west of this site within a triangle created by Central and East Hennepin Avenues and extends along Main Street.

The Minneapolis Plan defines Activity Centers as follows:

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

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Activity Centers are destinations that attract large numbers of visitors, workers, and residents. They include a concentration of activities throughout the day and into the evening that includes high pedestrian, automobile, and transit traffic, and a mix of uses located that result in a well-defined sense of place. While this site is just outside the recently drawn east boundary of the Activity Center along 6th Avenue SE, many of the characteristics of an Activity Center are applicable to this parcel as well, so the C3A zoning would not be unreasonable for this parcel. In addition, it is unlikely that the zoning would be requested on the parcels to the east due to physical conditions limiting development potential. Also, C3A zoning has been applied to other parcels adjacent to Activity Centers.

The Minneapolis Plan for Sustainable Growth (not fully adopted yet) designates this parcel as parkland, as the plan incorporates the land use maps of adopted small area plans.

This site is in the MR Mississippi River Critical Area Overlay District. *The Mississippi River Critical Area Plan* was approved by the City Council on June 16, 2006. The plan states that “the City will follow the land use guidelines of *The Minneapolis Plan* except where modified by small area plans...”

The Master Plan for the Marcy-Holmes Neighborhood is the approved small area plan for this area. It was approved on December 29, 2003. The plan shows the parcel as parkland, so the rezoning would not be in conformance with this goal of the plan; however, staff is not aware of any plans by the City or the Park Board to purchase the parcel. While the *Minneapolis Park and Recreation Board Comprehensive Plan*, adopted by the Park Board, encourages the acquisition of parkland in the central riverfront area, it does not specifically identify this parcel as future park land.

Absent a specific plan to purchase the land staff relies on the other relevant policies of *The Minneapolis Plan*, listed above, and adopted small area plans. The *Marcy-Holmes Plan* states that land to the river side of 4th Street SE may be considered for multi-family development and that industrial properties on the river side of University Avenue should be considered for mixed use development (page. 1-2).

The C3A District is consistent with the above noted policies and goals of the comprehensive plan.

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

The rezoning is in the interest of the applicant. While the redevelopment of the site will be an improvement to the area and will provide housing, this can be accomplished to a smaller scale under the existing zoning.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The surrounding area is a mix of residential, commercial, and industrial uses including offices, commercial uses, apartment buildings, and large industrial buildings. The area directly to the northwest of the site covering the East Bank Mills project area is zoned C3A and this rezoning would essentially be an extension of that area. This should be compatible with the surrounding area.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

The existing I1 District, with the ILOD, allows a range of industrial, commercial, and residential uses.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

This area has been undergoing a transformation from industrial uses to a mix of residential, commercial, and park uses.

CONDITIONAL USE PERMIT (for 98 residential units)

Findings as required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

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

The proposed development will replace a surface parking lot with a 98 unit residential building. There are residential and mixed-use projects built or approved to the north and northwest of the site, so the development will not be out of character with the area. With staff recommended conditions of approval the development should not be detrimental to the public health, welfare, comfort, or safety.

Two issues that should be considered in this area are noise and air quality. There is noise generated from Metal-Matic, Interstate 35W, and the University of Minnesota steam plant in this area with the closest source being the steam plant. There are two major sources of noise from the steam plant. One is from the stacks and the other is from the building. An EIS was completed for the adjacent property to the northwest for the East Bank Mills development. The Environmental Impact Statement (EIS) is a disclosure document that is intended to be used to inform regulatory decisions. It is made up of several documents including, but not limited to, the Environment Assessment Worksheet (EAW), the Draft EIS (DEIS), and the Final EIS (FEIS). One issue that was identified in the East Bank Mills DEIS is that the taller buildings may be at risk for exposing residents to noise levels at the upper floors. The EIS identified buildings approaching 140 feet as at risk for exposure to noise from the stacks. The proposed building will not exceed 70 feet, so this noise will not be a factor for the proposed development. (see pages 59, 61-63 of the EAW, 20-23 of the DEIS, and page 14 of the Findings of Fact for EAW for the East Bank Mills development).

