

Department of Community Planning and Economic Development – Planning Division
Variance and Site Plan Review
BZZ-5314

Date: October 17, 2011

Applicant: 800 Third, LLC

Addresses of Property: 800 North Third Street

Project Name: 3rd North

Contact Person and Phone: Maureen Michalski with Schafer Richardson, Inc, (612) 359-5842

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: September 20, 2011

End of 60-Day Decision Period: November 19, 2011

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

Ward: 5 **Neighborhood Organization:** North Loop Neighborhood Association

Existing Zoning: B4N, Downtown Neighborhood District with the DP Downtown Parking Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 19

Legal Description: Not applicable for this application

Proposed Use: 205-unit residential development

Concurrent Review:

Variance: to reduce the north rear yard setback from the required 15 feet to 8 feet (this was noticed as an interior property line but it is in fact a rear yard)

Site plan review: for a 205-unit residential development

Applicable zoning code provisions: Chapter 525, Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations” and Chapter 530 Site Plan Review.

Background: The applicant is proposing to construct a new 205-unit residential development on the property located at 800 North Third Street in the North Loop neighborhood downtown. The building

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will be six stories in height with two levels of underground parking containing 188 parking spaces. Unit sizes range from studios to two-bedrooms. Common building amenities, including a community room, a lounge with a coffee bar, a fitness center with an indoor pool and a guest suite are located on the first floor of the building. In addition, there will be a large outdoor yard space located towards the interior of the site.

Please note that the applicant is considering a change to the site plan. Instead of an indoor pool the applicant is possibly going to move the pool outdoors and either remove the hot tub altogether or move it indoors. If the swimming pool is moved outdoors a small pool equipment building would be required to be built. These changes would likely be considered minor in nature under Section 530.100 of the zoning code.

As part of the development the adjacent streets, Third Street North, Eighth Avenue North and Ninth Avenue North will be reconstructed in accordance with the design guidelines of the Warehouse District Heritage Streets Plan. Only the abutting sides of the streets will be reconstructed as part of this development. Streetscape elements in accordance with the plan will also be implemented. Excerpts from the Warehouse District Heritage Streets Plan are included in this report for review.

VARIANCE - to reduce the north rear yard setback from the required 15 feet to 8 feet

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

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

North rear yard setback: In the B4N zoning district setback requirements do not typically apply. But when the use is either residential or a hotel and there are windows facing an interior side or rear property line a setback of $5+2x$, where x equals the number of stories above the first floor, is required. However, the resulting setback shall not be greater than 15 feet. A six story building results in a setback requirement of 15 feet. The applicant is seeking a variance to reduce the north rear yard setback from the required 15 feet to 8 feet.

The applicant has indicated that the north property line is not straight from east to west. The north property line jogs approximately 20 feet in a southerly direction approximately halfway through the parcel. The applicant has indicated that the jogged property line is likely a result of the division of the former railroad right-of-way between the adjacent properties on the block. The portion of the building that is located closer than 15 feet to the north property line and contains windows is the easterly 64 feet of the building. Floors two through six contain residential units with windows facing the interior property line. There are windows located along the first floor however the first floor of the building is occupied with common building amenities. The jog in the north property line is an existing condition of the property.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

North rear yard setback: The building has a setback requirement because there are residential units with windows facing the north rear property line. If the windows were eliminated the building could be built up to the property line. The adjacent building located north of the site is setback approximately 48 feet from the shared rear property line. A surface parking area is located on the adjacent site between the shared property line and the building. The applicant is proposing to landscape the area between the proposed building and the shared property line. The Planning Division believes that the applicant is proposing to use the property in a reasonable manner.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

North rear yard setback: The intent of the ordinance is to provide a setback for residential buildings or a hotel with windows facing an interior side or rear yard where a building could be built along the property line on an adjacent parcel. This is to meet building code requirements for fire protection and to prevent a situation where a building would be built on an adjacent parcel blocking the windows. The Planning Division believes that the granting of the variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

The adjacent building located north of the site is setback approximately 48 feet from the shared rear property line. A surface parking area is located on the adjacent site between the shared property line and the building. The applicant is proposing to landscape the area between the proposed building and the shared property line.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**

- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**
- **The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.**
- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.**
- **In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.**
- **Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.**
- **Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.**
- **Entrances, windows, and active functions:**
 - **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.**
 - g. **In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.**
 - **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
 - **Ground floor active functions: Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing 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. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.**

