

Department of Community Planning and Economic Development—Planning Division
Conditional Use Permit (Amending the Planned Unit Development) and Site Plan Review
BZZ-3029

Date: 6/26/06

Applicant: Brighton Development Corp., 614 N. 1st St., Suite 100, Minneapolis, MN 55401

Address of Property: 600 Washington Ave. S. (new address will be 201 Park Ave.).

Project Name: 201 Park (formerly known as Park Avenue Lofts East)

Contact Person and Phone: Deidre Schmidt, Brighton Dev. Corp. 612-332-5664, (fax) 612-332-1250, email: dschmidt@brightondevelopment.com)

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Date Application Deemed Complete: 6/1/06

End of 60-Day Decision Period: 7/31/06

End of second 60-Day Decision Period: Not applicable at this time

Ward: 2 **Neighborhood Organization:** Downtown Minneapolis Neighborhood Assoc.

Existing Zoning:

- C3A, Community Activity Center District
- Downtown Height Overlay District
- Downtown Parking Overlay District

Zoning Plate Number: 19

Legal description: New Mills District Second Addition, Block 1.

Proposed Use: Brighton Development Corporation proposes to construct the fourth phase of a six-phase Planned Unit Development on the two-block site known as Parcel D. This phase includes the construction of a 43-unit condominium building with a gross floor area of 125,275 sq. ft. including a two-level underground parking garage for 61 vehicles. The current address for the site is 600 Washington Ave. S. but the new building will have an address of 201 Park Ave.

Prior Approvals: Refer to Attachment 8 for a complete listing of all of the prior approvals for the Planned Residential Development.

Attention: If you want help translating this information, call - **Hmong** - Ceeb toom. Yog koj xav tau kev pab txhais cov xov no rau koj dawb, hu 612-673-2800; **Spanish** - Atención. Si desea recibir asistencia gratuita para traducir esta información, llama 612-673-2700; **Somali** - Ogow. Haddii aad dooneyso in lagaa kaalmeeyo tarjamadda macluumaadkani oo lacag la' aan wac 612-673-3500

Concurrent Review:

- Amend the existing Conditional Use Permit / Planned Residential Development [originally BZZ-832 (approved 11/18/02), and amended by BZZ-2009 (approved 9/13/04) and BZZ-2301 (approved 6/13/05)].
- Site plan review application.

Applicable Zoning Code Provisions:

- **Conditional Use Permit:** Planned Residential Developments are conditional uses per Table 546-1.
- **Site Plan Review:** Developments over 20,000 sq. ft. need a site plan review approval per Table 530-1.

BACKGROUND

The overall Planned Unit Development: The City Council, acting in its capacity as the Board of the Minneapolis Community Development Agency (MCDA, now known as the Minneapolis Community Planning and Economic Development Department), granted development rights to Brighton Development Corp. for the two-block project on the site known as Parcel D. The Council also approved a development agreement for the project. Attachment 9 shows the various components of the six-phase project (refer also to the chart below).

Applications for Planned Unit Developments (PUD), including Planned Residential Developments,¹ usually include two levels of approvals. The initial application must include a detailed description and analysis of the first phase of a project, and the City's final action will address primarily this first phase. However, the PUD application must also include a description of the concept for the entire PUD, called a Development Plan. This is important so that the City can understand how the first phase fits into the overall PUD. After the City takes a final action on the first phase, the Zoning Code allows the applicant to seek approval of subsequent phases of the PUD when they are ready. The City will consider each of these applications as modifications of the original PUD Development Plan approval, and, as such, each application can include changes to the original Development Plan. In sum, the City action on this fourth phase, the 201 Park project, will be final. If approved, this decision will also amend the Development Plan for the New Mills District PUD; however, the Development Plan is considered at the concept stage at this time, with the exception of the first four phases.