The other building noise from the steam plant is from other building operations and is around 65 decibels. Under Minnesota state law it is the City's responsibility to make sure that residents are not

exposed to noise levels that exceed state standards. To discharge the City’s responsibility under state law, staff is recommending that a condition of approval be added that addresses noise issues and to assure compliance with state statutes. Staff recommends that permissible interior noise levels meet the standards as outlined by the City’s Environmental Health Division in the attached PDR report.

The East Bank Mills EIS also indicates that the pollution concerns are relevant for taller buildings approaching the 140 foot height near or in the plume leaving the stacks. At 70 feet the proposed building will not meet this threshold.

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 Stone Arch Apartments are to the north of the site and the University of Minnesota steam plant is to the south of the site. There are plans to redevelop various parcels near the site to the northwest in the future for the East Bank Mills project. Main Street SE is proposed to connect to the future East River Road connection to the east. In addition, a bike trail is planned to connect through this area on Main Street SE or along the railroad corridor to the south of the site. The proposed development should not hinder these plans. In the context of surrounding development, this building should not be detrimental to nearby properties if it complies with applicable site plan review conditions of approval.

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

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

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

Access to the enclosed parking is on the north side of the building from Main Street SE. The required parking is provided within the building. The zoning code requires 98 parking spaces and the development will provide 112 spaces. This building also conforms to the .5 spaces per bedroom standard recommended by the *Marcy-Holmes Plan* for developments that have student housing. Due to the close proximity to downtown, bike routes, and transit this should be adequate parking. A Travel Demand Management Plan has been completed and approved by Public Works staff for this project (please see attached sheets from the TDMP for implementation steps).

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

The Minneapolis Plan designates this area adjacent to the site as an Activity Center. *The Minneapolis Plan* has the following goal and relevant implementation steps for Activity Centers:

4.7 Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban

character.

Implementation Steps

Ensure that land use regulations support diverse commercial and residential development types which generate activity all day long and into the evening.

Promote the incorporation of residential uses within the same structure as other commercial uses.

Preserve traditional urban form in buildings where it currently exists, and encourage new development to relate to traditional siting and massing, where it is already established.

Discourage automobile services and drive-through facilities from locating in these designated areas.

Develop parking facilities and management strategies that accommodate high customer demand, promote shared facilities and minimize visual impact and adverse effects on pedestrian and sidewalk traffic.

Ensure that regulations balance the transition between high traffic land uses and adjoining residential areas.

Require that buildings in Activity Center districts incorporate a pedestrian orientation at the street edge.

Apply street design criteria that incorporates a pedestrian orientation and accommodates a variety of traffic (pedestrian, cyclist, transit, automobile).

The Minneapolis Plan has the following relevant policies and implementation steps from the housing chapter:

4.9 Minneapolis will grow by increasing its supply of housing.

Implementation Steps

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

Support the development of infill housing on vacant lots. Use partnerships and incentives to reduce city subsidy level and duration of vacancy.

4.10 Minneapolis will increase its housing that is affordable to low and moderate income households.

Implementation Steps

Provide regulatory incentives for affordable housing development.

Foster partnerships with housing developers, financial institutions, faith communities and others to extend the City's capacity to create affordable housing.

Support mechanisms such as community land trusts and housing cooperatives to create long term affordable housing.

4.11 Minneapolis will improve the availability of housing options for its residents.

Implementation Steps

Increase the variety of housing styles and affordability levels available to prospective buyers and renters.

Provide and maintain moderate and high-density residential areas.

Promote mixed-income housing development that offers a range of dwelling unit sizes and levels of affordability.

Diversify the location distribution of affordable housing in order to allay the historic patterns of concentration of poverty that characterizes some neighborhoods.

Please see finding number five under the rezoning portion of this staff report regarding conformance with the adopted small area plans. In addition to those findings, the *Macy-Holmes Plan* has the following

relevant policy and information:

The plan states the following about parking, “the neighborhood strongly supports...student housing developments...to have 0.5 parking spaces for each bed proposed in a development. The neighborhood has unique challenges with respect to the new type of apartment buildings with four or more bedrooms per apartment compared to the old model of one and two bedroom apartments. These new apartments have far more people living in them, sometimes two or more people per bedroom, than old apartments and require more parking (page 7-4).” The building has a mix of studio, one bedroom, or two bedroom units with a total of 105 bedrooms. At a parking standard of 0.5 per bedroom this site would still have adequate parking ($105 * 0.5 = 53$ spaces) if the building were all student housing.

