

Department of Community Planning and Economic Development
Rezoning Petition, Conditional Use Permit, Variances, Site Plan Review, and Plat
BZZ-5889 & PL-272

Date: January 22, 2013

Applicant: Everwood Company LLC

Address of Property: 1215-1219 Marshall Street Northeast

Project Name: Grain Belt Terraces

Contact Person and Phone: Collin Kaas, Kaas Wilson Architects (612) 879-6000

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: December 27, 2012

End of 60-Day Decision Period: February 25, 2013

End of 120-Day Decision Period: April 26, 2013

Ward: 3 **Neighborhood Organization:** Sheridan Neighborhood Association

Existing Zoning: C1 Neighborhood Commercial District and R5 Multiple-family District

Proposed Zoning: OR2 High Density Office Residence District

Zoning Plate Number: 9

Legal Description: Lot 1, Block 1 and Outlot A, MINNEAPOLIS BREWING COMPANY ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota.

Proposed Use: Planned unit development with 151 dwelling units and offices

Concurrent Review:

- Petition to rezone the site from C1 and R5 to OR2.
- Conditional use permit to allow a planned unit development (PUD).
- Variance of the parking location requirements to allow a parking area to be located between the building and the front lot lines adjacent to Main Street Northeast and Marshall Street Northeast in an office residence district.
- Variance to reduce the rear yard requirement from 11 feet to 9 feet to allow a building and from 10 feet to 9 feet to allow balconies.
- Site plan review.

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- Plat.
- Administrative review of the plaza standards.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments; Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX, Variances, specifically (1) “To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations” and (8) “To permit parking that cannot comply with the location requirements for on-site parking, as specified in Chapter 537, Accessory Uses and Structures, and Chapter 541, Off-Street Parking and Loading;” Chapter 527 Planned Unit Development; Chapter 530 Site Plan Review; and Chapter 598 Land Subdivision Regulations.

Background: The applicant is proposing a mixed use development located at the property of 1215 and 1219 Marshall Street Northeast. The project consists of two new 4-story multiple-family dwellings with a total of 151 units, rehabilitation of an existing building, and construction of a plaza. The new building on the north side of the site is referred to as Building A and the new building on the south side of the site is referred to as Building B. The existing historic building, the Grain Belt Office Building, will be repurposed for offices and amenity space for the residents. The plaza is proposed to be constructed over building foundations at the northwest corner of the site that were discovered in an archeological investigation. The foundations are from buildings belonging to the John Orth Brewing Company that have historic significance. The entire site is part of the historic Grain Belt Brewery complex, which is locally and nationally designated. Two applications for a certificate of appropriateness to allow the project have been scheduled to be considered at the January 15, 2013 meeting of the Heritage Preservation Commission (HPC). As the meeting will occur after the writing of this staff report, staff will provide an update of the HPC actions at the January 22, 2013 meeting of the Planning Commission. If the actions of the HPC are appealed to the City Council, the land use applications will need to be continued to a future date of the Planning Commission until the appeal(s) are finalized.

The following applications are required:

- The site is zoned C1 and R5. The applicant is requesting to rezone the site to OR2.
- In the OR2 district, a planned unit development (PUD) is a conditional use. Upon approval of a conditional use permit, the action must be recorded with Hennepin County as required by state law. Through the conditional use permit, the applicant is proposing to provide alternatives for more than one principal structure on a zoning lot and to the front yard requirement adjacent to Main Street Northeast for a building, a parking area and a walkway and stairs exceeding 6 feet in width, to the front yard requirement adjacent to Marshall Street Northeast for the plaza and walkways exceeding 4 feet in width, and to the corner side yard requirement adjacent to 13th Avenue Northeast for a building and the plaza.
- In the residence and office residence districts, off-street parking areas are not allowed to be located between the principal building and the front lot line. Surface parking areas are proposed on the east and west ends of the site that would be between the principal buildings and the front lot lines adjacent to Main Street Northeast and Marshall Street Northeast. A variance of the parking location requirements is required to allow the surface parking lots.
- A rear yard is required along the east lot line adjacent to Building A and an interior side yard is required along the shared north lot line. The minimum interior side and rear yard requirements are

equal to $5+2x$, where x is equal to the number of stories above the first floor. The proposed buildings would be 4-stories tall; therefore the minimum rear and interior side yard requirements are 11 feet. Building A would be set back 9 to 13 feet from the rear lot line. Balconies not exceeding 50 square feet in area are permitted obstructions on multiple-family dwellings of 4-stories or more provided such balcony is located no closer than 10 feet from the interior side lot line. Some of the balconies on Building A would be located 9 feet from the interior side lot line. A variance of these yard requirements is required to allow the location of the building and balconies.

- Site plan review is required for any new use with 5 or more dwelling units.
- As part of an application for a PUD, any land proposed for the development is required to be platted into one or more lots suitable for the PUD. The applicant has submitted the preliminary plat as part of this application. The final plat will need to be approved by the Planning Commission before final City approvals can be obtained.

As of the writing of this staff report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

REZONING: Petition to rezone the property from C1 Neighborhood Commercial District and R5 Multiple-family District and OR2 High Density Office Residence District.

Findings as required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The proposed zoning would be consistent with the applicable policies of the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*. Marshall Street Northeast is designated as a community corridor. The future land use of the site is designated as mixed and it is located within the Grain Belt Activity Center. According to the principles and policies outlined in the plan, the following apply to this proposal:

Land Use Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

Land Use Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.

1.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.

Land Use Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

1.9.6 Promote more intensive residential development along Community Corridors near intersections with Neighborhood Commercial Nodes and other locations where it is compatible with existing character.