Phase IV, the 201 Park Project (based on the applicant's submission): 201 Park is a five-story, 43-unit condominium building, and two levels of underground parking for 61 vehicles (plus 6 tandem stalls). Underground construction will be poured concrete walls with precast concrete columns, beams and plank. First floor structure will be precast columns, beams, and plank. Upper levels will be wood framed with a combination brick and metal panels, similar in appearance to Park Avenue Lofts West, which is located across Park Avenue to the west. There will be a variety of square footages and unit types within the development. The first

¹ Types of PUDs include Planned Residential, Planned Commercial, and Planned Industrial Developments.

floor units will have their own front entrances and urban garden space. The fifth floor units will have rooftop terraces.

The overall two-block PUD project includes the following elements (the subject application constitutes Phase IV of this six-phase PUD):

New Mills District PUD Phases

Phase	Parcel	Project	Status	Uses (some figures are approximations)
I	D West	Park Ave. Lofts West	Completed and inhabited	38 condominium units in a 5-story concrete structure with below-grade parking for 68 vehicles
II	D East	Mill Quarter Municipal Parking Ramp	In operation	340 stalls, 77 of which are reserved for the St. Anthony Mills Apartment residents. This leaves 263 stalls for the public.
III	D East	St. Anthony Mills Apartments	Under construction	93 dwelling units that form “liner development” around the Mill Quarter Municipal Parking Ramp; 2 commercial/retail spaces.
IV	D East	Park Ave. Lofts East (201 Park)	Subject of CPC approvals	43 condo units in a 5-story structure with two-levels of underground parking for 61 vehicles.
V	D West	Washington Live-work project	No application	32 live and/or work units with below-grade parking (assume 50 stalls)
VI	D West	The Portland	No application	44 condo units in a 4-story L-shaped post-tension concrete structure with below-grade parking (assume 70 stalls)
Totals				250 units, 326 private stalls (average of 1.4 per unit), 263 public stalls

CONDITIONAL USE PERMIT

Findings as Required by the Minneapolis Zoning Code for the Conditional Use Permit for the Use:

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

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

The City staff’s Preliminary Development Review Committee provided extensive input to the early design of the project after the committee’s review on 10/19/05. The applicant has responded to all of the recommendations.

The project is part of the redevelopment of the historic Minneapolis riverfront, although the site is adjacent to but not within the St. Anthony Falls Historic District. The site is in a burgeoning neighborhood that includes a mix of market rate and upper bracket ownership housing, multi-family rental, commercial, retail, and cultural attractions. The rehabilitation of the Mill District buildings and new infill construction

for residential, offices, and the new Mill District Museum is to the north of the site. CSM Corporation recently completed the Depot East project, a mixed-use development, to the west of the site on Parcel C that includes residences, offices, and a restaurant. The Commission recently approved the MacPhail Center for Music at 2nd St. S. and 5th Ave. From Portland Avenue back towards Hennepin Avenue and the Mississippi River there is multifamily housing, the ice park at the restored Milwaukee Road Depot, the U.S. Post Office, and a variety of office uses. On the Second Street side of Parcel D is the former Hyatt Hotel (now proposed for conversion to condominiums), the Crown Roller Mill offices, and a series of market-rate condominium buildings (North Star Lofts, Stone Arch Lofts, Washburn Lofts, and Humboldt Lofts). Located behind these buildings, along the river, is the Mill Ruins Park, as well as the restored Store Arch Bridge, which offers easy pedestrian access to the opposite bank of the Mississippi River. The new Guthrie Theatre is about to open to the northeast of Parcel D, kitty corner from St. Anthony Mills. Chicago and Washington avenues are lined with a mix of office and commercial spaces including the Sawatdee Restaurant and the Open Book/ Minnesota Center for the Book Arts. The proposed residential units will be compatible with the surrounding uses.