PLANNING DIVISION RESPONSE:

- The building reinforces the street wall, facilitates pedestrian access and maximizes natural surveillance. The building is set relatively close to the front and corner side property lines, there are entrances and exits at street level that can be accessed by residents and guests and there are large windows on all sides of the building that maximize the opportunities for people to observe adjacent spaces and the public sidewalks.
- The building will be located approximately three feet from Third Street North, Eighth Avenue North and Ninth Avenue North.
- The area between the building and the front and corner side property lines will be used in a variety of ways including, small patios for individual dwelling units, landscaping or as an extension of the public sidewalk.
- The principal entrance leading in to the building will be oriented towards Third Street North. The principal entrance is located near the corner of Third Street North and Eighth Avenue North. There are individual dwelling units located along Third Street North that also have entrances facing the street.

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- All of the parking for the development is located in an underground ramp.
- The primary exterior material of the building will be Nichiha, a cement based product. There will be three colors used; gray, red and charcoal. Where the gray and red Nichiha is used there will be three shades of each color used to create a brick-like look. The projecting balconies will be made out of aluminum wire mesh and there will be metal coping around the top cornice line of the building. The sides and rear of the building are similar to and compatible with the front of the building.
- The building wall along Third Avenue North is approximately 324 feet in length. To break up the building wall the applicant has divided the building into three sections using color and reveals in two different locations. In addition, the ground floor units on the western third of the building have recessed entries, the entire ground level in the middle third of the building is recessed and the principal entrance on the eastern third of the building is accentuated with a metal canopy and building signage. Given the length of the building, the applicant is encouraged to consider additional recesses or projections in order to divide the building into smaller sections.
- There are areas of the first floor building wall facing the north property line that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. The Planning Division is recommending that the applicant revise the north elevation to be in compliance with Section 530.120 of the zoning code.
- At least 20 percent of the first or ground floor and at least 10 percent of the upper floors of the building that face a public street, public sidewalk, public pathway, or on-site parking lot are required to be windows. The window requirement pertains to the Third Street North, Eighth Avenue North and Ninth Avenue North walls of the building. Please note that the minimum window calculation for the first floor of the building is measured between two and ten feet above the adjacent grade. The analysis of the project's compliance with these requirements follows:
 - Third Street North: the percentage of windows on the first floor is 38 percent and the percentage of windows on the upper floors of the building is in excess of 33 percent.
 - Eighth Avenue North: the percentage of windows on the first floor is 26 percent and the percentage of windows on the upper floors of the building is 24 percent.
 - Ninth Avenue North: the percentage of windows on the first floor is 19 percent and the percentage of windows on the upper floors of the building is in excess of 28 percent. The west side of the building is where all of the operational functions of the building have been located including the trash and recycling room and the parking garage entrance. Since there is no alley on this block the operational functions of the building have to be located along one of the street sides of the building. Given this the Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than the 20 percent windows as required by the zoning code.
- One-hundred percent of the building frontage along both Third Street North and Eighth Avenue North contain active functions. Sixty-one percent of the building frontage along Ninth Avenue North contains active functions. The west side of the building is where all of the operational functions of the building have been located including the trash and recycling room and the parking garage entrance. Since there is no alley on this block the operational functions of the building have to be located along one of the street sides of the building. Given this the Planning Division is recommending that the City Planning Commission grant alternative compliance to allow more than 30 percent of the building frontage along Ninth Avenue North to contain non-active functions.
- The principal roof line of the building will be flat. The majority of the buildings within the neighborhood have flat roofs.

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.

PLANNING DIVISION RESPONSE:

- The principal entrance to the building opens directly to the public sidewalk along Third Street North. There are individual dwelling units located along Third Street North that also have entrances facing the street. These entrances are connected to the public sidewalk via stairs.
- No transit shelters are proposed as part of this development.
- All of the parking for the development is located in an underground ramp. The entrance to the parking is located along Ninth Avenue North.
- There are no public alleys adjacent to the site.
- There is no maximum impervious surface requirement in the B4N zoning district. According to the materials submitted by the applicant 74 percent of the site will be impervious.