It is staff’s opinion that the proposed development, while not in conformance with the parkland designation, is in conformance with the other applicable policies for land use in the *Marcy-Holmes Plan* for this area.

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

The proposal will conform to the applicable regulations of the C3A District upon the approval of the rezoning, conditional use permits, variances, and site plan review.

CONDITIONAL USE PERMIT (to increase height to six stories or 70 feet)

Findings as required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

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

The C3A District limits the height of multiple-family dwellings to four stories, or 56 feet, whichever is less. In the SH Shoreland Overlay District the height is limited to two and one-half stories or 35 feet, whichever is less. The Shoreland Overlay District is measured as 300 feet from the Mississippi River. Part, but not all, of this site and the proposed building is in the Shoreland Overlay District (please see map attached to this staff report).

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

A story is measured as that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or fourteen (14) feet, whichever is less, except that the topmost

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

Measured from 6th Avenue SE the height of the building is six stories or 70 feet. To the north of this building is the Stone Arch Apartments, which is five stories. To the northwest the East Bank Mills development is approved to allow four new towers ranging in height from 17 to 27 stories. To the south is the University of Minnesota steam plant, which is approximately two to three stories, but the stacks rise to 140 feet above Main Street SE. The proposed height of the new building will not be out of character with surrounding development and should not be detrimental to the health, safety, comfort, and general welfare of 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 Stone Arch Apartments are to the north of the site and the University of Minnesota steam plant is to the south of the site. There are plans to redevelop various parcels near the site to the northwest in the future for the East Bank Mills project. Main Street SE is proposed to connect to the future East River Road connection to the east. In addition, a bike trail is planned to connect through this area on Main Street SE or along the railroad corridor to the south of the site. The proposed development should not hinder these plans. In the context of surrounding development, this building should not be detrimental to nearby properties if it complies with applicable site plan review conditions of approval.

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

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

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

Access to the parking is on the west side of the building from Main Street SE. The required parking is provided within the building. The zoning code requires 98 parking spaces and the development will provided 112 spaces. This building also conforms to the .5 spaces per bedroom standard recommended by the *Marcy-Holmes Plan* for developments that have student housing. Due to the close proximity to downtown, bike routes, and transit this should be adequate parking. A Travel Demand Management Plan has been completed and approved by Public Works staff for this project (please see attached sheets from the TDMP for implementation steps).

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

While the comprehensive plan does not indicate appropriate heights for specific sites, there are several

policies in Chapter 9, City Form, that refer to traditional urban form and building form and context especially regarding how buildings relate to their surroundings. This building height should not be out of character with the surrounding area if it complies with the site plan review conditions of approval.

The Mississippi River Critical Area Plan states the following about building height: “In general, structures within the Critical Area should be shorter when located closer to the river. Taller structures are possible within the Critical Area as distance from the river increases or measures are taken to provide some level of screening, buffering and/or enhancement of views of and from the river. This plan recognizes that many existing structures in the Critical Area exceed the height limit contained in the zoning code, and that these structures are either allowed due to the provisions of the 1999 zoning code for legally nonconforming uses, or were specifically approved through a prior conditional use permit or variance. In addition, exceptions to the established height limit may be allowed in the case of development proposals deemed to warrant exception by the Planning Commission in order to meet the development goals of the City contained in the Comprehensive Plan and other adopted small area plans. Such exceptions may be granted in keeping with Executive Order 79-19, Section C.2.c., which states under the heading of "Clustering" that: The clustering of structures and the use of designs which will reduce public facility costs and improve scenic quality shall be encouraged. The location of clustered high-rise structures may be proposed where public services are available and adequate and compatible with adjacent land uses (page 27).”

The Marcy-Holmes Plan does not make a specific height recommendation for this parcel as it is contemplated as parkland, but allows for taller buildings between University Avenue SE and Main Street SE to approximately 190 feet, or the height of the Red Tile Elevator (page 8-6).

It is the staff’s opinion that in the context of surrounding development the increase in height is in conformance with these goals and policies of the comprehensive plan and adopted small area plans.

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

The proposal will conform to the applicable regulations of the C3A District upon the approval of the rezoning, conditional use permits, setback variances, and site plan review.