- 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.**

Refer to the prior response. The applicant's response follows: "The project is designed to replace surface parking, and provide infill housing development in a previously blighted area. It will be complementary in external appearance to Park Avenue Lofts West across the street. In this way, the project will improve the enjoyment of other property in the vicinity – especially owners in the adjacent buildings that will look out onto housing instead of surface parking. The project's design will be compatible with the surrounding architecture and uses in the area, and will enhance the Mill City Museum and the other projects in the area with pedestrian access on the east side running between the project and the Mill Quarter Municipal ramp."

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

The proposed project will provide adequate utilities. Adequate drainage and necessary facilities will be provided. The Public Works Department has approved a Stormwater Management Plan for the PUD. The project will include adequate utility service, access, and driveways consistent with all pertinent regulations. The project includes emergency vehicle access and a trash loading/vehicle maneuvering area off of 2nd Street in the fire lane to the east side of the property.

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

The parking requirements of the Zoning Code call for 43 stalls for the residential units. There will be 55 standard spaces, 2 compact spaces, 4 handicap spaces for a total of 61 stalls (1.4 stalls per unit). Plus there are 6 tandem stalls. Access to the garage will be via 2nd St. S. The project will have no substantive effect on traffic congestion in the area. Loading and trash service will be by means of the private service drive on the southeast corner of the site.

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

The following is a review of the applicable plans and policies of the City:

a. The City’s Eight Goals (selected):

Goal 1: Increase the City’s population and tax base by developing and supporting housing choices city-wide through preservation of existing housing and new construction.

Goal 6: Market downtown as a place to live work, play and do business

b. The “Minneapolis Downtown 2010” chapter of the *Minneapolis Plan* (adopted by the City Council, Mayor, and Minneapolis Planning Commission, March 2000):

Policy 1: Expand housing opportunities in downtown for all income levels, with an emphasis on providing additional moderate to high income, owner-occupied units.

Policy 2: Capitalize on sites that are well suited for housing, especially along the riverfront and around Loring Park, by encouraging medium to high-density housing development.

Policy 4: Locate medium to high-density housing in areas designated as a Riverfront Residential District located adjacent to and near the West River Parkway. This district should provide locations for housing that can take advantage of the open space and recreational amenities of the riverfront. The primary use of this district should be housing. Other retail, office, cultural and recreational uses should be encouraged, especially those that revitalize historic structures, but should be compatible with housing.

Policy 6: Ensure that new residential development contributes to the sense of neighborhoods through appropriate site planning and architectural design.

Policy 7: Protect residential areas from encroachment of incompatible land uses, and ensure that the physical environment of downtown residential areas is compatible with housing by minimizing traffic impacts, maintaining security, and providing and maintaining amenities.

Policy 8: Achieve an appropriate balance between market-rate housing and publicly assisted affordable housing and ensure that publicly assisted housing is provided in a way that contributes to the physical appearance and economic and social health of downtown's neighborhoods.

c. **Other chapters of the *Minneapolis Plan*:**

The Plan includes the following policies most relevant to the entire project:

Growth in the city's population and tax base: Increases in the number and type of housing units are essential to the city's continued prosperity. *The Minneapolis Plan* proposes that this growth occur according to two different scenarios: One is continued infill in residential areas, where single or small clusters of lots are available for redevelopment; the other scenario involves the identification of sites where major housing development could take place, designed for higher density housing to appeal to new and emerging housing markets, such as seniors and empty nesters of all income levels. Together, these scenarios for growth in housing choices are intended to respond to the wide variety of housing sub-markets, by providing a variety of housing types and levels of affordability. (p. 1.i.1.)

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

Implementation Steps (selected):

- The variety of housing types throughout the city, its communities and the metropolitan area shall be increased, giving prospective buyers and renters greater choice in where they live.
 - Identify and support private sector development for changing housing demographics in markets such as seniors, empty nesters and the physically challenged.
 - Up to 20 percent of the units in new multifamily housing developments should be affordable.
 - Develop/provide tax and zoning incentives to developers for infill housing that is well designed, serves several income levels, adds to the tax base and fits the urban environment.