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.**

PLANNING DIVISION RESPONSE:

- This site is exempt from the general landscaping and screening requirements of Chapter 530, Site Plan Review as the site is located in the B4N zoning district and the building is larger than 50,000 square feet. Although this site is exempt the Planning Division ran the following calculations:
 - The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the entire site is 52,934 square feet. The footprint of the buildings is 31,614 square feet. When you subtract the footprint from the lot size the resulting number is 21,320 square feet. Twenty percent of this number is 4,264 square feet. According to the information that was submitted there is approximately 14,018 square feet of landscaping on the site or approximately 26 percent of the site not occupied by the building.
 - The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement for this site is nine and 43 respectively. The applicant is providing a total of six canopy trees and 206 shrubs on the site. In addition, the applicant is proposing to plant 13 ornamental trees and several perennials on the site. The applicant is also proposing to plant 23 canopy trees in the right of way along with several perennials and ornamental grasses.
- The generator and transformer for the development are proposed to be located in the northwest corner of the property. No screening is proposed. The Planning Division is recommending that landscaping be located between the property line along Ninth Avenue North and the generator and transformer in order to provide some visual relief from these large pieces of mechanical equipment.

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.**

PLANNING DIVISION RESPONSE:

- There will be no surface parking provided on the site.
- There are no important elements of the city near the site that will be obstructed by the proposed building.
- The applicant has submitted computer-generated shadow studies which are included in this staff report. The shadow study diagrams were done for December 21st, March and September 21st and June 21st at 9 am, 12 noon and 4 pm. The shadow study indicates minimal shadowing on the residential building to the north of the site.
- The building should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as the building entrance is located up to the front property line, there are windows where people can see in and out along all levels of the building, the outdoor open space is enclosed with a fence and there are lights located near all of the entrances and throughout the grounds.
- This site is neither historically designated nor located in a historic district.

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:

- **Use:** Multiple-family dwellings of five or more units are a permitted use in the B4N zoning district.
- **Off-Street Parking and Loading:**

Minimum automobile parking requirement: There is no minimum parking requirement for a multiple-family dwelling of five or more units in the B4N zoning district. A total of 188 parking spaces will be provided. In the downtown zoning districts, when residential parking is provided, one guest parking space is required to be provided for every 50 dwelling units within the building. For 205 dwelling units a total of five guest parking spaces need to be provided. The Planning Division is recommending that there be at least five guest parking spaces provided in the building.

Maximum automobile parking requirement: The maximum parking requirement for a multiple-family dwelling of five or more units in the B4N zoning district is 1.6 parking spaces per dwelling

unit. For 205 dwelling units the maximum parking requirement would be 328 spaces. A total of 188 parking spaces will be provided.

Bicycle Parking: The bicycle parking requirement for a multiple-family dwelling of five or more units is one space per two dwelling units. The bicycle parking requirement for this development is 103. Not less than 90 percent of the required bicycle parking spaces shall meet the standards for long-term bicycle parking. Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. There will be a minimum of 205 bicycle racks provided in the building for residents and 12 bicycle racks provided outside for guests.

Loading: One small loading space (10 feet by 25 feet) is required for this development. There will be one small loading space provided in the underground parking garage.

- **Maximum Floor Area:** There is no maximum FAR in the B4N zoning district. However, there is a minimum FAR of 2.0 in the B4N zoning district. The lot in question is 52,934 square feet in area. The applicant proposes a total of 188,897 square feet of gross floor area, an FAR of 3.57.
- **Building Height:** Building height in the B4N zoning district is limited to ten stories or 140 feet. The proposed building is six stories or 77 feet six inches in height.
- **Minimum Lot Area:** There is no minimum lot area requirement for a multiple-family dwelling of five or more units in the B4N zoning district.
- **Dwelling Units per Acre:** The site is 1.22 acres in size. There are 168 dwelling units per acre proposed on the site.
- **Yard Requirements:** The front yard setback requirement along Third Street North and the corner side yard setback requirement along both Eighth Avenue North and Ninth Avenue North are zero feet in the B4N zoning district. In the B4N zoning district when the use is either residential or a hotel and there are windows facing an interior side or rear property line a setback of $5+2x$, where x equals the number of stories above the first floor, is required. However, the resulting setback shall not be greater than 15 feet. A six story building results in a setback requirement of 15 feet. The applicant has applied for a variance to reduce the north rear yard setback to eight feet.
- **Specific Development Standards:** There are no specific development standards for a multiple-family dwelling of five or more units.
- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the B4N zoning district one can have two-and-a-half square feet of signage for every one foot of primary building wall. Wall signs are limited to 120 square feet in size. Projecting signs are limited to 48 square feet in size. The height limitation for both wall signs and projecting signs is 28 feet. Freestanding signs are limited to 32 square feet and can be no taller than 8 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one. The applicant is proposing to have one 40 square foot

sign attached to the top of the metal canopy above the front entrance to the building. The sign will be 12 feet high. The sign will be made out of individual cast aluminum letters. The applicant is proposing to have a second nine square foot sign attached to the top of the metal canopy above the secondary entrance to the building located along Ninth Avenue North. The sign will be 11 feet high. The sign will be made out of individual cast aluminum letters.

