

Department of Community Planning and Economic Development – Planning Division
Final Plat
PL-256

Date: October 31, 2011

Applicant: Minneapolis Leased Housing Associates III, LP, Attn: Shane LaFave, 2905 Northwest Boulevard, Suite 150, Plymouth, MN 55441, (763) 354-5636

Address of Property: 1006 West Lake Street

Project Name: Buzza Historic Lofts

Contact Person and Phone: BKV Group, Inc., Attn: Gretchen Camp, 222 North Second Street, Minneapolis, MN 55401, (612) 373-9122

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

Date Application Deemed Complete: September 30, 2011

End of 60-Day Decision Period: November 28, 2011

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

Ward: 10 **Neighborhood Organization:** Lowry Hill East Neighborhood Association (LHENA) & Calhoun Area Residents Action Group (CARAG)

Existing Zoning: C2 (Neighborhood Corridor Commercial) District, PO (Pedestrian Oriented) Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 24

Lot area: 109,943 square feet or 2.52 acres

Legal Description: Not applicable for this application.

Proposed Use: A 137- unit residential Planned Unit Development (PUD).

Concurrent Review:

- Final plat application (PL-256) to consolidate several existing platted lots into two lots for a Planned Unit Development (PUD).

Applicable zoning code provisions: Chapter 598, Land Subdivision Regulations.

Development Plan: The site plan was previously approved per BZZ-5205.

Background: The applicant proposes to consolidate several existing underlying platted lots into two lots for the property located at 1006 West Lake Street as required by Section 527.60 of the Zoning Code. On July 18, 2011, the applicant received Planning Commission approval for the

renovation of the existing 144,300 square foot building formerly known as the Buzza Building or Lehman Center for a 137-unit residential development on the property located at 1006 West Lake Street. The subject site is L-shaped and bounded to the north by West 29th Street (which is just south of the Midtown Greenway), to the south by West Lake Street, to the east by Colfax Avenue South and in part to the west by Dupont Avenue South as well as the existing commercial structure (currently a CVS pharmacy) located on the southwest portion of the block.

The property is zoned C2 with a PO Overlay District. The specific land use applications approved by the Planning Commission included: a conditional use permit for a Planned Unit Development (PUD) with an alternative to allow more compact spaces than allowed under the Zoning Code, site plan review, a preliminary plat to consolidated the underlying lots into two lots and a vacation application for the remaining portion of the public alley located within the block that had not yet been vacated.

The applicant is in the process of seeking national historic designation through the State Historic Preservation Office (SHPO). Based on correspondence that the applicant has had with SHPO, it appears likely that the building will attain listing in the National Register of Historic Places.

The proposed renovation work on the existing building will be predominantly an interior remodel. The exterior of the building was updated in 2003, so the exterior efforts will be minimal. The primary alteration will be the removal of approximately 60 air conditioning units which will be replaced with new glass panels to match the original windows. Boarded up windows will also be removed and replaced with matching glass panels. Primary access to the site is currently off of the west and east sides of the site via Dupont Avenue and Colfax Avenue; this will remain unchanged. The remaining alley access off of West Lake Street will be vacated and closed in order to improve the pedestrian realm. The surface parking lot located on the north side of the site will also remain but will be resurfaced and landscaped; pervious pavers will also be included.

The City Attorney's office has indicated that it appears that the required monuments have been placed and that the required affirmations are stated on the face of the plat. It is the opinion of the City Attorney's Office that the plat is satisfactory and meets statutory requirements. The Public Works Department has also reviewed the plat and believes it is also satisfactory.

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Required Findings:

- 1. The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the comprehensive plan.**

The applicant is proposing to consolidate several existing platted lots into two lots for a Planned Unit Development (PUD).

The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.230 (5), which requires utility easements to be five feet wide on side lot lines and ten feet wide on rear lot lines, where no alley is provided. In order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (5) is required to eliminate the drainage and utility easements from both lots. While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

Given the layout of the site, and the fact that the structure exists on the premises, the existing drainage and utilities would not match the required easement locations and are not necessary, so Staff recommends granting the variance in this specific circumstance.

ZONING CODE

The use of the site as a PUD is conditional in the C2 District. With the prior approval of the conditional use permit, site plan review, preliminary plat and vacation application, and the current approval of the final plat, this development meets the applicable requirements of the C2 zoning district.

MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH:

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is located within an area designated as mixed-use, along West Lake Street a Commercial Corridor and due south of the Midtown Greenway. The site is also located just outside the Lake and Hennepin Activity Center. The properties surrounding the site have various commercial and residential zoning classifications. The properties lining both sides of West Lake Street are all commercially zoned in this location. Further, the uses within the area are varied and include primarily commercial and residential uses. The proposal to renovate the existing structure on the property for 137 apartments is consistent with the relevant provisions of *The Minneapolis Plan for Sustainable Growth*, as follows:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation step: (1.1.5) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

Land Use Policy 1.3 of *The Minneapolis Plan for Sustainable Growth* states, “Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.” This policy includes the following applicable implementation

step: (1.3.2) “Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.”

Land Use Policy 1.8 of *The Minneapolis Plan for Sustainable Growth* states, “Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.” This policy includes the following applicable implementation step: (1.8.1) “Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.”