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

In 2000, the City Council adopted the *Grain Belt Brewery Area Development Objectives* and the *Above The Falls: A Master Plan for the Upper River in Minneapolis*. Both plans include a vision for the Grain Belt Brewery area which involves a varied yet cohesive mix of land uses complementing and enhancing the historic character of the brewery complex. The vision remains the same for this area in the draft *Above The Falls: Master Plan Update*.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The rezoning would allow for high density residential development and for the Grain Belt Office Building to be used for offices. These uses are appropriate in an activity center. The amendment is in the public interest and not solely in the interest of the property owner.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The site is located in a mixed use area, which includes low to high density residential uses and a variety of nonresidential uses with a range of intensities. The zoning in the immediate area includes R1A, R2B, R3, R5, R6, C1, C2, and I1. The uses allowed by the OR2 district would be compatible with the surrounding uses and zoning classifications.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

The existing zoning for the development site made up of two parcels is R5 and C1. The C1 and R5 districts allow the same residential density as the OR2 district; however, the R5 district does not allow offices. The applicant is proposing to plat the property into one parcel. A rezoning is necessary to prevent the creation of more than one zoning district on a zoning lot, which is not allowed. The OR2 district allows offices as a permitted use.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

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In 2006, the development site was rezoned from I1 and R3 to C1 and R5 as part of a redevelopment proposal that did not proceed. Prior to the previous rezoning of the site, various redevelopment occurred in the immediate area. To the west, the other buildings in the Grain Belt Brewery complex were converted to offices, art studios and a library.

CONDITIONAL USE PERMIT: To allow a planned unit development.

Findings as Required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic Development 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 establishment of a planned unit development with two 4-story multiple-family dwellings and an office building should not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

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.

There is a mix of uses in the immediate area. A multiple-family dwelling and a bank are located on the block where the subject site is located. With the amenities and uses proposed, the development should benefit the surrounding area.

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

The site is served by existing infrastructure. The site will have vehicle access to Marshall Street Northeast, 13th Avenue Northeast, and Main Street Northeast. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

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

The total minimum vehicle parking requirement for all of the uses in the development is 140 spaces. Enclosed parking with 151 spaces and 38 surface parking spaces would be provided for the uses in the development. The applicant would provide 100 long-term bicycle parking spaces and 36 short-term bicycle parking spaces, which is in excess of the minimum requirements. Adequate measures would be provided to minimize traffic congestion in the public streets.

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

With the adoption of the staff recommendations, the proposed development would be consistent with the applicable policies of the comprehensive plan and the small area plans. In addition to the principles and policies in the rezoning section of this staff report, the following from the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*, apply to this proposal:

Land Use 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.

Land Use 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.

1.3.3 Encourage above-ground structured parking facilities to incorporate development that provides active uses on the ground floor.

Land Use Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

1.4.2 Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.

1.4.4 Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.

Land Use 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.

1.12.3 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.

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

Housing 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.

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Housing 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.

Heritage Preservation Policy 8.1: Preserve, maintain, and designate districts, landmarks, and historic resources which serve as reminders of the city's architecture, history, and culture.

8.1.3 Encourage new developments to retain historic resources, including landscapes, incorporating them into new development rather than removal.

Heritage Preservation Policy 8.3: Explore and protect potential archeological resources in the city.

8.3.2 Protect potential and known prehistoric, as well as 19th and 20th century archaeological sites and artifacts

8.3.3. Utilize existing identified sites, such as those associated with the city's milling and industry along the riverfront, as examples for documentation and interpretation of archeological resources.

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

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.

Urban Design 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.

10.6.4 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.

Urban Design Policy 10.9: Support urban design standards that emphasize traditional urban form with pedestrian scale design features at the street level in mixed-use and transit-oriented development.

10.9.1 Encourage both mixed-use buildings and a mix of uses in separate buildings where appropriate.

10.9.2 Promote building and site design that delineates between public and private spaces.

10.9.4 Coordinate site designs and public right-of-way improvements to provide adequate sidewalk space for pedestrian movement, street trees, landscaping, street furniture, sidewalk cafes and other elements of active pedestrian areas.

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Urban Design Policy 10.10: Support urban design standards that emphasize a traditional urban form in commercial areas.

- 10.10.1 Enhance the city's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality four season public spaces and infrastructure.
- 10.10.3 Enhance pedestrian and transit-oriented commercial districts with street furniture, street plantings, plazas, water features, public art and improved transit and pedestrian and bicycle amenities.
- 10.10.4 Orient new buildings to the street to foster safe and successful commercial nodes and corridors.
- 10.10.6 Require storefront window transparency to assure both natural surveillance and an inviting pedestrian experience.
- 10.10.7 Encourage the renovation of existing commercial buildings.

Urban Design Policy 10.14: Encourage development that provides functional and attractive gathering spaces.

- 10.14.3 Encourage the creation of new parks and plazas.

Urban Design Policy 10.16: Design streets and sidewalks to ensure safety, pedestrian comfort and aesthetic appeal.

- 10.16.4 Employ pedestrian-friendly features along streets, including street trees and landscaped boulevards that add interest and beauty while also managing storm water, appropriate lane widths, raised intersections, and high-visibility crosswalks.

Urban Design Policy 10.17: Provide sufficient lighting to reflect community character, provide a comfortable environment in a northern city and promote environmentally friendly lighting systems.

- 10.17.5 Integrate exterior building lighting design to attune with building designs and landscaping.
- 10.17.6 Provide sufficient lighting for better way-finding and safe circulation within and around a development.
- 10.17.7 Encourage additional pedestrian-scale, exterior lighting in growth centers, activity centers, commercial nodes, pedestrian overlay districts and transit station areas.

Policy 10.18: Reduce the visual impact of automobile parking facilities.