In addition to the conditional use standards contained in Chapter 525 and this article, the city planning commission shall consider, but not be limited to, the following factors when determining maximum height:

(1) Access to light and air of surrounding properties.

The increase in height will not prevent access to light and air for surrounding properties. The building is located back on the southerly part of the lot, which will allow access to light and air for properties to the north. There is little chance of development to the south of the building due to the steam plan, possible bike trails, and SH Shoreland Overlay District regulations.

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

The building will be setback on the south part of the site, so it should minimize the shadow cast on Main Street SE and 6th Avenue SE, except for during the winter months. It will not shadow any future bike trail to the south on the railroad right-of way. Please see the attached shadow study.

(3) The scale and character of surrounding uses.

There are or will be buildings of similar or greater height in the immediate area, including the Stone Arch Apartments to the north, the East Bank Mills (proposed) to the northwest, and the University of Minnesota steam plant to the south.

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

The building will block views of the river and downtown from the north, but not significantly more than it would if it were limited to four stories. It has been located to the south part of the lot, which will preserve views from the Stone Arch Apartments of the Stone Arch Bridge. It will affect views of the Red Tile Elevator from the east, but these views will be blocked with the construction of the East Bank Mills towers.

In addition to the conditional use and variance standards contained in Chapter 525, Administration and Enforcement, the city planning commission and board of adjustment shall consider the following for conditional use permits in the SH Shoreland Overlay District:

(1) The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

An erosion control plan and a drainage/stormwater management plan will be required by Public Works at the final site plan stage before permits may be issued.

(2) Limiting the visibility of structures and other development from protected waters.

While the structure may be visible from the river it will not have a more significant impact than other buildings existing or approved for this area of the central riverfront.

(3) The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.

No watercraft are proposed as a part of this development.

VARIANCE (to reduce the south interior side yard setback)

Findings Required by the Minneapolis Zoning Code:

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

In general, setbacks are not required for properties in the commercial or industrial districts, except where adjacent to residential districts and for residential uses that contain windows facing an interior side lot line. Along the south side a 15 foot setback is required (5 feet, plus 2 feet for every floor above the first, not to exceed 15 feet), because there are windows facing that property line. The front part of the lot has an easement for overhead power lines running across it from west to east, so the building is planned to be located on the southerly part of the lot. The lot is triangle shaped with the south line running diagonally and curved from west to east in relation to the front lot line. The building encroaches into the south interior side yard setback to various distances to zero feet at its closest point. The physical characteristics of the lot including the triangle shape and power line easement are conditions that make it difficult to place a residential building on this site in a way that will not encroach into setbacks. This is a hardship.

- 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 lot is triangle shaped and is crossed by a power line easement. This is a condition that is not generally applicable to other properties. The proposed use will allow development similar to other properties in the area and is a reasonable use of the property.

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

The intent of the ordinance is to provide a setback for elevations with windows facing an interior side yard where a building could be built along the property line on an adjacent parcel. This is to meet building code requirements for fire protection and to prevent a situation where a building would be built on the adjacent parcel blocking the windows. There is a railroad right-of-way to the south that has a low probability of being developed and may be the future site of a public trail. This will allow access to light and air for these units and therefore should not circumvent the intent of the zoning code.

Normally, staff would not recommend approval of this variance as it would not meet the requirements of the building code for window openings facing an interior lot line. The applicant has a request into the Building Plan Review Office to allow the windows facing this property line at the setback proposed based on the area to the south being a “public way.” At this time Building Plan Review has not ruled on this request. If this variance is approved, it does not supersede any building code requirements for openings facing an interior lot line and does not oblige the building department to issue any permit.

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

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

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 DESIGN:

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

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

The building is up to the property line on 6th Avenue SE except at the southwest corner, at the building entrance, where it setback up to 24 feet, on the first floor, to provide a covered entrance. The building is not within eight feet of the property line along Main Street SE. It is setback 102 feet at its furthest point on the west side tapering to 30 feet at its closest point on the east side of the site. There will be a large landscaped area between the building and the public sidewalk and public art on the retaining walls along Main Street and 6th Avenue as amenities in lieu of the building wall. In addition there is a power line easement running across the northerly part of the site that restricts the building location to the southerly part of the site. Staff recommends alternative compliance for the building location because the site conditions make strict adherence impractical and because the site plan has amenities to mitigate the adverse effect of the alternative.

