

Community Planning and Economic Development Planning Division Report
Conditional Use Permit and Site Plan Review
BZZ-5456

Date: February 6, 2012

Applicant: Doran Development Group

Address of Property: 501 Main Street SE

Project Name: Mill and Main

Contact Person And Phone: Jim LaValle – Doran Development Group 952-288-2006

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

Date Application Deemed Complete: January 13, 2012

End of 60 Day Decision Period: March 13, 2012

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

Existing Zoning: C3A Community Activity Center District

Existing Overlay Districts: MR Mississippi River Critical Area Overlay District and UA University Area Overlay District

Proposed Zoning: Not applicable for this application.

Plate Number: 15

Legal Description: Not applicable for this application.

Proposed Use: Multi-family building with 180 dwelling units.

Concurrent Review:

Conditional Use Permit: To increase the height from 4 to 7 stories, or 76 feet, for the main building and 8 stories, or approximately 91 feet, to the top of the mechanicals and elevator and staircase overruns.

Site Plan Review.

Appropriate Section(s) of the Zoning Code: Chapter 525, Article VII Conditional Use Permits and Chapter 530 Site Plan Review.

Background: The applicant proposes to construct a new seven-story (eight for the mechanicals and overruns) 180-unit building at 501 Main Street SE. This parcel was part of the A Mill campus, but it is now a separate zoning lot. A second future parcel (Phase II) to the west is shown on the overall site plan for context and background, but is not proposed for review at this time. Further, the remainder of the

campus will be developed by a separate developer (Dominium) as housing in the existing buildings. This is shown on the overall site plan as context as well. The public right-of-way and rail corridor through the site have been designed to be compatible across both developments. All new residential buildings of five units or more require site plan review. A conditional use permit is necessary to allow an increase in the height of the building.

The project site and zoning lot is all of the land east of the center line of the vacated 5th Avenue SE, but the westerly half of the vacated right-of-way, south of the rail corridor, will be constructed as a part of the Mill and Main project even though it is on the site of Phase II. The design of this area was reviewed as apart of the Preliminary Development Review. While the area is required to meet the landscaping standards of Chapter 530, because of the surface parking, it will receive further additional review by the HPC and CPC as a part of Phase II.

The site is located in the St. Anthony Falls Historic District. The applicant obtained approval of two Certificates of Appropriateness at the December 13, 2011, meeting of the Heritage Preservation Commission (BZH-26309 and BZH-27050). The actions are attached to this report for reference.

The proposed plans have not received Building Plan Review approval and City Planning Commission approval does not obligate Building Plan Review to approve construction plans.

Please see the attached letter from the Marcy- Holmes neighborhood.

CONDITIONAL USE PERMIT (from 4 stories to 7 stories, or 76 feet, for the main building and 8 stories, or 91 feet, for the mechanicals and overruns)

Findings as required by the Minneapolis Zoning Code:

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

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

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

A story is measured as that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or 14 feet, whichever is less, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. The first floor can be up to 20 feet. If the finished floor level directly above a basement, cellar or unused under floor space is more than six feet above grade, for more than 50 percent of the total perimeter, or is more than 12 feet above grade at any point, such basement, cellar, or unused under floor space shall be considered a story.

Measured from Main Street SE the height of the building is seven stories or 76 feet. There are seven floors. The screening for the mechanicals and the staircase and elevator overruns exceed 14 feet from the roof level, so they count as an additional story, making this part of the building eight stories or 91 feet, but there will be no habitable space in this area. The C3A District limits the height of multiple-family dwellings to four stories, or 56 feet, whichever is less. A conditional use permit is necessary for the entire building to exceed four stories. While the building is in the MR Mississippi River Overlay District, it is not in the SH Shoreland Overlay District, so the SH Shoreland Overlay District height limitations do not apply.

The proposed building meets the required setbacks, the minimum lot area per dwelling unit, the maximum floor area ratio, and the minimum vehicle and bicycle parking requirements. There are other buildings existing or approved in the surrounding area of similar height. The HPC has approved the buildings as appropriate in the historic district. Therefore, the proposed increase in height should not be detrimental to the public health, safety, comfort or welfare.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The surrounding area is mostly developed or there are plans to redevelop various parcels near the site in the future. The proposed 520 2nd Street SE building to the north was approved to a height of seven stories or 76 feet. Previously on the Mill and Main site two towers of 22 and 26 stories were approved as a part of the 2006 East Bank Mills development. The proposed building height should not be out of character with existing and proposed development and should not be detrimental to surrounding properties.