- 10.18.1 Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses.
- 10.18.2 Parking lots should maintain the existing street face in developed areas and establish them in undeveloped areas through the use of fencing, walls, landscaping or a combination thereof along property lines.
- 10.18.3 Locate parking lots to the rear or interior of the site.

Urban Design Policy 10.19: Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces, buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.

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The *Grain Belt Brewery Area Development Objectives* that apply to this proposal include the following:

1. Preserve the historic and landmark nature of the brewery complex through the renovation, reuse and interpretation of the historic buildings.
4. Encourage appropriate residential development that maximizes the value of the riverfront amenity and the historic setting.
6. Enhance the tax base of the City.

The plan states that “In the area east of Marshall Street, new construction should be of the character, material and placement compatible with the existing Grain Belt office building. Such new construction should be limited in height so as not to obscure the easterly view of the brewhouse.... It is generally expected that a high level of design quality and amenities will be incorporated into any new development in the brewery area.” Specific to this site, the plan mandates that “any development that occurs on this site must [i]nclude a sufficient setback from Marshall Street to [allow] a public plaza...for viewing the historic Brewhouse across the street. This plaza would be part of the private development but would be publicly-accessible.”

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

The use of the site for a planned unit development with 151 dwelling units and an office will conform to the applicable regulations upon the approval of the rezoning, conditional use permit, variances, site plan review, and plat applications.

Findings Required for Planned Unit Developments:

- A. The planned unit development conforms to the applicable standards for alternatives and amenities. (See Section A Below for Evaluation)**
- B. Additional uses. (See Section B Below for Evaluation)**
- C. The planned unit development conforms to the required findings for a planned unit development. (See Section C Below for Evaluation)**

Section A: Authorized Alternatives and Amenities Provided

- All planned unit developments shall provide at least one (1) amenity or a combination of amenities that total at least ten (10) points, beyond those required for any alternative(s), and even if no alternative(s) is requested.
- For each alternative requested, an amenity or a combination of amenities totaling at least five (5) points, in addition to the amenity(ies) required in section 527.120(1), shall be provided. For multiple requests of the same alternative only one (1) amenity shall be required for those alternatives.
- Unless otherwise determined by the city planning commission, each phase of the planned unit development shall include the amenities provided for any alternatives in that phase, as a part of the construction of that phase.
- In no case shall any item be counted as an amenity for an alternative if it is utilized to qualify for a density bonus in any zoning district, a floor area ratio premium in the Downtown Districts, or any other amenity in Table 527-1, Amenities.

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- Where an amenity is provided that meets the standards required in Table 527-1, Amenities, the full point value assigned to said amenity shall be obtained. Where the amenity does not meet all of the standards required in Table 527-1, Amenities, no points shall be awarded. Partial points for alternatives shall not be awarded, except as otherwise allowed in Table 527-1, Amenities.

Alternatives requested:

- **Placement and number of principal residential structures.**

Number of Principal Residential Structures: A principal residential structure is not allowed to be located on the same zoning lot with any other principal structure. The two new structures are principal residential structures and the existing structure is a principal structure.

Building Placement Requirements of the PO Pedestrian Oriented Overlay District – No alternative requested.

- **Bulk regulations.**

Maximum Floor Area – No alternative requested.

Building Height – No alternative requested.

- **Lot area requirements.** – No alternative requested.
- **Yards:** The city planning commission may authorize reductions in or elimination of required yards provided landscaped yards of at least such minimum width as required by the zoning district in which the planned unit development is located shall be maintained along property lines abutting a side or rear lot line of a residential district or property lines abutting a side or rear lot line of a structure used for permitted or conditional residential purposes. The applicant is requesting a reduction to the front yard requirement adjacent to Main Street Northeast for a building, a parking area and a walkway and stairs exceeding 6 feet in width, to the front yard requirement adjacent to Marshall Street Northeast for the plaza and walkways exceeding 4 feet in width, and to the corner side yard requirement adjacent to 13th Avenue Northeast for a building and the plaza.

Front yard requirement: A front yard is required adjacent to Marshall Street Northeast and Main Street Northeast. The minimum front yard requirement adjacent to both streets is 15 feet. The plaza and 6-foot wide walkways would extend into the front yard adjacent to Marshall Street Northeast, but are not permitted obstructions. Adjacent to Main Street Northeast, Building B would be set back 7.8 feet and the surface parking lot would be set back 6.5 feet from the front lot line. An 8 to 11-foot wide walkway and 8-foot wide stairs would also extend into the front yard, but are not permitted obstructions.

Corner side yard requirement: A corner side yard is required adjacent to 13th Avenue Northeast. The minimum corner side yard requirement is 14 feet. Building A would be set back 13 feet or more from the corner side lot line. The plaza would also extend into the corner side yard, but is not a permitted obstruction.

- **On-premise signs.** – No alternative requested.
- **Off-street parking and loading.** – No alternative requested.

Points required:

- Minimum required amenity(ies) – **10 points.**
- Number of principal residential structures – **5 points.**
- Yards – **5 points.**
- **Total – 20 points.**

Amenities provided: The applicant believes that 21 points worth of amenities are proposed as described below. Staff has determined that 21 points are warranted for the amenities proposed.

Table 527-1 Amenities

The applicant proposes the following amenities from Table 527-1: Heritage Preservation, Plaza, and Pedestrian Improvements. The required standards are in bold font.