The principal entrance opens onto the public sidewalk on 6th Avenue SE. The principal entrance is clearly defined at the front of the building with a recessed arcade. There is also an entrance facing Main Street SE that is not clearly defined or emphasized with architectural features. Staff recommends that additional architectural detail be provided to emphasize the entrance location on Main Street SE.

Parking is located within the structure.

The exterior materials are durable and are made of cement panels, metal, and glass. Future changes in material may require review before the City Planning Commission. The new building walls will contain architectural detail including, varied window designs, articulated elevations, and a varied roof line

There are no blank walls without a change in material for lengths of more than 25 feet.

Residential uses are required to provide 20 percent windows on the first floor and 10 percent windows on the upper floors of elevations facing a public street, sidewalk, or pathway. Commercial uses are required to provide 30 percent on the first floor. The north elevation of the residential structure facing Main Street SE and southerly elevation facing the railroad corridor both provide 48 percent windows on the first floor and 48 percent on the floors above. The east side elevation provides 47 percent windows on all floors. The west side elevation provides 48 percent windows for the residential and 100 percent for the commercial on the first floor and 52 percent on the floors above.

ACCESS AND CIRCULATION:

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

The entrance to the building is connected by a small arcade to the public sidewalk on 6th Avenue SE and by a 15 foot wide walkway to the public sidewalk on Main Street SE. Staff recommends that a walkway at the east side of the site be constructed to connect the public walkway between the Stone Arch Apartment buildings to the possible bike trail to the south of the site.

There are no integrated transit shelters on site.

Vehicular access and circulation has been designed to minimize conflict with residential properties. There is no alley adjacent to the site.

Public Works and the Fire Department have reviewed the site plan for access and circulation and find them acceptable.

The site has been designed to minimize impervious surfaces and all areas that are not covered by buildings, pedestrian access, and drives are pervious surfaces used for landscaping and stormwater management. There will also be landscaping on the roof of the parking structure.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**

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- 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 site plan has 22 percent landscaping. The lot area is 36,377 square feet and the footprint of the building is 16,525 square feet. This leaves 19,852 square feet, of which 20 percent (3,970 square feet) is required to be landscaped. The applicant is providing approximately 4,383 square feet of landscaped area on site. In addition there is 8,280 square feet over the roof of the parking garage, which if included brings the total percentage of on-site landscaping to 63 percent.

The development is required to provide eight trees and 40 shrubs. The site plan shows zero on-site trees and approximately 479 shrubs. The applicant is providing nine trees and another 500 shrubs in the public right-of-way as an amenity in lieu of the on-site tree requirement. Staff recommends granting alternative compliance for the required trees as there is no place on site where a tree could grow that is not under the power lines or over the parking garage. The site conditions make strict adherence impractical. The applicant is providing an amenity of boulevard trees and shrubs to mitigate the adverse effects of the alternative. Staff recommends that the landscaped tree boulevard along Main Street SE be increased in area to connect the two islands to create a larger planting area. Also the easterly portion of this planting area should be moved west to be located to allow a six-foot wide walkway. In addition, staff recommends the addition of at least four ornamental trees on-site along the public sidewalk on Main Street SE.

There are no parking areas that are required to be screened. All other areas not occupied by buildings, walks, plazas, parking, loading, and associated drives are landscaped. The landscaped area in front of the building contains only one plant species. There are 428 Honeysuckle shrubs in a large landscaped area. Staff recommends that a more diverse landscaping plan be created with additional plant types.

ADDITIONAL STANDARDS:

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

There are no surface parking areas on the site.

The building will partially block some views of the historic Red Tile Elevator to the west from the east, but no more than the approved towers of the East Bank Mills project that are proposed to be constructed between the Red Tile Elevation and the building. It will block some views and of the river for properties to the north, but no more than the University of Minnesota steam plant to the south of the proposed building already does.

The building should not significantly generate wind currents at ground level. The applicant has stepped the building back in various areas, which will help to break up wind currents at ground level.

The plan meets the CPTED guidelines. The site is designed with landscaping, fencing, and architectural features to delineate space and control access while allowing views into and out of the site. Staff recommends that proper lighting be provided and that the landscaping follow the three-foot seven-foot rule to allow proper views into and out of the site.