The presence of housing targeted to all income levels as an important element of a successful “mix” is crucial to the marketability of such urban areas. Designing and developing safe and attractive housing types with higher built density (more housing units on the same amount of land) is critical in order to overcome the image that has plagued the reputation of higher density housing types. If important pedestrian-oriented places in the city such as Activity Centers and Neighborhood Commercial Nodes are to be successful, they will

rely on adequate trade areas generated by new households occupying moderate density housing within convenient distances. (p. 1.4.38)

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

Implementation Steps (selected):

- 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.
- 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.

Policy 9.15: Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions.

Implementation Steps (selected):

- Provide appropriate physical transition and separation using green space, setbacks or orientation between residential and non-residential uses.
- Require screening and buffering for new developments next to residential areas.

Policy 9.16: Minneapolis will encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs.

Implementation Steps (selected):

- Require that new development in downtown avoid creating negative impacts at sidewalk level and in public open spaces in terms of wind, lack of light penetration and other microclimate effects.
- Encourage the design of all new buildings to fulfill light, privacy and view requirements for the subject building as well as for adjacent buildings.

- d. **Historic Mills District Master Plan (City Council and Mayor adopted the plan and an update to it (September 2001), the “Update to the Historic Mills District Master Plan”):**

- **Building heights (page 14 of the Update):** The plan and its update calls for buildings to be four-to-five stories or up to eight stories on the two blocks in the PUD (122 feet).
 - **Washington Avenue streetscape (page 7 and pages 26-28):** The streetscape design for Washington Ave. emphasizes the importance of have a strong street wall along Washington Ave. Figure 42 in the update shows buildings about 20 feet from the curb. This is consistent with the conceptual drawings of buildings for the site as shown in the update and in the original plan. The intended projects are expected to be in compliance with the guidelines for building setbacks along Washington Avenue as suggested in the “Update to the Historic Mills District Master Plan” and set by the Depot East project on Parcel C. The origin of the guideline was derived as a compromise in the divergent goals of (a) encouraging new development, (b) preserving some of the views that have been part of the district for more than century, and (c) establishing a wide enough right-of-way so that at some point in the future, it is possible to re-establish Washington Avenue South as a tree-lined boulevard.
- e. **Project Consistency with City Plans and Policies:**
- The project will have a total of 43 units, which calculates to 52 units per acre for the site. The high-density residential category of the *Minneapolis Plan* fits this density. This is consistent with Policies 2 and 4 in the “Downtown 2010 Plan” and Goal 1 of the City Goals.
 - The applicant’s approved development agreement with CPED—Business Development links the 201 Park project with the other developments in the New Mills District PUD. Although there will be no units in the 201 Park project at a price that is affordable to low-and-moderate-income households, the tax increment to be generated by this project will help subsidize affordable units in the Saint Anthony Mills Apartments. In this way, the New Mills District PUD Development Plan is consistent with Policies 1 and 8, the *Minneapolis Plan*, the City Goals, and the City’s “Housing Principles.”
 - Consistent with the “Downtown 2010 Plan,” the *Minneapolis Plan*, the above City Goals, and the City’s “Housing Principles,” the New Mills District PUD and this project will provide needed housing in the area.
 - The completion of projects in this block will help to encourage other new development within the Mills District, particularly along Washington Avenue South. The addition of new workers, residents, and visitors to the area will help to solidify the market for neighborhood retail and commercial services.