Heritage Preservation – **Preservation, rehabilitation or restoration of designated historic landmarks as a part of the development, subject to the approval of the Minneapolis Heritage Preservation Commission.** The Grain Belt Office Building, located at the southwest corner of the site, will be rehabilitated as a part of this development. The building was locally designated in 1977 and is a contributing structure in the Minneapolis Brewing Company Historic District listed with the National Register. The proposed rehabilitation will include, but not be limited to, cleaning and repairing the brick and stone, restoring the original windows, installing new storm window frames that align with the historic frames, removing the shingled roof over the large, gabled, steel-framed skylight in the back of the building and installing another protective skylight system over the existing skylight frame, and upgrading mechanical equipment. The Heritage Preservation Commission is expected to review the Certificate of Appropriateness application for the proposed rehabilitation on January 15, 2013. This provision is worth 10 points.

Plaza – **Plazas shall have a minimum area equivalent to ten (10) percent of the site not occupied by buildings, but not less than two thousand (2,000) square feet and shall comply with all provisions in Chapter 535, Regulations of General Applicability. Plazas for commercial or mixed-use development shall be open to the public during daylight hours.** Ten percent of the net lot area is equivalent to 13,220 square feet. The proposed plaza is 20,281 square feet in area.

The Chapter 535 development standards for plazas are as follows:

Placement:

- The placement of plazas shall not detract from and shall enhance natural surveillance and visibility of adjacent spaces and public sidewalks and facilitate pedestrian access and circulation.**
- Plazas shall be designed to enhance interaction with occupants of adjacent buildings and uses.**

The placement of the plaza would have direct access to and enhanced surveillance of the public sidewalks adjacent to Marshall Street Northeast and 13th Avenue Northeast. Multiple access points

on all sides of the plaza are proposed to facilitate pedestrian access. The main entrance of Building A would be accessed directly from the plaza. Walkways would connect to entrances for Building B from the plaza through the pedestrian promenade. The walls of the residential buildings facing the plaza would have a large amount of windows and balconies to enhance interaction. The applicant is also proposing to construct a deck on the north side of the office building.

Access:

- a. All plazas shall be designed to allow for pedestrian and bicycle access through and/or around the plaza.**
- b. Multiple access points shall be provided for each plaza, with one (1) access point being connected to a public street, public sidewalk or public pathway.**
- c. All plazas shall be designed in accordance with the accessibility requirements of the Americans with Disabilities Act.**
- d. Unobstructed walkways a minimum of four (4) feet in width shall connect the plaza to an entrance of any building on the same zoning lot.**
- e. When adjacent to a transit stop, said transit stop shall be integrated into the design of the plaza.**

The plaza would front Marshall Street Northeast and 13th Avenue Northeast. Multiple access points on all sides of the plaza are proposed to facilitate pedestrian access. Bicycle racks would be provided on the east side of the plaza adjacent to the entrance for Building A. The plaza would be ADA compliant. Walkways at least four feet in width would connect to the main entrance for Building A. Walkways would connect to entrances for Building B from the plaza through the pedestrian promenade. The plaza is not adjacent to a transit stop.

Natural surveillance and visibility: **Plazas shall be designed to control and guide movement through the site, promote natural observation and provide opportunities for people to observe adjacent spaces and public sidewalks.**

The plaza is designed to control and guide movement through the site. The placement of landscaping would not prevent observation to and from the site.

Aerial obstructions: **Plazas shall be unobstructed to the sky except for seating, arbors, trellises, kiosks, lighting, water features, public art and landscaping. Up to thirty (30) percent of the plaza area may include umbrellas, awnings or an arcade.**

Other than landscaping, the plaza would be open to the sky.

Surface materials: **With the exception of landscaped areas, plazas shall be surfaced with durable and decorative materials, including but not limited to pervious pavers, decorative pavers, stamped concrete, colored concrete, or brick.**

Concrete with a stamped pattern would be used for surfacing.

Seating:

- a. A minimum of one (1) linear foot of seating shall be provided for each fifty (50) square feet of plaza area.**
- b. A minimum of twenty (20) percent of the required seating shall consist of fixed seating. A minimum of twenty (20) percent of the required seating shall consist of seating with backs.**

- c. **A minimum of two (2) different types of seating shall be required. Seating may take on multiple forms, including traditional and non-traditional seating, provided that it is accessible and all other seating requirements of this section are met.**
- d. **All seating must be of appropriate ergonomic design.**
- e. **Seating provided for sidewalk cafes or other adjacent uses shall not count toward the minimum seating requirement of this ordinance.**

At least 405 linear feet of seating is required, of which at least 81 feet must be fixed and 81 feet must be seating with backs. A total of 405 linear feet of seating is proposed. All seating would be fixed and 216 linear feet of the seating would have backs. All seating would be of an appropriate ergonomic design. Seating for adjacent uses is not proposed to count towards meeting the minimum seating requirements.

Encroachments and setbacks:

- a. **Plazas shall not encroach into the public right-of-way without the property owner first obtaining an encroachment permit.**
- b. **All seating, water features, arbors, trellises, trash receptacles or other accessory equipment and furnishings shall comply with the minimum yard requirements of the zoning district in which they are located.**

The plaza would not extend into the public right-of-way, but would extend into the required front yard adjacent to Marshall Street Northeast and into the required corner side yard adjacent to 13th Avenue Northeast. Through the PUD, the applicant is requesting an alternative of yard requirements by providing additional amenities on-site.

Plantings:

- a. **Plazas shall provide a minimum of one (1) tree for each one thousand (1,000) square feet of plaza area. If proposed as part of a project that has a general landscaping requirement, trees located in the plaza shall contribute toward compliance with the general landscaping requirement.**
- b. **A landscaped area equivalent to ten (10) percent of the total plaza area may be provided in lieu of trees.**

At least 21 trees are required. Seven trees are proposed. Ten percent of the total plaza area is equal to 2,028 square feet. The applicant is proposing to landscape nearly half of the plaza.