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

Utilities and access are existing and adequate. Public Works and the Fire Department have reviewed the development plans for access and circulation and they are acceptable, subject to the comments in the attached PDR report that will be addressed as apart of the final site plan before permits may be issued. The final drainage plan is required to be approved by Public Works as a part of the final site plan before permits may be issued.

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

Parking is within the building. Access to the lower level parking is on the east side of the building from 6th Avenue SE. Access to the ground floor parking level is on the west side of the building from the new drive in the vacated 5th Avenue SE. The development will have 180 units with 234 bedrooms. This requires 180 parking spaces and 188 are provided. The development will provide the required bicycle parking spaces. A Travel Demand Management Plan (TDMP) was required by Public Works and is attached to this staff report. The site is within close proximity to downtown, the University, and transit. Adequate measures have been provided to minimize traffic congestion in the public streets.

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

The Minneapolis Plan for Sustainable Growth designates this area as part of the East Hennepin Activity Center. Activity Centers support a mix of high-intensity uses including employment, commercial, office, and residential uses. High density (50-120 dwelling units per acre) to very-high density (120-200 dwelling units per acre) housing is encouraged within Activity Centers. The proposed development has a density of 127 dwelling units per acre. The plan has the following relevant policy for Activity Centers:

Policy 1.12: Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.

1.12.1 Encourage a variety of commercial and residential uses that generate activity all day long and into the evening.

1.12.2 Encourage mixed use buildings, with commercial uses located on the ground floor and secure entrances for residential uses.

1.12.3 Encourage active uses on the ground floor of buildings in Activity Centers.

1.12.4 Discourage uses that diminish the transit and pedestrian character of Activity Centers, such as automobile services, surface parking lots, and drive-through facilities.

1.12.5 Encourage a height of at least two stories for new buildings in Activity Centers, in keeping with neighborhood character.

1.12.6 Encourage the development of high- to very-high density housing within the boundaries of Activity Centers.

1.12.7 Encourage the development of medium- to high-density housing immediately adjacent to Activity Centers to serve as a transition to surrounding residential areas.

1.12.8 Support district parking strategies in Activity Centers, including shared parking facilities with uniform signage, and other strategies.

1.12.9 Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces in Activity Centers.

The plan also has the following relevant policies from the housing chapter:

Policy 3.1: Grow by increasing the supply of housing.

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

3.1.2 Use planning processes and other opportunities for community engagement to build community understanding of the important role that urban density plays in stabilizing and strengthening the city.

Policy 3.2: Support housing density in locations that are well connected by transit, and are close to

commercial, cultural and natural amenities.

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.

3.2.2 Engage in dialogue with communities about appropriate locations for housing density, and ways to make new development compatible with existing structures and uses.

While the *Minneapolis Plan for Sustainable Growth* does not indicate heights for specific sites, there are several policies that refer to traditional urban form, especially regarding how buildings relate to their surroundings. The plan has the following relevant policy and implementation steps:

Policy 10.5: Support the development of multi-family residential dwellings of appropriate form and scale.

10.5.1 Smaller-scale, multi-family residential development is more appropriate along Community Corridors and Neighborhood Commercial Nodes.

10.5.2 Medium-scale, multi-family residential development is more appropriate along Commercial Corridors, Activity Centers, Transit Station Areas and Growth Centers outside of Downtown Minneapolis.

10.5.3 Large-scale, high-rise, multi-family residential development is more appropriate in the Downtown Minneapolis Growth Center.

The Marcy-Holmes Plan states that taller buildings in the neighborhood should be between University Avenue SE and Main Street SE and that heights should gradually increase from University to Main. Additionally, buildings can be as tall as 190 feet, or the height of the Red Tile Elevator, between 2nd Street SE and Main Street SE (page 8-6). The proposed building is between 2nd and Main and is 76 to 91 feet tall.

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

with adjacent land uses (page 27).”

The building is a medium-scale structure in an Activity Center. The proposed building height should not be out of character with the surrounding area if it complies with HPC and site plan review conditions of approval. In the context of surrounding development the increase in height is in conformance with the above noted goals and policies of the comprehensive plan and adopted small area plans.

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

The proposal will conform with the applicable regulations of the C3A District upon the approval of the conditional use permit and site plan review.