There are no historic structures on the site.

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: Multiple-family dwellings of five units or more require a conditional use permit in the C3A District.

Off-Street Parking and Loading: The zoning code requires a minimum of one space per dwelling unit for a total of 98 parking spaces. There is no maximum requirement. The commercial tenant space has an area less than 1,000 square feet, so it is exempt from minimum parking requirements. Two van accessible spaces are required. The building will have 112 spaces, of which 24 are compact, and four are

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accessible. There will be an additional 16 tandem spaces provided that are allowed for residential uses, but that do not count toward fulfilling the minimum off-street parking requirement.

No loading space is required for a residential use under 100 dwelling units. The applicant will provide loading on 6th Avenue SE in front of the building on a temporary basis as necessary and as allowed by Public Works.

Multiple-family dwellings of five units or more are required to provide one bicycle parking space per every two dwelling units for a requirement of 49 spaces. Ninety percent of these spaces shall meet the standards for long-term bicycle parking, which requires that they are located in enclosed or supervised areas providing protection from theft, vandalism, and weather and are accessible to intended users. The commercial tenant space has an area less than 1,000 square feet, so it is exempt from minimum bicycle parking requirements. One space per each unit is provided in the parking garage via raised bike racks mounted above vehicles. For those residents that do not have vehicle parking, several bike racks will be mounted within an accessible area of the garage. An additional 14 spaces are proposed for 6th Avenue SE for visitors and guests.

Maximum Floor Area: The maximum FAR in the C3A District is 2.7. The lot in question is 36,377 square feet in area. The applicant proposes 91,843 square feet of gross floor area, an FAR of 2.52.

Building Height: Building height in the C3A District is limited to four stories or 56 feet, whichever is less. The southerly part of the site is located in the SH Shoreland Overlay District, which limits building height to 2.5 stories or 35 feet, whichever is less. The building is proposed to be six stories or 70 feet. A conditional use permit is required to allow the increase in height and staff is recommending approval of the CUP.

Minimum Lot Area: The C3A District requires not less than 400 square feet of lot area per dwelling unit. With a density of 20 percent for enclosed parking this can be reduced to 320 square feet per dwelling unit. With 98 proposed dwelling units on a lot of 36,377 square feet, the development will have a density of 371 square feet of lot area per dwelling unit.

Dwelling Units Per Acre: The applicant proposes 117 dwelling units per acre.

Yard Requirements: In general, setbacks are not required for properties in the commercial or industrial districts, except where adjacent to residential districts and for residential uses that contain windows facing an interior side lot line. This structure is bordered on the north and west by public streets, so no setback is required on those sides. Along the south side a 15 foot setback is required (5 feet, plus 2 feet for every floor above the first, not to exceed 15 feet), because there are windows facing that property line. The applicant is requesting a variance to allow the patio encroachments and staff is recommending approval of the variances.

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

Hours of Operation: Not applicable for a residential building.

Signs: Signs are subject to Chapters 531 and 543 of the Zoning Code. All new signs are required to

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meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. No signage is proposed at this time, but the applicant is aware that signs require zoning office approval and permits.

Refuse storage: Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. Trash is stored inside the building, but if dumpsters are utilized in the future they are required to be screened to the standards of the zoning code.

Lighting: The lighting will comply with Chapters 535 and 541 including the following standards:

535.590. Lighting. (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (3) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

MINNEAPOLIS PLAN: Please see finding number one under the rezoning section and finding number 5 under the conditional use permit sections of this report.

SMALL AREA PLANS ADOPTED BY COUNCIL: *The Master Plan for the Marcy-Holmes Neighborhood* has the following relevant policies and information:

The plan supports mixed use developments including multi-family housing for the industrial properties on the river side of University Avenue (see pages 1-2, 1-3, 4-1, and 4-3). Sixth Avenue SE is designated as a Gateway Corridor that is intended to be more landscaped and pedestrian friendly (see page 5-7). Chapter eight outlines various design guidelines including appropriate landscaping, rooflines, and building materials. The plan indicates that height limits in this area should be per the zoning code and may be relaxed in certain cases (see pages 4-2 and 8-6). In general, the plan calls for building heights to gradually increase from University Avenue to Main Street not to exceed the Red Tile Elevator.