Both the existing Park Avenue Lofts West and the proposed 201 Park buildings include large setbacks from Washington Ave. The Zoning Code requirement that buildings be located within 8-feet of the property line approximately matches the 20-foot setback from the curb called for in the Historic Mills District Master Plan and its update for this block face. In contrast, the 201 Park project will have a setback that is identical to that of the already constructed Park Avenue Lofts West at 46 feet from the property line. This is 38 feet more than allowed by the Code and called for in the Historic Mills District Plan. Again, identical to the Park Avenue West building, approximately half of this space (20 feet) will be enclosed by a wall that will be less than 5-ft. tall and on top of a 3-ft. retaining wall to create a private garden area for the two units that are adjacent to Washington Ave. The applicant proposes to create a “public urban garden” in the remaining 26 feet between this wall and the public sidewalk that matches geometrically the landscaping design for the Park Avenue Lofts West building, only the landscaping plan calls for a significantly greater number of shrubs for the 201 Park site.

Policy 9.11 calls for buildings in commercial areas to be oriented to the street via traditional urban form. This implies building close to the property line.

Planning staff concluded the following for the Park Avenue Lofts West project as a part of the staff analysis for the Planning Commission hearing on 11/18/02: “The proposed setbacks for the Park Avenue Lofts West and East [now called 201 Park] buildings are an acceptable variation from the concept presented in the Historic Mills District Plan, provided the live-work buildings to the east and west along Washington Ave. include setbacks consistent with those specified in the Historic Mills District Plan. Planning staff believe that, as long as the future live-work buildings establish the desired strong street wall, a deeper setback for these two residential building facades could provide a landscaped gateway for the residential character proposed for the extension of Park Avenue.” Since this approval, Brighton Development obtained approval to construct the Saint Anthony Mills Apartment project (the project to the east of 201 Park) which has a 4-ft. setback for the residential portion of the building and a zero setback for the commercial portion. The overall Development Plan for the PUD shows the Washington Live-Work project (the project to the west of Park Avenue Lofts West) with a setback that is at or close to the property line.

Current Planning staff are again concerned about the large setback on Washington Ave. In 2002, Brighton Development explained that the

primary need for the large setback stemmed from their concern about the difficulty of marketing street-level units that fronted on busy Washington Ave. However, in the 3 ½ years since the approval for the Park Avenue Lofts West building, the market has changed. The Mill District and the Washington Ave. area have demonstrated a tremendous growth in residential development and, in contrast to Brighton’s concern, residential buildings are being approved at or close to the property lines on Washington Ave. Brighton Development is building the Saint Anthony Mills Apartments project (93 units) which has most of the units with a 4-ft. setback on Washington Ave. and the Washington Live Work project (32 units) will have a setback that meets the Code requirement. In addition, two other residential projects on Washington will have units close up to the street: the Bridgewater (263 units) at 1010 Washington Ave. S. and the Revue (110 units) at 225 Chicago. Planning staff believe that this market concern is no longer valid and that this building could be built to conform to the setback requirements of the Zoning Code and the Historic Mills District Plan (Refer to the Site Plan Review/Alternative Compliance portion of this report for a further discussion of this matter.)

- The project will be consistent with the transportation and CPTED policies in the “Downtown 2010 Plan” and the *Minneapolis Plan*.

6. And does in all other respects conform to the applicable regulations of the district in which it is located upon approval of these conditional use and other permits.

The recommendations and conditions of approval herein will ensure the project conforms to the applicable regulations of the C3A District. The other chapter of the Zoning ordinance that applies to this proposal is Chapter 530, Site Plan Review.

Special Findings as Required by the Minneapolis Zoning Code for the Planned Residential Development for the 201 Park Project:

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

The proposed project is compatible with the surrounding uses (refer to Finding # 1 above).

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

As detailed above, the staffs of the Planning and Public Works Departments are satisfied that the project will not result in significant off-site parking or traffic impacts.

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

Refer to the findings concerning site plan review approval in the following section.

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

Refer to the findings concerning site plan review approval in the following section.

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

Refer to the findings concerning site plan review approval in the following section.

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

On 6/13/05, the Planning Commission approved the final plat for the site (PL-123).

