

Department of Community Planning and Economic Development - Planning Division
Variance and Site Plan Review
BZZ-4193

Date: November 3, 2008

Applicant: 500 LLC

Address of Property: 500 3rd Street North

Project Name: 500 – 3rd Office Building

Contact Person and Phone: David Kelly, Architect 952-922-2220

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

Date Application Deemed Complete: September 22, 2008

End of 60 Day Decision Period: November 21, 2008

Ward: 7 Neighborhood Organization: North Loop

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

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 13

Legal Description: Not applicable for this application.

Proposed Use: A three-story addition to an existing four-story building for office use.

Concurrent Review:

Variance: To increase the maximum allowable Floor Area Ratio from 4.0 to 4.78.

Site Plan Review: For a three-story approximately 22,500 square foot building addition.

Applicable zoning code provisions: Chapter 525, Article IX Variances, specifically Section 525.520(3) “to vary the gross floor area ratio...”; and Chapter 530, Site Plan Review.

Background: This item was continued from the October 20, 2008, meeting of the City Planning Commission to allow staff additional time to review the proposal and the standards of the national Historic District. The applicant proposes to convert a four-story warehouse building to office use. In addition, a three-story addition on top of the existing four stories is proposed that will also be office space. The basement and first floor will be converted to parking space for the building.

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Additions over 1,000 square feet require site plan review. The proposed addition will increase the building floor area ratio (FAR) to 4.78, which exceeds the allowable FAR of 4.0 in the B4S-1 Downtown Service District, so a variance of this requirement is necessary. Please see the attached letter from the neighborhood group.

The subject building is currently not a locally designated structure. It is located within the National Register of Historic Places Warehouse District, but outside of the local Warehouse Historic District. The City of Minneapolis Code provides the city clear oversight over proposed exterior alterations to buildings within the *local* Warehouse Historic District, but because the property is only within the National Register boundaries heritage preservation review authority is limited and Heritage Preservation Commission review is not required for the building addition. However, National Register designation still encourages the preservation of historic properties by lending support to local preservation activities.

The *Minneapolis Warehouse Preservation Action Plan* was adopted by the Minneapolis City Council in 2000, and one of the goals is to seek and expanded local historic district in line with the national historic district. In addition, this structure is a contributing structure to the National Register Warehouse District, eligible to be designated as a local individual landmark, national landmark, and/or nomination to the National Register of Historic Places; because of these reasons, CPED-Preservation and Design staff provided the following information as background for the zoning code land use application findings in this report.

The Green & DeLaitre Company Wholesale Grocery Warehouse building, built in 1908, is a simple four-story rectangular brick building with a corbelled cornice. The first story has Chicago windows while the openings in the upper stories are paired in the corner bays and organized as single units in the middle bays. The trim and sills are constructed with cast stone, possibly from C.A. P. Turner's National Stone Manufacturing Company. The building's brick façade does not reveal its revolutionary structural system. This is one of the earliest extant examples in Minneapolis of a flat slab reinforced concrete design by C.A.P. Turner. Concrete columns with mushroom capitals support a slab with no dropped beams. Considering the modest size of this building, these large closely-spaced columns suggest an experimental design (National Register of Historic Places Nomination Form).

The subject property has ties to a significant Minneapolis individual and master engineer/architect. The architect on record for the Green & DeLaitre Company building was Claude Allen Porter (C.A.P.) Turner. Turner was also the engineer of the Pillsbury A. Mill and Northwestern Knitting Co. (International Market Square). Turner was a forerunner in the development of reinforced concrete and eventually patented over thirty processes for various forms of reinforcement and types of centering for reinforced concrete construction. In 1898, he used the slab system supported by girders spanning columns but by 1903 concluded he could delete the beam and thus may have invented the concept of the first flat slab on mushroom columns (which is a construction feature of 500 North 3rd Street). By 1913, the process had been used in over 1,000 buildings throughout the world. The process reduced unuseable space as well as construction time and materials. Turner initiated one of the most efficient forms of construction in reinforced concrete and won enduring acclaim from the engineering community (History of Dial Building report).