- **Refuse storage:** There will be a trash and recycling room located on the first floor of the building.
- **Lighting:** A lighting plan showing footcandles was submitted as part of the application materials. The lighting plan is in conformance with the standards of Chapter 535, Regulations of General Applicability.

MINNEAPOLIS PLAN:

This site is located on Third Street North, between Eighth Avenue North and Ninth Avenue North in downtown Minneapolis. The site is located half a block south of Washington Avenue North which is a designated Commercial Corridor in *The Minneapolis Plan for Sustainable Growth*. All of downtown Minneapolis is a designated Grown Center in *The Minneapolis Plan for Sustainable Growth*. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the site as Mixed Use. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Support the development of residential dwellings that are of high quality design and compatible with surrounding development (Urban Design Policy 10.4).
- Support the development of multi-family residential dwellings of appropriate form and scale (Urban Design Policy 10.5).
- New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level (Urban Design Policy 10.6).
- Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within require setbacks (Implementation Step 10.6.1).
- Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses (Implementation Step 10.6.3).
- Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces (Implementation Step 10.6.4).
- Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level (Implementation Step 10.6.5).
- Reduce the visual impact of automobile parking facilities (Urban Design Policy 10.18).

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

The site is located within the boundaries of the *North Loop Small Area Plan* which was adopted by the Minneapolis City Council in April of 2010. The future land use map in the *Downtown East/North Loop Master Plan* designates the site as mixed use. The plan calls for building heights between two and ten stories. Design guidelines in the plan call for buildings with an urban street frontage, underground

parking, prominent front entrances, an abundance of window glass, more landscaping and a reduction in the overall amount of hardscape. The Planning Division believes that the proposed development is in conformance with the recommendations of the *North Loop Small Area Plan*.

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.**

PLANNING DEPARTMENT RESPONSE:

- **At least 20 percent of the first or ground floor and at least 10 percent of the upper floors of the building that face a public street, public sidewalk, public pathway, or on-site parking lot are required to be windows.** The percentage of windows on the first floor of the building facing Ninth Avenue North is 19 percent. The west side of the building is where all of the operational functions of the building have been located including the trash and recycling room and the parking garage entrance. Since there is no alley on this block the operational functions of the building have to be located along one of the street sides of the building. Given this the Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than the 20 percent windows as required by the zoning code.
- **The first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than 30 percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.** Sixty-one percent of the building frontage along Ninth Avenue North contains active functions. The west side of the building is where all of the operational functions of the building have been located including the trash and recycling room and the parking garage entrance. Since there is no alley on this block the operational functions of the building have to be located along one of the street sides of the building. Given this the Planning Division is recommending that the City Planning Commission grant alternative compliance to allow more than 30 percent of the building frontage along Ninth Avenue North to contain non-active functions.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department - Planning Division for the Variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the north rear yard setback from the required 15 feet to 8 feet located at 800 North Third Street.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for the property located at 800 North Third Street subject to the following conditions:

1. The north elevation shall be revised to be in compliance with Section 530.120 of the zoning code.
2. Landscaping shall be located between the property line along Ninth Avenue North and the generator and transformer in order to provide some visual relief from the proposed mechanical equipment.
3. There shall be at least five guest parking spaces provided in the building as required by Table 541-2 of the zoning code.
4. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
5. All site improvements shall be completed by October 17, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Preliminary Development Review report from September 8, 2011, meeting
2. Excerpt from the Warehouse District Heritage Street Plan
3. Project overview and statement of proposed use and variance findings
4. September 2, 2011, letter to Council Member Goodman
5. September 2, 2011, letter to the North Loop Neighborhood Association
6. September 14, 2011, letter from the North Loop Neighborhood Association
7. August 24, 2011, email and letter from the 801 Washington Lofts Homeowners Association
8. Zoning map
9. Civil plans, site plan, landscaping plan, floor plans and elevations
10. Context plans and shadowing plan
11. Photos of the site and the surrounding area