Additional amenities: Plazas must provide at least one of the following additional amenities. Plazas in excess of five thousand (5,000) square feet shall provide a minimum of two (2) of the following additional amenities:

- c. **Art feature. Art shall strive to promote quality design, enhance a sense of place and be maintained in good order for the life of the plaza. The art shall be located where it is highly visible to the public. The art shall be valued at not less than one-fourth (.25) of one (1) percent of the capital cost of the principal structure.**
- h. **Stormwater functionality. Provide capacity for infiltrating stormwater generated onsite. Such stormwater amenity may be counted as two amenities if done in an artistic and educational manner.**

The above additional amenities are proposed. Specifics have not been identified for the art feature at this time because the applicant is in the process of securing funding to commission an artist. If more information about the art is not available at the time final plans are submitted, at a minimum, the art feature location will need to be indicated on the final site plan with a note that states that the final

design will comply with the requirements of section 535.810(9)(c) in the zoning code and is subject to review and approval by Minneapolis CPED staff. Rain garden planting areas will be installed on the east and west sides of the plaza.

***Lighting:* All plazas shall be illuminated in accordance with Chapter 535, Regulations of General Applicability.**

The proposed lighting would comply with the Chapter 535 requirements.

***Winter use:* Plazas shall be designed for winter use and relate to the built form with consideration given to elements such as providing shelter from winds, utilizing seasonally appropriate materials, maximizing access to sunlight and providing for snow and ice removal. Plazas should be located so that they receive natural sunlight during daytime hours in all seasons.**

The plaza would have full southern exposure and access to sunlight during winter months. To the extent allowed by the location of the historic foundation, the placement of the trees would reduce the generation of wind currents. The surfacing material is appropriate for all seasons. A snow storage area would be provided at the west side of the plaza.

***Trash receptacles:* A minimum of one (1) trash receptacle and one (1) recycling receptacle shall be provided for each two thousand (2,000) square feet of plaza area.**

Ten trash and recycling receptacles are required. The applicant has indicated that the ten receptacles proposed will accommodate both trash and recycling.

***Mechanical equipment:* All exhaust vents and mechanical equipment located adjacent to a plaza shall be screened in accordance with the required screening provisions of Chapter 530, Site Plan Review.**

All mechanical equipment would be adequately screened from the plaza.

***Maintenance required:* All plazas shall be maintained in good order by the property owner for the life of the plaza. Proper maintenance shall include, but not be limited to, snow and ice removal, annual maintenance of vegetation and green space and annual inspection and repair and/or replacement of furnishings. Minimum landscaping and seating requirements shall be maintained for the life of the plaza. All adjacent streets, sidewalks and pathways shall be inspected regularly for purposes of removing any litter found thereon.**

***Downtown districts:* Projects seeking a floor area ratio premium in a downtown district by providing an outdoor urban open space shall comply with all requirements of this section and the requirements of the outdoor urban open space premium as specified in Chapter 549, Downtown Districts.**

Not applicable.

This provision is worth 5 points.

***Pedestrian Improvements* – A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site that exceeds the requirements of Chapter 530, Site Plan Review. The improvements shall use a combination of landscaping,**

decorative materials, access control and lighting to create a safe, clear and aesthetically pleasing access through and/or around the site that complies with the Americans with Disabilities Act accessibility requirements. The applicant is proposing a centrally located pedestrian promenade that would extend from the east end to the west end of the site. The promenade would be more than 60 feet wide between the residential buildings and allows views through the site to the Grain Belt Brewery located at 1220 Marshall Street Northeast. Programmed outdoor spaces would be located between the apartment buildings along the walkway. Changes in grade and landscaping would be used to delineate public from private spaces. Bicycle parking would be provided adjacent to each residential building’s main entrance. The applicant is also proposing to provide a 5 foot wide landscaped boulevard along 13th Avenue Northeast where there currently isn’t any landscaping. To maintain a 6 foot wide sidewalk, the sidewalk will extend two feet onto the development site for which the applicant will provide an access easement. The improvements would comply with the applicable accessibility requirements. To ensure that pedestrians would have convenient and direct access to Building A from 13th Avenue Northeast, staff is recommending that the Planning Commission require the applicant to provide a street facing entrance. This provision is worth 3 points.

Amenities proposed by the applicant

The city planning commission may consider other amenities not listed in Table 527-1, Amenities, that are proportionally related to the alternative requested. The commission may assign points based on the proportionality. The applicant is proposing to preserve the building foundations at the northwest corner of the site that were discovered in an archeological investigation. The foundations are from buildings belonging to the John Orth Brewing Company that have historic significance. Exposing or disturbing the foundations is not appropriate; therefore the proposed plaza design incorporates a system that covers and protects them from water infiltration. Above grade concrete elements in the plaza will represent what lies beneath the surface. Two interpretive plaques will be installed at opposing ends of the plaza as well. The applicant is requesting 3 points for this amenity. The preservation of an archeological resource has direct proportionality to the yard setbacks and number of structures located on the site by providing adequate light, air, open space and separation of uses. Staff agrees that 3 points are warranted.

Points Summary

<i>Amenity</i>		<i>Points Requested by Applicant</i>	<i>Points Recommended by Staff</i>
Amenities from Table 527-1	Historic Preservation	10	10
	Plaza	5	5
	Pedestrian Improvements	3	3
Amenities proposed by the applicant	Preservation of Archeological Resources	3	3
Total		21	21

Phasing plan. – The development would not be phased.