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The subject property also has ties to a significant Minneapolis family, the DeLaittres. The DeLaittre family was a prominent Minneapolis family in the late 19th and 20th century involved with the lumber industry, politics, banking, philanthropy, and the wholesale grocery business. John DeLaittre, who moved to Minneapolis in 1865 and married Clara Towle Eastman, (1832-1912) was a renowned business man in the lumber industry and public servant. Among his accomplishments were being elected the tenth mayor of Minneapolis (April 10, 1877- April 9, 1878), appointment by Governor John Pillsbury as the State Prison Inspector (1879-1887), and service as the commissioner of construction of the State Capital, and Minneapolis City Hall & City Court House in 1900. John's son, Karl DeLaittre (1874-1957), was a prominent banker, state representative for Minneapolis (1905-1906), City of Minneapolis council member, and owner of a wholesale grocery business. Karl's son, John DeLaittre (1907-1992), was also in the banking business. He served as the president of the Farmers & Mechanics Savings Bank and National Association of Mutual Savings Bank. John also served four years on the Federal Home Loan Bank Board, overseeing 4,200 federally chartered savings and loan associations. A Republican, he was appointed by President John F. Kennedy (New York Times: February 9, 1992).

The subject property at 500 3rd Street North is the only known remaining business building that exists in Minneapolis that can be directly attributed to the Delaittre legacy. The John DeLaittre House, which was a Beaux-Arts mansion built in 1909, stood at 122 Franklin Avenue and was raised in the 1960's (AIA Guide to the Twin Cities).

The Secretary of Interior Standards for Rehabilitation provides guidelines for rehabilitation of historic structures. The proposed plan that add three stories, a roof-top addition, altering of the first floor window openings, adding of new openings to the exterior of the building, and removal of the loading dock is not compliance with the following Secretary of Interior Standards of Rehabilitation:

1. Identifying, retaining, and preserving roofs - and their functional and decorative features that are important in defining the overall historic character of the building. This includes the roof's shape, such as hipped, gambrel, and mansard; decorative features such as cupolas, cresting, chimneys, and weathervanes; and roofing material such as slate, wood, clay tile, and metal, as well as its size, color, and patterning.
2. Identifying, retaining, and preserving windows - and their functional and decorative features - that are important in defining the overall historic character of the building. Such features can include frames, sash, muntins, glazing, sills, heads, hoodmolds, paneled or decorated jambs and moldings, and interior and exterior shutters and blinds.
3. Identifying, retaining, and preserving masonry features that are important in defining the overall historic character of the building such as walls, brackets, railings, cornices, window architraves, door pediments, steps, and columns; and joint and unit size, tooling and bonding patterns, coatings, and color.
4. Constructing a new addition so that there is the least possible loss of historic materials and so that character-defining features are not obscured, damaged, or destroyed.

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VARIANCE (to increase the maximum allowable FAR from 4.0 to 4.78)

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.**

The floor area ratio (FAR) is the gross floor area of the building divided by the area of the zoning lot. Gross floor area does not include space devoted to accessory off-street parking or loading facilities, including aisles, ramps and maneuvering space. The total square footage of the building including the parking is 63,078 square feet. The gross floor area of the building that does not include the parking area is approximately 52,925 square feet. The size of the zoning lot is 11,067 square feet. Therefore, the FAR is approximately 4.78. The B4S-1 Downtown Service District allows a base FAR of 4.0 for non-residential buildings, which on this lot would allow 44,268 square feet of gross floor area excluding the parking. The applicant is requesting variance to 52,925 square feet, or an FAR of 4.78; an increase of approximately 20 percent. If the variance were denied the building addition would have to be reduced in size by 8,657 square feet to meet the 4.0 FAR, which would eliminate the proposed seventh floor and part of the proposed sixth floor.