The Mississippi River Critical Area Plan states that “the City will follow the land use guidelines of *The Minneapolis Plan* except where modified by small area plans...” Development in the Urban Diversified District should have a high degree of visual compatibility with the river and should not block or impact key scenic views. Walls of tall buildings should be avoided and accessibility points through the river corridor development should be designed (page 25). It is the opinion of staff that with the staff recommendations the proposed site plan is in conformance with these goals. Further, the building is setback a significant distance from the river and has the steam plant development between it and the river.

It is staff’s opinion that the proposed development, with the recommended conditions of approval, is in conformance with the small area plans.

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.**
- Building location.

The building is up to the property line on 6th Avenue SE except at the southwest corner, at the building entrance, where it is setback up to 24 feet on the first floor to provide a covered entrance. The building is not within eight feet of the property line along Main Street SE. It is setback 102 feet at its furthest point on the west side tapering to 30 feet at its closest point on the east side of the site. There will be a large landscaped area between the building and the public

sidewalk and public art on the retaining walls along Main Street and 6th Avenue as amenities in lieu of the building wall. In addition, there is a power line easement running across the northerly part of the site that restricts the building location to the southerly part of the site. Staff recommends alternative compliance for the building location because the site conditions make strict adherence impractical and because the site plan has amenities to mitigate the adverse effect of the alternative.

- Principal entrance.

The principal entrance opens onto the public sidewalk on 6th Avenue SE. The principal entrance is clearly defined at the front of the building with a recessed arcade. There is also an entrance facing Main Street SE that is not clearly defined or emphasized with architectural features. Staff recommends that additional architectural detail be provided to emphasize the entrance location on Main Street SE.

- Number of trees.

The development is required to provide eight trees and 40 shrubs. The site plan shows zero on-site trees and approximately 479 shrubs. The applicant is providing nine trees and another 500 shrubs in the public right-of-way as an amenity in lieu of the on-site tree requirement. Staff recommends granting alternative compliance for the required trees as there is no place on site where a tree could grow that is not under the power lines or over the parking garage. The site conditions make strict adherence impractical. The applicant is providing an amenity of boulevard trees and shrubs to mitigate the adverse effects of the alternative. Staff recommends that the landscaped tree boulevard along Main Street SE be increased in area to connect the two islands to create a larger planting area. Also the easterly portion of this planting area should be moved west to be located to allow a six-foot wide walkway. In addition, staff recommends the addition of at least four ornamental trees on-site along the public sidewalk on Main Street SE.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department – Planning Division for the rezoning from I2 to C3A and to remove the ILOD:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning application from the I2 Medium Industrial District to the C3A Community Activity Center District and to remove the IL Industrial Living Overlay District for property located at 600 Main Street SE.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the conditional use permit application for 98 dwelling units for property located at 600 Main Street SE subject to the following condition:

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

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the conditional use permit application to increase the height to six stories or 70 feet for property located at 600 Main Street SE subject to the following condition:

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

2) Permissible interior noise levels meet the standards as outlined by the City’s Environmental Health Division in the attached PDR report.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the variance application to reduce the south interior side yard setback from 15 feet to various distances down to zero at the closest point to the property line for property located at 600 Main Street SE.

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

The Community Planning and Economic Development - Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for a mixed use 98 unit residential building located at 600 Main Street SE, subject to the following conditions:

1. CPED Planning staff review and approval of the final site and landscaping plans and elevations.
2. All site improvements shall be completed by March 23, 2009, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.
3. Compliance with the applicable standards of the SH Shoreland Overlay District and the MR Mississippi River Overlay District.

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4. Architectural detail shall be provided to emphasize the entrance location on Main Street SE.
5. The landscaped tree boulevard along Main Street SE shall be increased in area to connect the two islands to create a larger planting area. Also, the easterly portion of this planting area shall be moved west to allow a six-foot wide walkway.
6. The landscaping plan shall show the addition of at least four ornamental trees on-site along the public sidewalk on Main Street SE.
7. Additional plant types shall be added to the landscaped area in front of the building along Main Street SE to create a more diverse landscaped area.
8. A walkway shall be constructed at the east side of the site to connect the public walkway between the Stone Arch Apartment buildings to the possible bike trail to the south of the site.