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

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

While the proposed increase in height will shadow properties to the north at different times, the increase in height will not significantly prevent access to light and air for surrounding properties. The proposed building will meet the required setbacks and is recessed at the northwest corner, which will allow access to light and air.

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

Please see attached shadow study. There are no residential properties adjacent to the site at this time. A residential building is proposed to the north (520 2nd Street SE) and the developer proposes a Phase II residential building to the west. The Mill and Main building will shadow properties to the west and north, but not significantly more than if the building were limited to four stories or in a manner out of character with existing or proposed buildings in the area.

(3) The scale and character of surrounding uses.

There are or will be buildings of similar or greater height in the immediate area, including the existing A Mill buildings and the Phoenix Lofts (up to 17 stories) to the west, 520 2nd Street SE (7 stories) to the north, and Stone Arch Apartments (5 stories) to the east. Previously, on the Mill and Main site, two towers of 22 and 26 stories were approved as a part of the 2006 East Bank Mills development, which has since expired.

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

The building will block views of the river and downtown from the north, but not significantly more than it would if it were limited to four stories. It will affect views of the red tile elevator from the east, but not significantly more than if it were limited to four stories.

SITE PLAN REVIEW

Required Findings for Site Plan Review

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

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

- 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.

The building is at varying distances from the property line from 1.5 feet to six feet on Main Street SE. It is two feet from the property line on 6th Avenue SE. The area between the building and the public sidewalk will be landscaped or will have historical interpretive elements including pavers and railroad tracks as approved by the HPC. The principal building entrance opens onto the public sidewalk on 6th Avenue SE and there are ten units, which have their own entrances opening out to the sidewalk on Main Street SE.

Parking is located within the structure.

The exterior materials are made of brick, stone veneer, concrete, metal panels, cement panels, and glass. Future changes in material may require review before the Heritage Preservation Commission and City Planning Commission. The new building contains architectural detail including varied material types and varying heights. The building is designed to read as different structures with the east end as a seven story building clad in red brick. The center part of the building has seven stories with floors three to seven setback approximately 75 feet with the first two floors 1.5 feet to six feet from the property line. This section is clad in cement board, for the setback portion of the building, and stone veneer for the lower level. The west side is seven stories dropping down to one story from grade at the northwest corner. This part of the building is clad in brick. The north side of the building is clad in metal panels

and cement board. The materials and design have received HPC review and approval.

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

Residential uses are required to provide 20 percent windows on the first floor and 10 percent windows on the floors above for elevations facing a public street. The south elevation facing Main Street SE provides 55 percent on all floors. The east elevation facing 6th Avenue SE has 13 percent windows on the ground floor and 55 percent on the floors above. Staff recommends alternative compliance as the ground floor, is built into a hill, so it is not as prominent, with heights of eight feet down to five feet at the north end. In addition, the building will have a decorative metal panel at the north end to mitigate the adverse effects. Also, the floors above the first floor exceed the window requirements and will provide eyes on the street.

The principal building entrance facing 6th Avenue SE and the unit entrances facing Main Street SE are clearly defined.

The parking garage is lined with residential uses for the entire length facing Main Street SE. The parking garage is lined with active spaces, including a residential unit and the entrance lobby for 51 percent of the length of the first floor facing 6th Avenue SE. The remaining 49 percent is comprised of bicycle parking storage, mechanicals, and the parking garage entrance. Staff recommends alternative compliance to allow this part of the building to have more than 30 percent of the first floor occupied by non-active uses. The northern part of the building, where the mechanicals and bike storage rooms are located, is built into a hill, so it is not as prominent, with heights of eight feet down to five feet at the north end. In addition, the building will have a decorative metal panel at the north end to mitigate the adverse effects.

ACCESS AND CIRCULATION:

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

The entrance to the building opens onto the public sidewalk on 6th Avenue SE and the doors to the individual ground floor units open onto the public sidewalk on Main Street SE.

There are no integrated transit shelters on site.

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

Public Works and the Fire Department have reviewed this proposal for access and circulation and have found them acceptable, subject to the comments in the PDR report.

The site has been designed to minimize impervious surfaces and all areas that are not covered by buildings, pedestrian access, historical interpretive elements, and paved areas necessary for parking, loading, and the associated maneuvering are pervious surfaces used for landscaping and stormwater management.