While the addition of three floors may be reasonable on their own, in the context of the National Historic District they may not be reasonable due to the adverse effect it would have on the character of the building. In addition, the site is flat and square, so staff can identify no undue hardship that would necessitate the increase in the floor area ratio.

- 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.**

This site square and there is no grade change on the site that mitigates the proposed bulk of the building or that is a unique circumstance not created by the applicant.

- 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 set the parameters for the size of buildings, while allowing the developer some flexibility in the design of the building, and to ensure that the new structure is compatible with surrounding structures. The buildings in the immediate area are one to six stories in height with taller buildings to the northwest of the site. While the height of the proposed addition may not be out of character with the surrounding area, the proposed addition would be injurious to the potential future historic district and to a historic resource.

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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 may have an effect on congestion in the public streets, as it will bring a more intense use to the site converting the building from warehouse space to office space; however, adequate parking is provided that meets the requirements of the zoning code and the site is in close proximity to bus routes, parking structures, and a future LRT stop and these are mitigating factors that should reduce the need for employees to drive and should mitigate potential congestion. 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.

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- 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 existing and is located up to the property lines on the street frontages. There are no amenities between the building and public sidewalk as the building is up to the public sidewalk.

There are entrances proposed for the 3rd Street North and 5th Avenue North sides of the building.

There are no surface parking areas.

The exterior materials of the addition are durable metal panels. The northwest elevation is plain faced concrete block painted to match the brick, which is allowed by the zoning code for an elevation that does not face a public street or that is not adjacent to an office residence or residential district.

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The new building walls will contain architectural detail including windows and recesses and projections, but the northwest elevation does not meet the prohibition on blank facades greater than 25 feet in length. Staff recommends alternative compliance as it is not visible from a public street or an office residence or residence district and additional architectural detail may detract from the historic character of the building. Future changes in materials from this proposal may require review and approval by the City Planning Commission.

Non-residential uses are required to provide 30 percent windows on the first floor and 10 percent windows on the second floor of facades facing a public street or on-site parking lot, for the new construction, and the existing windows in the existing building can not be reduced below the amount currently provided.

Where original window openings that are filled in with block exist, staff has typically required that they be reopened to meet the 30 percent window requirement where practical and where it is supported by adopted small area plans. In this case the *Downtown East/North Loop Master Plan* encourages street level retail along 5th Avenue North and designates this street as a “primary pedestrian movement corridor” (pages 38 and 56). In addition there are CPTED standards that discourage facades without windows (see the Additional Standards section of this staff report for more detail). While retail can not necessarily be required on the first floor, the installation of vision glass, or even glass block, will make the first floor elevation more pedestrian friendly and will preserve the ability to convert the first floor to retail or office space in the future.

The floors of the addition meet the window requirements and provide 75 percent windows on the 5th Avenue North elevation on all floors and 57 percent on 3rd Street North elevation on all floors.

The roof is a flat mansard type roof. The majority of structures in the immediate area have flat roofs with cornices and without a mansard style. Staff does not recommend alternative compliance and recommends that the roof of the addition have a roof line with a cornice similar to the existing building.

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 entrances to the building open onto the public sidewalks.

There are no transit shelters on the site.

Vehicular access and circulation has been designed to minimize conflict with pedestrians. The parking garage will open onto the alley.

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Public Works and the Fire Department have reviewed the site plan for vehicular access and circulation and find them acceptable (please see attached PDR report). The proposed loading dock at the rear of the building will not be approved by Public Works.

In order to reduce impervious surfaces staff recommends the area for the proposed loading dock at the rear of the building, which has been denied by Public Works, be converted to a landscaped area.

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 site plan shows zero percent landscaping. The zoning lot area is 11,067 square feet and the footprint of the building is 10,153 square feet. This leaves 914 square feet, of which 20 percent (183 square feet) is required to be landscaped. Staff recommends that the area for for the proposed loading dock at the rear of the building, which has been denied by Public Works, be converted to a landscaped area. This would add approximately 250 square feet or 27 percent landscaping to the site.