Attachments:

- 1) Legal description.
- 2) Statements from the applicant.
- 3) PDR Report.
- 4) Zoning maps.
- 5) Site plan, floor plans, and elevations.
- 6) Photos and aerials.

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Legal Description:

That part of Government Lot 4, Section 23, Township 29, Range 24, and parts of Lots 11 and 14, AUDITOR'S SUBDIVISION NO. 44, Hennepin County, Minnesota, described as follows:

Commencing at the most Westerly corner of Block 52, ST. ANTHONY FALLS; thence Southwesterly, along the Southwesterly extension of the Northwesterly line of said Block 52, to the Southwesterly line of Main Street S.E.; thence on an assumed bearing of North 60 degrees 00 minutes West, along the Southwesterly line of said Main Street S.E., a distance of 0.71 feet to the actual point of beginning of the tract of land to be described; thence South 60 degrees 00 minutes East, along the Southwesterly line of said Main Street S.E., a distance of 482.70 feet; thence North 73 degrees 07 minutes 20 seconds West, a distance of 99.88 feet; thence along a tangential curve to the left having a radius of 1,769.03 feet, a distance of 107.87 feet; thence along a compound curve having a radius of 1,262.28, a distance of 348.85 feet, to its intersection with a line bearing South 40 degrees 14 minutes West from the point of beginning; thence North 40 degrees 14 minutes East, a distance of 197.89 feet, to the point of beginning. (Said last described course being the Southeasterly line of 6th Avenue S.E., as described in deed recorded in Book 10 of Miscellaneous, page 514, Office of the County Recorder, Hennepin County, Minnesota).

EXCEPT that part described as follows:

That part of Government Lot 4, Section 23, Township 29, Range 24, Hennepin County, Minnesota, described as follows:

Commencing at the most westerly corner of Block 52, ST. ANTHONY FALLS, Hennepin County, Minnesota; thence South 29 degrees 12 minutes 30 seconds West, assumed bearing along the southwesterly extension of the northwesterly line of said Block 52, 73.56 feet; thence South 55 degrees 52 minutes 10 seconds East 9.26 feet; thence southeasterly along a tangential curve concave to the southwest 27.46 feet, said curve having a radius of 405.00 feet and a central angle of 03 degrees 53 minutes 06 seconds; thence southeasterly along a reverse curve concave to the northeast 17.66 feet, said curve having a radius of 455.00 feet and a central angle of 02 degrees 13 minutes 26 seconds, to a point on the southwesterly line of vacated Main Street S.E. and the point of beginning of the property to be described; thence South 60 degrees 47 minutes 30 seconds East, along said southwesterly line, 427.43 feet; thence North 73 degrees 54 minutes 50 seconds West 13.21 feet; thence North 60 degrees 47 minutes 30 seconds West 362.40 feet; thence northwesterly along a tangential curve concave to the northeast 52.28 feet, said curve having a radius of 455.00 feet and a central angle of 06 degrees 34 minutes 59 seconds, to the point of beginning.

AND

That part of vacated Main Street S.E. in the plat of ST. ANTHONY FALLS, Hennepin County, Minnesota, described as follows:

Commencing at the most westerly corner of Block 52, ST. ANTHONY FALLS, Hennepin County, Minnesota; thence South 29 degrees 12 minutes 30 seconds West, assumed bearing along the southwesterly extension of the northwesterly line of said Block 52, 73.56 feet to the point of beginning of the property to be described; thence South 55 degrees 52 minutes 10 seconds East 9.26 feet; thence southeasterly along a tangential curve concave to the southwest 27.46 feet, said curve having a radius of 405.00 feet and a central angle of 03 degrees 53 minutes 06 seconds; thence southeasterly along a reverse curve concave to the northeast 17.66 feet, said curve having a radius of 455.00 feet and a central angle of 02 degrees 13 minutes 26 seconds, to a point on the southwesterly line of vacated Main Street S.E.; thence North 60 degrees 47 minutes 30 seconds West, along said southwesterly line, 53.99 feet to the southwesterly extension of the northwesterly line of said Block 52; thence North 29 degrees 12 minutes 30 seconds East, along said southwesterly extension of the northwesterly line of said Block 52, 6.44 feet to the point of beginning.

Being registered land as is evidenced by Certificate of Title No. 1086219.