Section B: Additional Uses

- **In general. The city planning commission may authorize additional uses in the zoning district in which the planned unit development is located as provided below and subject to section 527.210. An amenity is not required in order to allow an additional use.**

- **Residence and OR1 Districts.** The city planning commission may authorize additional residential uses, small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics within a planned unit development located in the Residence and OR1 Districts. The additional small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics shall not exceed two thousand (2,000) square feet per use, unless otherwise allowed by the zoning district in which the use is located.
- **OR2 and OR3 Districts.** The city planning commission may authorize additional residential uses and retail sales and services uses as allowed in the C1 District within planned unit developments located in the OR2 and OR3 Districts. Notwithstanding section 547.30(f)(2) and (3), the city planning commission may authorize retail sales and services uses greater than two thousand (2,000) square feet, but not to exceed four thousand (4,000) square feet per use. The city planning commission may allow more than two (2) such retail sales and services uses per zoning lot.

Additional uses are not proposed.

Section C: Conformance with Required Planned Unit Development Findings

In addition to the conditional use permit standards contained in Chapter 525, Administration and Enforcement, before approval of a planned unit development the city planning commission also shall find:

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

The proposed uses include 151 dwelling units, an office and a plaza. With the adoption of the staff recommendation, the two new residential buildings would complement the historic office building. The proposed plaza and pedestrian promenade would retain views of the Brewhouse located across Marshall Street Northeast while allowing for amenity space for on-site users and the public.

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

The total minimum vehicle parking requirement for all of the uses in the development is 140 spaces. Enclosed parking with 151 spaces and 38 surface parking spaces would be provided for the uses in the development. The applicant would provide 100 long-term bicycle parking spaces and 36 short-term bicycle parking spaces, which is in excess of the minimum requirements. An on-site loading space will be provided for the dwellings. Provisions for pedestrian access will be provided on all sides of the site. Staff is also recommending that the planning commission require the applicant to provide a principal entrance for Building A that faces 13th Avenue Northeast. The site is within two blocks of transit stops for two bus routes and is within four

blocks of two Nice Ride bicycle stations. The site is also within walking distance of many nonresidential establishments and services, parks and the river.

A draft travel demand management plan (TDMP) was prepared for the project. The TDMP anticipates that trips generated by the proposed residential use will have a negligible impact on the adjacent roadway network.

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

The proposed amenities include historic preservation of the Grain Belt Office Building, a plaza, pedestrian improvements, and preservation of an archeological resource (the building foundations from buildings belonging to the John Orth Brewing Company that will be protected by the proposed plaza).

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

The scale and massing of the new 4-story buildings would be compatible with the historic Grain Belt Brewery structures and would not overshadow the office building. The plaza and pedestrian promenade will retain views of the Brewhouse across the street. To ensure the appearance of the new buildings are compatible with the historic office building, staff is recommending that fiber cement board is not allowed as a primary exterior material. Landscaped yards would be provided between each of the surface parking lots and the adjacent streets. A variance is requested to allow the surface parking lots to be located between the residential buildings and Marshall Street Northeast and Main Street Northeast. Because parking is necessary to ensure the vitality of the office building and would also accommodate some guest parking for the dwellings, the variance to allow the surface parking adjacent to Marshall Street Northeast is warranted. However, the surface parking adjacent to Main Street Northeast is not needed to meet the minimum parking requirement, does not comply with the front yard requirement, significantly reduces the width of the pedestrian promenade on the east side of the site, and pedestrian views of the Brewhouse would be impeded by parked cars. Therefore staff is recommending denial of the variance to allow the Main Street Northeast parking lot.

e. An appropriate transition area shall be provided between the planned unit development and adjacent residential uses or residential zoning that considers landscaping, screening, access to light and air, building massing, and applicable policies of the comprehensive plan and adopted small area plans.

A multiple family dwelling is located to the north of the site. Sufficient separation with landscaped yards would be provided between the proposed buildings and surface parking and the adjacent residential use to maintain access to light and air.

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

The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way. Provisions for stormwater runoff and storage include rain gardens and an infiltration system.

- g. The consideration, where possible, of sustainable building practices during the construction phases and the use of deconstruction services and recycling of materials for the demolition phase.**

Many sustainable building practices and green strategies will be incorporated into the building as identified in the applicant's responses to the findings that are attached to this report. The waste management plan includes reducing waste by at least 25 percent through recycling, salvaging and diversion strategies.

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

Please refer to the preliminary plat section of this report.

VARIANCE: To reduce the rear yard requirement from 11 feet to 9 feet to allow a building and from 10 feet to 9 feet to allow balconies.

Findings as required by the Minneapolis Zoning Code:

- 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.**

Building A is subject to minimum 11 foot required yard adjacent to the adjacent residential property. The building would be set back 9 to 13 feet from the rear lot line. Balconies not exceeding 50 square feet in area are permitted obstructions on multiple-family dwellings of 4-stories or more provided such balcony is located no closer than 10 feet from the interior side lot line. Some of the balconies on Building A would be located 9 feet from the interior side lot line where the rear lot line and interior side lot line intersect. Archeological features are located to the west of the proposed Building A location. Shifting the building to comply with the yard requirement could increase the likelihood that the historically significant building foundations would be negatively impacted.

- 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.**

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to

provide adequate light, air, open space and separation of uses. Only 25 feet of the 125 foot long east building elevation would be located 9 feet from the shared lot line. The rest of the building wall would be setback 13 feet. Only a small part of the balconies on the southeast corner of the building require the variance. The adjacent residential structure is set back 11.5 feet from the shared rear lot line. A parking lot is located between the adjacent residential structure and the shared interior side lot line. Granting the variance should have no discernible impact on the adjacent property's access to light and air. The request is reasonable and in keeping with the spirit and intent of the ordinance and the comprehensive plan.