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The development is required to provide a minimum of two canopy trees and nine shrubs on site. The site plan shows no trees or shrubs. Staff recommends granting alternative compliance for the canopy trees, as there is no place on the site that can accommodate a tree without it conflicting with the alley, building, or drive aisle to the parking. Staff does recommend that the applicant provide a superior landscaping plan including an ornamental tree, a variety of plant types beyond the nine required that cover the entire landscaped area, and seasonal interest as an amenity in lieu of the two trees.

There are no surface parking lots.

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 addition will not block important views of the city and will not significantly shadow public spaces and adjacent properties. It should not significantly generate wind currents at ground level.

The plan does not meet the CPED guidelines for natural surveillance and visibility. The applicant is proposing to keep all existing window openings blocked up. Staff recommends that the blocked window openings be reopened with vision glass or glass block. Vision glass would allow views into and out of the building. Glass block would not allow views into and out of the building, but would preserve the openings and would allow light onto the adjacent spaces during the night. 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.

As noted in the background section this structure is a contributing structure to the National Register Warehouse District and is eligible to be designated as a local individual landmark, national landmark, and/or nomination to the National Register of Historic Places, but it is not currently designated or in a local district. The ability to address historic preservation issues through the site plan review process is limited, but staff encourages the applicant to meet with CPED Preservation and Design staff to consider alternatives for the building that would be in conformance with the Secretary of Interior Standards for rehabilitation of historic structures.

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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: An office building is permitted use in the B4S-1 Downtown Service District.

Off-Street Parking and Loading: The zoning code requires 1 space per 1,400 square feet of gross floor area for all non-residential uses, but not less than four spaces, in the B4S-1 District. The gross floor area of the new construction is approximately 22,466 square feet which results in a parking requirement of 16 spaces and 20 are provided. The existing building has no parking and because the conversion of the warehouse space to office space would not require additional parking (both require one space per 1,400 square feet of gross floor area), no parking is required for the conversion of the existing building, just the new construction. One handicapped van accessible spaces is required and four are provided. No loading spaces are required.

Maximum Floor Area: The maximum FAR in the B4S-1 District is 4.0 for non-residential buildings. The zoning lot in question is 11,067 square feet in area. The site will contain approximately 52,925 square feet of gross floor area on the lot, an FAR of 4.78.

Building Height: Building height is controlled by FAR in the B4S-1 District.

Minimum Lot Area: There is no minimum lot size for offices in the B4S-1 District.

Dwelling Units per Acre: There are no residential units proposed.

Yard Requirements: In general, there are no setback requirements in B4S-1 District unless adjacent to residential zoning, or if there are residential uses with windows facing interior property lines. There are no adjacent or on-site residential uses, so setbacks are not required for this building.

Specific Development Standards: There are no Specific Development Standards for offices in the B4S-1 District.

Hours of Open to the Public: In the B4S-1 District, uses may be open to the public during the following hours: Sunday through Saturday from 6:00 a.m. to 1:00 a.m. The office will be open 8:00 a.m. to 8:00 p.m. weekdays.

Signs: Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. The sign plan is not yet determined, but the applicant is aware that all signage requires Zoning Office review and approval and permits.

Refuse storage: 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. The refuse containers are screened per code.

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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 arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (½) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

MINNEAPOLIS PLAN: The *Downtown 2010 Plan* is the part of the comprehensive plan that guides development for downtown. It was adopted by the City Council in 1996. The plan states that “the neighborhoods surrounding the core contain various housing and commercial functions. Although included in the boundaries of the downtown area, specific planning for these neighborhoods generally falls outside the scope of the plan.” More useful guidance for the site area is found in *The Minneapolis Plan*, the draft *Minneapolis Plan for Sustainable Growth*, and the approved small area plans.

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

1.7 Minneapolis will recognize and celebrate its history.

Implementation Steps

- Continue to designate buildings, sites and districts as local heritage preservation sites.
- Provide educational activities to encourage citizens to understand the city’s history and rich traditions.
- Incorporate heritage preservation at the earliest stage of planning for new development and neighborhood revitalization
- Encourage new developments to retain historic structures, incorporating them into new development rather than demolishing them.