The Marcy-Holmes plan recommends reestablishing connections to the Mississippi River (page 5-9) including at the vacated 5th Avenue SE. It is not possible to require a street to be rededicated without the City condemning the land. There is no proposal to condemn the land for a public street. The zoning code does require that buildings be connected to public sidewalks by clear well-lighted walkways. In addition, if the conditional use permit to increase the height were not allowed the applicant would need a wider building that would cover this area, so the increase in height can be further supported due to the provision of public access through the site. Staff recommends that sidewalk easement, that allows public access, be provided along the west side of the vacated 5th Avenue SE right-of-way. The easement area shall contain a built sidewalk, to provide access through the site. This easement and sidewalk shall be reviewed by Public Works and shall be coordinated, to the extent possible, with the adjacent redevelopment of the A Mill site by Dominion. A walkway is provided on the east side of the vacated right-of-way in front of the building that connects this side of the building with the public sidewalk on Main Street SE.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
 - **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section**

530.220.

The site plan shows 12 percent of the site, minus the building footprint, as landscaping. The lot area is 61,562 square feet and the footprint of the building is 48,205 square feet. This leaves 13,357 square feet, of which 20 percent (2,671 square feet) is required to be landscaped. The site plan shows approximately 1,600 square feet of landscaped area on site. Staff recommends alternative compliance as an additional 525 square feet is provided in the interior boulevard along 6th Avenue SE, which raises the percentage to 16 percent. Also there is 5,100 square feet of open space along the north side of the building that can not be landscaped as it is part of a historical rail road corridor that will have tracks and ballast as approved by the HPC. If this could be landscaped it would increase the landscaping to 50 percent.

The development is required to provide five on-site trees and 27 on-site shrubs. The site plan shows five on-site trees and approximately 429 on-site shrubs and perennials.

The required seven-foot wide landscaped area with three-foot high screening that is 60 percent opaque is not provided between the parking area and Main Street SE. Staff does not recommend alternative compliance and recommends that the required screening be provided in this area.

All other areas not occupied by buildings, walks, plazas, historical interpretive elements, parking and loading and associated drives and maneuvering are landscaped.

The 6th Avenue Gateway has native planting in the tree boulevard. The site plan shows this replaced with sod. The plan shall be amended to show native plantings. In addition, there are four public art works in the tree boulevard that are part of the 6th Avenue Gateway. These shall be protected during the construction of the project.

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.

Curbing is provided along the access drive to control drainage and vehicles in the surface parking area.

The building will partially block some views of the historic Red Tile Elevator to the west from

properties to the east, but not significantly more than if it were four stories. It will block some views of the river for properties to the north, but no more than if the building were limited to four stories.

It should not significantly generate wind currents at ground level.

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

The site plan and building has received HPC review and approval.

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 a permitted use in the C3A District.

Off-Street Parking and Loading:

Minimum automobile parking requirement: The zoning code requires one parking space per dwelling unit. The UA University Area Overlay District requires .5 spaces per bedroom, but not less than one per dwelling unit. The development has 180 units with 234 bedrooms, which requires 180 parking spaces. There are 188 spaces provided within the building. There are ten surface spaces (five on Phase I and five on Phase II) shown on the drive in the vacated 5th Avenue SE, but they are smaller than the zoning code requires, Public Works has not signed off on the driveway design, and landscaping is required, so the overall amount of surface parking may be reduced. Four accessible spaces are required in the building and four are provided.

Maximum automobile parking requirement: There is no maximum for dwelling units outside of the downtown.

Bicycle parking requirement: Multiple-family dwellings are required to provide one bike parking space per every two dwelling units; however, the UA University Area Overlay District requires one bike parking space per bedroom. At 234 bedrooms, 234 bike parking spaces are required. Not less than 90 percent of these spaces shall meet the standards for long-term bicycle parking, which requires that they are located in enclosed or supervised areas providing protection from theft, vandalism, and weather and are accessible to intended users. At 234 required spaces, 90 percent would be 211 long-term spaces. There are two secure rooms in the parking garage on the lower level and first floor of the building that provide secure storage space for 127 bike parking spaces. There are an additional 68 wall mounted bike racks in the parking garage for a total of 195 spaces that meet the definition of long-term bicycle parking. There are also 12 outdoor spaces for a total of 207 spaces. The development is required to provide an additional 27 bike parking spaces of which 16 would need to meet the definition of long-term spaces.

Loading: Multiple-family dwellings of 100 to 250 units shall provide one small (10' by 25') loading

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space. The development has one small space on the lower level of the parking garage. Staff recommends that a loading space be made available for larger trucks on the parking area in the vacated 5th Avenue SE, on a temporary basis as necessary for tenant moves.