SITE PLAN REVIEW

Required Findings for Site Plan Review

- a. **The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- b. **The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable**

small area plans adopted by the city council. (See Section B Below for Evaluation.)

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

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

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:

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

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.

- e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
- f. **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**

Minimum window area shall be measured as indicated in section 530.120 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.**

Conformance:

- Building placement is as follows:
 - Washington Ave.: As stated above, the Park Avenue Lofts West and the 201 Park buildings include large setbacks from Washington Ave. The Zoning Code requirement that buildings be located within 8-feet of the property line approximately matches the 20-foot setback from the curb called for in the Historic Mills District Master Plan and its update for this block face. In contrast, the 201 Park project will have a setback that is identical to that of the already constructed Park Avenue Lofts West at 46 feet from the property line. This is 38 feet more than allowed by the Code and called for in the Historic Mills District Plan. Again, identical to the Park Avenue West building, approximately half of this space (20 feet) will be enclosed by a wall that will be less than 5-ft. tall and on top of a 3-ft. retaining wall to create a private garden area for the two units that are adjacent to Washington Ave. The applicant proposes to create a “public urban garden” in the remaining 26 feet between this wall and the public sidewalk that approximately matches the landscaping design for the Park Avenue Lofts West building, only the landscaping plan calls for a significantly greater number of shrubs for the 201 Park site.
 - 2nd St. side: The building is 12 ft. back from the property line, which is identical to the Park Avenue Lofts West building to the west. For comparison, the Mill Quarter Ramp to the east is 10 ft. closer to the property line.
 - Park Ave. side: The building is 12.5 ft. from the property line. For comparison purposes, the Park Avenue Lofts West project has two primary building planes with setbacks on Park Ave. at 2 ft. and 12 ½ ft. The 201 Park project matches the primary building plane with its 12 ½-ft. setback. This is 4 ½ feet further than called for by the Code. Both projects have matching recessed main entrances.

- All areas between the building and the property line are landscaped and this landscaping is consistent with that proposed for the public right of way.
- The principal entrance faces Park Ave., 54 ft. from the corner property line with 2nd St. It is clearly defined by being recessed and it has a canopy.
- Parking is under the building and the entrance is on 2nd St.
- The following shows that the project exceeds the minimum glass requirement in the Code. The east side also has a comparable amount of glass on each floor.

Windows	Elevations		
	West	North	South
Faces	Park Ave.	2nd St. S.	Washington Ave.
First Floor Code*	30%	30%	30%
First Floor Plan	58%	51%	58%
Other Floor Code*	10%	10%	10%
Floors 2-4	22%	22%	22%
Penthouse	25%	25%	25%
* Code applies to walls that face a public street, public sidewalk, public pathway, or on-site parking lot (does not apply to alleys).			

- Primary façade materials are brick and pre-finished metal. There are no blank walls longer than 25 ft. and all sides of the building are compatible with each other.
- The applicant has committed to conform to the Code requirements as regards signage.

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.

Conformance:

- Sidewalks surround the site on four sides and there is a connecting sidewalk to the main entrance. The ground floor units on Park Ave. have private entrances from the sidewalk. Public access from Washington to 2nd St. is provided via the service alley on the east side of the site.
- There are no on-site transit shelters proposed.
- Vehicular access to the garage is via 2nd St. A one-way private service drive (westward only) provides access to the building on the southeast side of the site for waste management and service trucks. The project will have no substantive effect on traffic, parking, and access.
- All areas not needed for buildings or access are landscaped.

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.