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

Implementation Steps

- Enhance downtown as a special place that offers the finest qualities and experiences associated with cities.
- Maintain downtown as the economic center for the Twin Cities metropolitan area and Upper Midwest region.
- Strengthen downtown's position as a regional retail center that serves downtown employees, visitors and regional residents.
- Strengthen downtown's role as the region's center of arts, entertainment and culture.
- Provide a balanced transportation system that ensures continued economic vitality and contributes to the quality of life for downtown, the city and the metropolitan area.

9.4 Minneapolis will promote preservation as a tool for economic development and community revitalization.

Implementation Steps

- Use historic preservation goals to encourage development and reinvestment in the city.
- Identify, designate and protect sites, buildings and districts in the city with historic or architectural significance.
- Designate individual buildings with historic or architectural significance that have been identified by the city's Heritage Preservation Commission.
- Protect designated structures, sites and districts from demolition, neglect or inappropriate modifications.
- Protect potentially significant historic structures from demolition until the city can determine the significance of the structure and explore alternatives to demolition.
- Encourage relocation of historic resources as a last means of preservation for endangered properties.
- Continue surveys and studies of property in Minneapolis' in order to maintain and periodically update the inventory of Minneapolis potentially significant historic resources.
- Develop creative economic incentives in the public and private sector to promote the rehabilitation, maintenance and reuse of the city's historic resources.

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.

Implementation Steps

- Facilitate the location of new economic activity (office, research and development, and related light manufacturing) that takes advantage of environmental amenities and co-exists with neighbors in mixed-use environments.
- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods.
- Curb the inefficient use of land by regulating maximum and minimum height, setbacks, build-to lines and parking through master planning methods and zoning code regulations.
- Require site designs which maximize the potential for public transit and alternative transportation use in commercial, research and development and light industrial developments.
- Provide setbacks, build-to lines and landscaping standards in commercial and industrial districts that are appropriate to the impacts on neighboring uses.

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9.11 Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.

Implementation Steps

Enhance unique characteristics of the city's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality public spaces and infrastructure.

Identify commercial areas in the city that reflect traditional urban form and develop appropriate standards and preservation objectives for these areas.

Enhance pedestrian and transit-oriented commercial districts with street furniture, tree planting, and improved transit amenities.

Orient new buildings to the street to foster safe and successful commercial nodes and corridors.

Expand the scope of site plan review to include most types of commercial development.

Require storefront transparency to assure both natural surveillance and an inviting pedestrian experience.

9.12 Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.

Implementation Steps

Encourage parking strategies that reduce the need for parking in order to avoid spillover into neighboring residential areas, including residential parking permits and the joint use of available parking in mixed-use areas.

Offer incentives so that new parking structures built in high activity areas (e.g. Growth Centers and Activity Centers) are designed to include a mix of uses through the presence of active street-level uses such as general retail or commercial services.

The Draft Minneapolis Plan for Sustainable Growth echoes and strengthens the above noted policies of *The Minneapolis Plan*. It promotes a walkable city (Transportation-Chapter 2), recommends that downtown remain a Growth Center (Economic Development-Chapter 4), promotes ground floor uses in buildings (Urban Design-Chapter 8), and recommends preserving historic resources (Historic Preservation-Chapter 9).

The adaptive reuse of this building for office use is in conformance with the above noted goals of the plans. The proposed building is not designated, but is a potential historic resource and it is the opinion of staff that the proposed alterations are not in conformance with the comprehensive plan's historic preservation goals. Under site plan review, though, the authority to regulate non-designated buildings for preservation issues is limited. Based on this fact, and with the recommended conditions of approval, the proposed site plan is in conformance with the goals of the comprehensive plan for the applicable site plan review regulations.