Maximum Floor Area: The maximum FAR in the C3A District is 2.7 and with one density bonuses (for enclosed parking) of 20 percent the allowable FAR is 3.24. The lot in question is 61,562 square feet in area. The applicant proposes 186,205 square feet of gross floor area, an FAR of 3.03.

Building Height: Building height in the C3A District is limited to 4 stories or 56 feet, whichever is less. The proposed structure will be 7 stories, or 76 feet, for the main building, and 8 stories or approximately 91 feet for the mechanicals and elevator and staircase overruns. A conditional use permit is required to allow the increase in height and staff is recommending approval of the CUP.

Minimum Lot Area: The C3A District requires not less than 400 square feet of lot area per dwelling unit. With one density bonus (for enclosed parking) of 20 percent the minimum lot area is reduced to 336 square feet per dwelling unit. With 180 proposed dwelling units on a lot of 61,562 square feet, the applicant proposes 342 square feet of lot area per dwelling unit.

Dwelling Units Per Acre: The applicant proposes 127 dwelling units per acre. Very high density is 120-200 dwelling units per acre.

Yard Requirements: In general, setbacks are not required for properties in the commercial districts, except where adjacent to residential districts and for residential uses that contain windows facing a rear or interior side lot line. This structure is bordered on the south and east by public streets, so no setbacks are required on those sides. This is a residential structure with windows facing the north and west interior yards, so a setback of five feet plus two feet for each additional floor above the first is required, not to exceed 15 feet. Both yards have a setback of 15 feet or greater. On the north side the building is setback 15 feet and on the west side it is setback 40 feet.

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

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

Refuse storage: Section 535.80 of the zoning code requires that refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. Trash is stored inside the building, but if dumpsters are utilized in the future they are required to be screened to the standards of the zoning code.

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

535.590. Lighting. (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to

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unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

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

MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH: In addition to the comprehensive plan policy listed in finding number 5 under the conditional use permit section of this report, the comprehensive plan has the following relevant policies related to urban design:

Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

- 1.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.
- 1.2.2 Ensure that lighting and signage associated with non-residential uses do not create negative impacts for residential properties.
- 1.2.3 Lessen the negative impacts of non-residential uses on residential areas through controls on noise, odors, and hours open to the public.

Policy 1.3: Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.

- 1.3.1 Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings.
- 1.3.2 Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.

Policy 10.4: Support the development of residential dwellings that are of high quality design and compatible with surrounding development.

10.4.1 Maintain and strengthen the architectural character of the city's various residential neighborhoods.

10.4.2 Promote the development of new housing that is compatible with existing development in the area and the best of the city's existing housing stock.

Policy 10.6: 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.

10.6.1 Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks.

10.6.2 Promote the preservation and enhancement of view corridors that focus attention on natural or built features, such as the Downtown skyline, landmark buildings, significant open spaces or bodies of water.

10.6.3 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.

10.6.4 Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces.

10.6.5 Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level.

10.6.6 Integrate transit facilities and bicycle parking amenities into the site design.

SMALL AREA PLANS ADOPTED BY COUNCIL: *The Master Plan for the Marcy-Holmes Neighborhood* was approved by the City Council on December 29, 2003. The land use chapter states that land to the river side of 4th Street SE may be considered for higher density multi-family housing. It also supports mixed-use developments, including multi-family housing, for the industrial properties on the river side of University Avenue, if the businesses relocate (see pages 1-2 and 1-3).

Chapter eight outlines various design guidelines including preserving the street character, appropriate landscaping including varied plant types, varied rooflines especially on longer buildings, quality building materials and appropriate building massing.

This site is in the MR Mississippi River Critical Area Overlay District. *The Mississippi River Critical Area Plan* was approved by the City Council on June 16, 2006. The plan states that “the City will follow the land use guidelines of *The Minneapolis Plan* except where modified by small area plans...” Development in the Urban Diversified District should have a high degree of visual compatibility with the river and should not block or impact key scenic views.

It is the opinion of staff that with the staff recommendations the proposed site plan is in conformance with the above noted plans and goals.

Alternative Compliance. The Planning Commission may approve alternatives to any site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
 - **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
 - **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**
- First floor 20 percent window requirement.