- 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.**

Only 25 feet of the 125 foot long east building elevation would be located 9 feet from the shared lot line. The rest of the building wall would be setback 13 feet. Only a small part of the balconies on the southeast corner of the building require the variance. The adjacent residential structure is set back 11.5 feet from the shared rear lot line. A parking lot is located between the adjacent residential structure and the shared interior side lot line. Shifting the building to comply with the yard requirement could increase the likelihood that the historically significant building foundations would be negatively impacted. Granting the variance should have no discernible impact on the adjacent property's access to light and air would be less detrimental to the preservation of the archeological features.

VARIANCE: Of the parking location requirements to allow a parking area to be located between the building and the front lot lines adjacent to Main Street Northeast and Marshall Street Northeast in an office residence district.

Findings as required by the Minneapolis Zoning Code:

- 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.**

In the residence and office residence districts, off-street parking areas are not allowed to be located between the principal building and the front lot line. Surface parking areas are proposed on the east and west ends of the site that would be between the principal buildings and the front lot lines adjacent to Main Street Northeast and Marshall Street Northeast.

Marshall Street Northeast parking lot: Some parking is necessary to ensure the vitality of the historic office building. Although the surface parking is in excess of the parking needed to meet the minimum parking requirements, this parking lot would also accommodate some guest parking for the dwellings and would reduce demand for on-street parking in the immediate area. The character of Marshall Street Northeast is more commercial in nature. The location of the historic office building and building foundations on the west side of the site, and providing a view corridor through the site to the Brewhouse located on the other side of Marshall Street Northeast, limits where this parking can be provided without triggering the need for a variance of this ordinance.

Main Street Northeast parking lot: There are not circumstances unique to the property to warrant the variance on the east side of the property. The surface parking adjacent to Main Street Northeast would provide additional residential and guest parking, but it is not needed to meet the minimum parking requirement. Main Street Northeast is primarily a residential street and adjacent residential uses are located to the north and east of the proposed parking area location. The proposed setback from Main Street Northeast does not comply with the minimum 15 foot front yard requirement. Allowing the parking lot also significantly reduces the width of the pedestrian promenade on the east side of the site. Parked cars in this location would impede pedestrian views of the Brewhouse. Further, less area would be available to locate an accessible ramp that is needed to address the 3.5 foot grade difference between the public sidewalk and the Building B principal entrance. Staff prefers that the accessible ramp is not located between the building and the street because it would likely result in the loss of most of the landscaping in that area. Therefore staff is recommending denial of the variance to allow the Main Street Northeast parking lot.

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.

Restrictions on the location of parking areas in residential areas are established to ensure compatibility between parking areas and residential uses and maintain the residential character of the districts by preventing the dominance of the streetscape by parking facilities.

Marshall Street Northeast parking lot: The character of Marshall Street Northeast is more commercial in nature. The parking lot would be located between the office building and the plaza. A 17 foot wide landscaped yard is also proposed between the parking area and the street. Some parking is necessary to ensure the vitality of the historic office building. Although the surface parking is in excess of the parking needed to meet the minimum parking requirements, this 23-space parking lot would also accommodate some guest parking for the dwellings and would reduce demand for on-street parking in the immediate area. For these reasons, this request is in keeping with the spirit and intent of the ordinance.

Main Street Northeast parking lot: The 12-space surface parking lot adjacent to Main Street Northeast would provide additional residential and guest parking, but it is not needed to meet the minimum parking requirement. Main Street Northeast is primarily a residential street and adjacent residential uses are located to the north and east of the proposed parking area location. The proposed setback from Main Street Northeast does not comply with the minimum 15 foot front yard requirement. Allowing the parking lot also significantly reduces the width of the pedestrian promenade on the east side of the site. Parked cars in this location would impede pedestrian views of the Brewhouse. Further, less area would be available to locate an accessible ramp that is needed to address the 3.5 foot grade difference between the public sidewalk and the Building B principal entrance. Staff prefers that the accessible ramp is not located between the building and the street because it would likely result in the loss of most of the landscaping in that area. Staff is recommending denial of the variance to allow the Main Street Northeast parking lot because it is not in keeping with the spirit and intent of the ordinance and the comprehensive plan. If the variance is approved, a minimum 15 foot landscaped yard should be required between the parking area and the street in order to make it more in keeping with the ordinance and comprehensive plan.

- 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.**

Marshall Street Northeast parking lot: Granting the variance to allow the Marshall Street Northeast parking lot should not affect the character of the area and would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The character of Marshall Street Northeast is more commercial in nature. The parking lot would be located between the office building and the plaza. A 17 foot wide landscaped yard is also proposed between the parking area and the street.

Main Street Northeast parking lot: Although granting the variance to allow the Main Street Northeast parking lot would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties, it would affect the character of the area. Main Street Northeast is primarily a residential street and adjacent residential uses are located to the north and east of the proposed parking area location. The proposed setback from Main Street Northeast does not comply with the minimum 15 foot front yard requirement. Allowing the parking lot also significantly reduces the width of the pedestrian promenade on the east side of the site. Parked cars in this location would impede pedestrian views of the Brewhouse. Further, less area would be available to locate an accessible ramp that is needed to address the 3.5 foot grade difference between the public sidewalk and the Building B principal entrance. Staff prefers that the accessible ramp is not located between the building and the street because it would likely result in the loss of most of the landscaping in that area.

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 the 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.

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- 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.