Conformance:

- With the exception of the service drive, sidewalks, and stoops, the entire site is landscaped. The net site (36,018-19,205) equals 16,813 sq. ft. and the 12,512 sq. ft. of on-site landscaping equals 74% of the net site.
- The Code requires a minimum of 8 trees and 38 shrubs. The project will include 70 trees and 484 shrubs. These numbers include plants in the public right of way and in the City-owned land to the east of the north-south service drive (a total of 5,370 sq. ft. of additional landscaping, which brings the landscape percentage up to 81%). The City and the applicant have agreed that the applicant will landscape the portion of the ramp site that lies between the ramp and the Project and integrate that landscaping into the overall plan for the PUD.
- Although the plans show the height of some of the courtyard walls to be 9 ft. at street grade (they are 6 ft. above the fill between the wall and the structure), the applicant will modify them to conform to the Code's maximum allowable 8-ft. height.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
 - **Natural surveillance and visibility**
 - **Lighting levels**
 - **Territorial reinforcement and space delineation**
 - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

Conformance:

- The project includes a new curb cut on 2nd St. S. for the garage entrance.
- Lighting will be consistent with the Code through the use of full cut-off fixtures and proper placement. The Police Department and CPTED¹ staff reviewed the design as regards crime prevention design elements.
- The project will, to some degree, block views of important elements of downtown buildings from some of the lower five floors of the Washburn Lofts and Humboldt Lofts residential buildings to the north. It will also block views of the historic buildings to the north of the site for people in the lower floors of buildings located to the south of the site. However, the height and scale of the project is consistent with the

approved Mills District Plan and the plan's update so this blockage is considered an acceptable byproduct of appropriate development.

- At only 5 floors, the building will have no significant impact on the generation of pedestrian-level winds.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

Zoning Code: The proposed use is conditional in the C3A District.

Off-Street Parking and Loading: As stated above, the parking requirements of the Zoning Code call for 43 stalls for the residential units. There will be 55 standard spaces, 2 compact spaces, 4 handicap spaces for a total of 61 stalls (1.4 stalls per unit). Plus there are 6 tandem stalls. Access to the garage will be via 2nd St. S. Loading and trash service will be by means of the private service drive on the southeast corner of the site.

Maximum Floor Area: The maximum floor area in the C3A District is 2.7. The floor area ration for this project (86,865/36,018) equals 2.4.

Building Height: Building height in the C3A District is limited to 4 stories or 56 feet, whichever is less. The project is within the Downtown Height Overlay District which increases the allowable height for multi-family developments located between Washington Ave. and 2nd St. to 8 stories or 112 ft., whichever is less. The project will be 5 stories and 64' 2" tall.

Minimum Lot Area: The minimum lot area for planned unit developments in the C3A District is 400 sq. ft. per unit. The lot area per unit for the project is (38,018/43) equals 884 sq. ft. per unit. The lot area requirements would allow a maximum of 95 units on the site, not counting the 20% density bonus the project is eligible for with its structured parking.

Yard Requirements: The C3A District requires no yards on the three street fronts and a 13-ft. rear yard on the east side. The project has a 13.5-ft. yard on the east side.

Specific Development Standards: Not applicable.

Hours of Operation: Not applicable.

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. The applicant proposes to conform to the Code.

Refuse storage: All storage of refuse and recyclable materials will be enclosed in the building and accessed via the service drive on the south side of the site.

Minneapolis Plan: Refer to the Conditional Use Permit section of this report.

Alternative Compliance: The Planning Commission or zoning administrator 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.**

Conformance: The application meets all applicable provisions of the Zoning Code with the following exception:

The Code calls for buildings to be built within 8 feet of the property lines in the C3A District. This requirement applies to the three streets the site fronts on. It is reasonable to expect the building to be built up to one of the corners. The 2nd St. side of the block has a greater predominance of residential uses than the Washington Ave. side and Washington Ave. carries a significantly greater volume of traffic including trucks and buses. Also, the Historic Mills District Plan describes 2nd St. S. as a more residential street. For these reasons, Brighton Development decided to orient the Park Avenue Lofts West and 201 Park buildings to Park Ave. and 2nd St. rather than towards the Washington Ave. end of the block. The main public entrances of both buildings are on Park Ave. close to the corner of 2nd St. (The street-level units in both buildings that front on Park Ave. have private entrances.) The 201 Park building is not identical to Park Avenue Lofts West but it has the same width and length, the same setbacks on 2nd St. and Washington Ave., and it matches the predominant setback on Park Ave.