Residential uses are required to provide 20 percent windows on the first floor and 10 percent windows on the floors above for elevations facing a public street. The south elevation facing Main Street SE provides 55 percent on all floors. The east elevation facing 6th Avenue SE has 13 percent windows on the ground floor and 55 percent on the floors above. Staff recommends alternative compliance as the ground floor, is built into a hill, so it is not as prominent, with heights of eight feet down to five feet at the north end. In addition, the building will have a decorative metal panel at the north end to mitigate the adverse effects. Also, the floors above exceed the window requirements and will provide eyes on the street.

- Ground floor active functions.

The parking garage is lined with residential uses for the entire length facing Main Street SE. The parking garage is lined with active spaces, including a residential unit and the entrance lobby for 51 percent of the length of the first floor facing 6th Avenue SE. The remaining 49 percent is comprised of bicycle parking storage, mechanicals, and the parking garage entrance. Staff recommends alternative compliance to allow this part of the building to have more than 30 percent of the first floor occupied by non-active uses. The northern part of the building, where the mechanicals and bike storage rooms are located, is built into a hill, so it is not as prominent, with heights of eight feet down to five feet at the north end. In addition, the building will have a decorative metal panel at the north end to mitigate the adverse effects.

- Twenty percent on-site landscaping.

The site plan shows 12 percent of the site, minus the building footprint, as landscaping. The lot area is 61,562 square feet and the footprint of the building is 48,205 square feet. This leaves 13,357 square feet, of which 20 percent (2,671 square feet) is required to be landscaped. The applicant is providing approximately 1,600 square feet of landscaped area on site. Staff

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recommends alternative compliance as an additional 525 square feet is provided in the interior boulevard along 6th Avenue SE, which raises the percentage to 16 percent. Also there is 5,100 square feet of open space along the north side of the building that can not be landscaped as it is part of a historical rail road corridor that will have tracks and ballast as approved by the HPC. If this could be landscaped it would increase the landscaping to 50 percent.

- Parking lot screening.

The required seven-foot wide landscaped area with three-foot high screening that is 60 percent opaque is not provided between the parking area and Main Street SE. Staff does not recommend alternative compliance and recommends that the required screening be provided in this area.

RECOMMENDATIONS:

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the conditional use permit application to increase the height from 4 stories, or 56 feet, to 7 stories or 76 feet, for the main building, and 8 stories, or approximately 91 feet, for the mechanicals and elevator and staircase overruns, as shown on the site plan, for property located at 501 Main Street SE subject to the following condition:

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

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

The Community Planning and Economic Development - Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for a 180-unit residential building located at 501 Main Street SE; subject to the following conditions:

1. CPED Planning staff review and approval of the final elevations and site and landscaping plans before permits may be issued.
2. All site improvements shall be completed by February 6, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.
3. Compliance with the HPC conditions of approval.
4. Compliance with the applicable standards of the MR Mississippi River Overlay District.

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5. Provision of the required seven-foot landscaped yard and three-foot 60 percent opaque screening between the surface parking area and Main Street SE as required by Section 530.170 of the zoning code.
6. Provision of 234 bicycle parking spaces, of which 90 percent shall meet the definition of long-term spaces, as required by Section 541.180 and Section 551.1330 of the zoning code.
7. Provision of a sidewalk easement, running north-south, that allows public access be provided along the west side of the vacated 5th Avenue SE right-of-way. The easement area shall contain a built sidewalk, to provide access though the site. This easement and sidewalk shall be reviewed by Public Works and shall be coordinated, to the extent possible, with the adjaent redevelopment of the A Mill site by Dominion.
8. Provision of an at least four foot wide walkway along the west side of the building, as shown on the site plan, connecting to the public sidewalk on Main Street SE.
9. The parking spaces on the west side of the building shall be used for a loading area for tenant moves that can not utilize the inside loading area on a temporary basis as necessary.
10. The landscaping plan shall be amended to show native plantings, rather than sod, in the tree boulevard along 6th Avenue SE, utilizing species approved by staff based on the 6th Avenue Gateway plan.
11. The public art work along the 6th Avenue Gateway shall be protected during the construction of the project. The protection plan shall be reviewed and approved by the Public Art Administrator.

Attachments:

- 1) Preliminary Development Review Report.
- 2) Heritage Preservation Commission actions.
- 3) Travel Demand Management plan.
- 4) Letters form neighborhood group and public.
- 5) Zoning map.
- 6) Site plan, floor plan, and elevations.
- 7) Shadow studies.
- 8) Photos.