Housing Policy 3.1 of *The Minneapolis Plan for Sustainable Growth* states, “Grow by increasing the supply of housing.” This policy includes the following applicable implementation step: (3.1.1) “Support the development of new medium- and high-density housing in appropriate locations throughout the city.”

Housing Policy 3.2 of *The Minneapolis Plan for Sustainable Growth* states, “Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.” This policy includes the following applicable implementation step: (3.2.1) “Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.”

Housing Policy 3.3 of *The Minneapolis Plan for Sustainable Growth* states, “Increase housing that is affordable to low and moderate income households.” This policy includes the following applicable implementation step: (3.3.3) “Work to provide affordable housing for both rental and ownership markets at a broad range of income levels.”

Housing Policy 3.6 of *The Minneapolis Plan for Sustainable Growth* states, “Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.”

Historic Preservation Policy 8.1 of *The Minneapolis Plan for Sustainable Growth* states, “Preserve, maintain, and designate districts, landmarks, and historic resources which serve as reminders of the city's architecture, history, and culture.”

The proposal is in conformance with the above noted policies and implementation steps of the Comprehensive Plan.

There are two additional plans that must be considered when evaluating the proposal which include the *Midtown Greenway Land Use & Development Plan*, which was adopted by the City Council on February 23, 2007, and the *Uptown Small Area Plan*, which was adopted by the City Council on February 8, 2008. A portion of the *Uptown Small Area Plan* study area overlaps with the *Midtown Greenway Land Use & Development Plan* area. Parcels north of Lagoon Avenue, east of Humboldt Avenue, south of 28th Street, and west of Bryant Avenue are included in both plans.

The *Midtown Greenway Land Use & Development Plan*, includes parcels on each side of the Midtown Greenway from the western boundary of the City to Hiawatha Avenue and designates the subject site as a high-density housing site (40-120 dwelling units per acre) on the future land use plan as well as a Urban-Oriented Development District which supports land areas that are developing in a pattern consistent with medium density building types of up to four or five stories. There are four building types that are identified within the plan that would be considered

suitable based on those designations which include: (1) Rowhouse/Townhouse (which include attached building types, but otherwise are similar in scale to single family residential buildings); (2) Small Apartment (which include neighborhood building type that contains 4 to 16 dwelling units with surface parking. The category encompasses both rental and for-sale housing. In commercial districts, small apartments may include commercial businesses on the ground floor); (3) Apartment (for-sale (condominiums, lofts and co-ops) and rental buildings three to five stories in height. Newer developments generally provide parking beneath the building. In commercial districts, the apartment building type may include commercial businesses on the ground floor); and (4) Greenway buildings (which are structures that effectively form part of the wall of the greenway trench and that have a lower level with doors or windows that face the Greenway. Due to the fact that the building is existing, the standards pertaining to building type only apply should the surface parking lot on the premises be redeveloped in the future. The fact that the site is designated as a high-density housing site (40-120 dwelling units per acre) supports the proposal to renovate the existing structure and adaptively reuse for 137 dwelling units. As proposed the site accommodates approximately 52 dwelling units per acre which is on the lower end of the range encouraged on the site. Essentially, the density proposed within the existing structure is appropriate as it would still allow for additional development on the surface parking lot in the future that fits within the high-density housing range.

The guidelines outlined in the *Midtown Greenway Land Use & Development Plan* are more general, whereas those identified in the *Uptown Small Area Plan* are more specific and focus on the Greenway in relation to the retail center and the four neighborhoods of Uptown. As previously noted, the Midtown Greenway plan contains design guidelines and sample building types that describe appropriate scale and design features along the Greenway. The Uptown plan builds on this and provides additional guidance. The subject site is located in area designated as Urban Village. The plan states that the “Urban Village should be a dense district with a variety of building heights. The Urban Village presents the most future development opportunities in all of Uptown as it currently contains a proliferation of surface parking lots, vacant properties, aging industrial uses, and one-story single-use buildings, and its proximity and access to open space amenities and existing (and future) transit.” The plan encourages high density mixed-use development south of the Midtown Greenway and along West Lake Street.

It is Planning Staff’s opinion that the proposal to renovate and adaptively reuse the Buzza Building/Lehman Center for a 137-unit residential structure is in conformance with the adopted *Midtown Greenway Land Use & Development Plan* and the *Uptown Small Area Plan*.

2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.

The applicant is proposing to consolidate several existing platted lots into two new lots. Staff does not believe that the proposed plat would be injurious to the use and enjoyment of surrounding property, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets. There are various conditions of approval on the PUD site plan that address any potential negative impacts of the development.

3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision or the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard.

The site is developed and does not present the above hazards.

4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.

The parcels created by this application present no foreseeable difficulties for this development. No significant alterations to the land appear necessary as the structure exists on the premises.

5. The subdivision makes adequate provision for stormwater runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development will not exceed the amount occurring prior to development.

Public Works shall review and approve all drainage and sanitary system plans before building permits are issued.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the final plat application and the drainage and utility variance for the property located at 1006 West Lake Street.

Attachments:

1. Correspondence – City Attorney, PW, and applicant correspondence
2. Zoning Map
3. Plans –Final plat, approved Site Plan