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SMALL AREA PLANS ADOPTED BY COUNCIL:

The Minneapolis Warehouse District Preservation Action Plan was adopted by the City Council in 2000. The Economic Development chapter of the plan has the goal to “promote the adaptive reuse of buildings in the Plan Area and encourage appropriate development of vacant or underutilized parcels.” The plan also seeks the expanded designation of the local warehouse district to match the boundaries of the national district (chapter 1). It also has many polices for protecting designated buildings. It is the staff’s opinion that the reuse of the building for offices is in conformance with this plan, but the addition to the building does not meet the goals of the plan, although they apply to designated buildings or potential designated buildings receiving public funds.

The Downtown East/North Loop Master Plan was approved by the City Council in October of 2003. This site is within the plan area. The planning area is divided into precincts and this site is located in the “Warehouse West” precinct. The plan states that “the historic warehouse structures in this precinct should be protected and preserved, with an emphasis on adaptive reuse of existing structures. The majority of the development should be medium intensity, mixed-used development at a scale similar to that of existing buildings.” It also states that “street level retail should be encouraged to stretch along 5th Avenue North to create a connection between Washington Avenue and the commercial node at, or near, the new multi-modal station proposed at the new ballpark.” The plan also designates 5th Avenue North as a primary pedestrian movement corridor. The proposed reuse of the building is in conformance with this plan, but the addition to the building and the lack of windows and retail on the first floor is not in conformance with the plan.

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.**

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

- Blank walls exceeding 25 feet.

The new building walls will contain architectural detail including windows and recesses and projections, but the northwest elevation does not meet the prohibition on blank facades greater than 25 feet in length. Staff recommends alternative compliance as it is not visible from a public street or an office residence or residence district and additional architectural detail may detract from the historic character of the building.

- Form and pitch of roof.

The roof is a flat mansard type roof. The majority of structures in the immediate area have flat roofs with cornices and without a mansard style. Staff does not recommend alternative compliance and recommends that the roof of the addition have a roof line with a cornice similar to the existing building.

- Number of trees on site.

The development is required to provide a minimum of two canopy trees and nine shrubs on site. The site plan shows no trees or shrubs. Staff recommends granting alternative compliance for the canopy trees, as there is no place on the site that can accommodate a tree without it conflicting with the alley, building, or drive aisle to the parking. Staff does recommend that the applicant provide a superior landscaping plan including an ornamental tree, a variety of plant types beyond the nine required that cover the entire landscaped area, and seasonal interest as an amenity in lieu of the two trees.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department - Planning Division for the floor area ratio variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance to increase the maximum allowable floor area ratio from 4.0 to approximately 4.78 for property located at 500 3rd Street North.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the site plan review for property located at 500 3rd Street North subject to the following conditions:

- 1) CPED Planning staff review and approve the site plan, lighting plan, landscaping plan, and elevations before permits may be issued.
- 2) All site improvements shall be completed by November 3, 2009, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 3) The first floor original window openings have the filled-in block removed and replaced with vision glass or glass block. The original window openings on the first floor shall not be enlarged or reduced from their original construction when the new vision glass or glass block is installed.
- 4) The roof of the addition shall have a roof line with a cornice that is similar the existing roof line and cornice on the existing building as required by section 530.120(c).
- 5) The site plan includes a landscaped area at the rear of the building where a loading dock is proposed, but that will not be allowed by Public Works. The landscaping plan in this area shall provide a superior landscaping plan including an ornamental tree, a variety of plant types beyond the nine required that cover the entire landscaped area, and seasonal interest as an amenity in lieu of the two trees required by section 530.160.
- 6) The applicant is encouraged to meet with CPED-Preservation and Design staff to consider alternatives for the building that would be in conformance with the Secretary of Interior Standards for rehabilitation of historic structures. Any demolition of the existing 5th Avenue North loading dock and/or canopy requires the applicant meet with CPED-Preservation and Design staff for compliance with applicable regulations.

Attachments:

1. Statements from applicant.
2. Correspondence.
3. PDR report.
4. Zoning maps.
5. Site plan, floor plans, and elevations.
6. Photos and aerials.