The east-west placement of the building balances the open space for the units facing those directions. On the Park Ave. side, 3-ft. high decorative fences define private courtyards that are 12 ½ ft. deep. On the east side, the building will be 6 inches further than the required setback. The recessed area creates space for 20-ft.-deep private courtyards for three ground floor units.

Should the Planning Commission share the Planning staff's concern about the project's inconsistency with the Zoning Code and the Historic Mills District Plan, as described in the

response to Finding 4 for the Conditional Use Permit, the Commission could approve the project subject to the building being moved within 8 ft. of the Washington Ave. property line. Alternative compliance would then only be needed for the Park Ave. and 2nd St. S. sides of the site in this case. On the other hand, the following provides a basis for the alternative compliance finding for all three sides, should the Commission wish to approve the proposed setbacks:

The city planning commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:

- 1. The alternative meets the intent of this 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 features, 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.**

The project includes the following site amenities:

- The building placement is consistent with the prior approvals of the Planning Commission for the Development Plan for the New Mills District Planned Unit Development. The project approximately mirrors the Park Avenue Lofts West building in terms of scale, massing, setbacks, architectural style, materials (including same brick color), building height, windows (same window system and color), walls (same color of concrete and height at less than 8 feet) and fences, building entrance style and location, and geometry of landscaping. This creates a unifying and compatible appearance along the three street fronts.
- The project's extensive landscaping between the sidewalk and the walled courtyard will combine with the geometrically similar area in front of the Park Avenue Lofts West project to create a public open space with a park-like appearance along a half-block-wide portion of Washington Ave. on either side of its intersection with Park Ave.
- On-site landscaping equals 74% of the net site, and if landscaping on public land is counted, the figure increases to 81%.
- The project includes ornamental fencing on all four sides and all floors.

The applicant submitted a letter that addresses these same issues (Attachment 10).

- 2. Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**

There are no substantive site locations or conditions, including the approved Development Agreement, that prohibit the project from complying with the Zoning Code's setback requirements.

3. The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

The building placement is consistent with the prior approvals of the Planning Commission for the Development Plan for the New Mills District Planned Unit Development. As stated above, however, the Washington Ave. setback is 36 ft. greater than called for in the adopted Historic Mills District Master Plan. Also, Policy 9.11 calls for buildings in commercial areas to be oriented to the street via traditional urban form. This implies building close to the property line.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division to amend the existing Conditional Use Permit / Planned Residential Development (originally BZZ-832, and amended by BZZ-2009 and BZZ-2301) for the 201 Park Project at 600 Washington Ave. S. (new address will be 201 Park Ave.):

The City Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the amendment to the existing Conditional Use Permit / Planned Residential Development (originally BZZ-832, and amended by BZZ-2009 and BZZ-2301) for the 201 Park Project at 600 Washington Ave. S. (new address will be 201 Park Ave.).

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Site Plan Review application for the 201 Park Project at 600 Washington Ave. S. (new address will be 201 Park Ave.):

The City Planning Division recommends that the City Planning Commission **approve** the Site Plan Review application for the 201 Park Project at 600 Washington Ave. S. (new address will be 201 Park Ave.) for 43 units, subject to the following conditions:

1. CPED Planning staff review and approval of the final site plan, lighting plan, and landscaping plan before the issuance of building permits.
2. All site improvements shall be completed by June 26, 2008, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

Attachments:

1. Zoning and lot lines in the area
2. Zoning
3. Aerial photo
4. Survey
5. Project plans and renderings
6. Information from the applicant
7. Letter of support from CPED—Business Development
8. Parcel D approvals record
9. The New Mills District PUD components
10. Alternative compliance letter
11. Data sheet