Conformance with above requirements:

- A 15-foot wide front yard is required adjacent to Main Street Northeast and Marshall Street Northeast. A 14-foot wide corner side yard is required adjacent to 13th Avenue Northeast. Through the PUD, the applicant is proposing alternatives to reduce the Main Street Northeast and 13th Avenue Northeast yard requirements for the buildings by providing additional amenities on-site.
- Landscaping, the plaza, and surface parking areas are proposed between the buildings and the adjacent streets. A variance is required to allow the parking lots to be located between the buildings and the front lot lines. Staff is recommending that the planning commission approve the variance to allow the parking lot accessed from Marshall Street Northeast, but deny the variance to allow the parking lot accessed from Main Street Northeast.
- The principal entrance for Building A would face the plaza. Although it is oriented towards Marshall Street Northeast, this location does not meet the intent of the ordinance. The principal entrance for Building B would face the pedestrian promenade. For the office building, the principal entrance directly adjacent to Marshall Street Northeast will be retained, but the accessible principal entrance in the side vestibule facing Marshall Street will be used as the main entrance. Alternative compliance is requested for the Building A and Building B principal entrance locations.
- Most of the parking would be enclosed under the two new residential buildings. Two surface parking lots, located at the east and west ends of the site, would be located between the residential buildings and Marshall Street Northeast and Main Street Northeast. Alternative compliance is requested to allow the parking lot locations. A variance is also required to allow the parking lot locations.
- The buildings would include recesses and projections, change of materials, balconies and windows to divide the buildings into smaller identifiable sections.
- There would not be any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length on the first through fourth floors of the residential buildings. However, there are several walls on the parking level that would contain insufficient architectural elements. The applicant is requesting alternative compliance for these walls.
- The primary exterior materials would include brick (19 percent), cement fiber board lap siding (33 percent), fiber cement board panel (8 percent), metal panels (9 percent), glass (25 percent), and rock-faced concrete masonry units (7 percent). These materials are durable; however, brick and metal is considered more durable than fiber cement board. The fiber cement board would consist of 41 percent of the total exterior elevation area. As noted in the staff report for the certificate of appropriateness, metal and brick were materials found within this historic landmark's boundaries and were used in some manner during the landmark's period of significance. The rock-faced concrete masonry units could be considered a modern complement to the rough-faced limestone foundations found in the other brewery landmark buildings. Fiber cement board was not a material that was available during the period of significance and none of the landmark's resources are clad in lap siding. Further, the number of materials proposed for cladding the buildings (four), is not characteristic of the landmark. The staff recommendation for the certificate of appropriateness includes a condition to reduce the number of materials by prohibiting the use of fiber cement board. The condition includes a provision to then use brick in its place resulting in brick covering approximately 60 percent of the total exterior elevation area. This recommendation is also in keeping with the small area plan that calls for a high level of quality design. Beyond complying with

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the staff recommendation to use brick in lieu of the fiber cement board, exterior material changes at a later date would require review by the planning commission and an amendment to the site plan review.

- All sides of the buildings would be compatible to each other and similar in appearance.
- Plain face concrete block would not be used as a primary exterior building material fronting a public street, sidewalk, pathway, or residence or office residence district.
- To emphasize its importance, the principal entrance on Building A would be sheltered by a canopy and flanked by large windows. On Building B, the principal entrance would be sheltered by a balcony and flanked by large windows.
- The amount of required and proposed windows on the residential buildings is identified in the following tables.

20 Percent of the First Floor Walls
(Measured between two and ten feet above the adjacent grade)

<i>Wall</i>	<i>Required area (sq. ft.)</i>	<i>Proposed area (sq. ft.)</i>	<i>Percentage of wall area</i>
Building A, west (Marshall St NE)	204.8	247	24.1%
Building A, north (13th Ave NE)	438.4	359	16.4%
Building A, east (that part facing the parking lot and Main St NE)	25.6	45	35.2%
Building B, east (Main St NE)	102.4	96	18.7%
Building B, north (that part facing the parking lot)	102.4	174	34%

The applicant is requesting alternative compliance for the walls that are in bold text above. All of the required windows would be vertical in proportion. The windows would be evenly distributed except on the north and west walls of Building A. The applicant is also requesting alternative compliance for this requirement.

10 Percent of the Upper Level Walls

<i>Wall</i>	<i>Required area (sq. ft.)</i>	<i>Proposed area (sq. ft.)</i>	<i>Percentage of wall area</i>
Building A, west (Marshall St NE)	133.4	375	27.9%
Building A, north (13 th Ave NE)	287.7	870	30.2%
Building A, east (that part facing the parking lot and Main St NE)	16.8	45	26.8%
Building B, east (Main St NE)	67.2	107	15.9%
Building B, north (that part facing the parking lot)	67.2	173	25.7%

All windows on the upper levels would be vertical in proportion and distributed in a more or less even manner.

- More than 70 percent of the linear frontage of the ground floor walls facing the streets would accommodate spaces with active functions in each building, except on the north and west walls of Building A. The applicant is requesting alternative compliance for this requirement.
- A flat roof is proposed. Flat roofs are common on larger buildings in the immediate area.

ACCESS AND CIRCULATION:

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

Conformance with above requirements:

- Walkways 4 feet in width or greater would connect the public sidewalks to the main entrances.
- A transit stop is not adjacent to the site.
- A 20-foot wide driveway would provide access to on-site parking facilities from each street frontage. The size and spacing of the driveways are designed to minimize conflicts with pedestrians and surrounding residential uses.
- The site is not adjacent to an alley.
- The maximum impervious surface coverage allowed in the OR2 district is 85 percent. With a lot area of 132,195 square feet, 112,365.8 square feet of impervious surface is allowed. The proposed amount of impervious surface is approximately 95,605 square feet, which covers 72.3 percent of the site. Two surface parking lots are proposed as part of the development, both of which require a variance to allow them to be located between the buildings and the front lot lines. If the staff recommendation to deny the variance to allow the parking lot on the east side of the site is adopted, the proposed amount of impervious surface would not be excessive.

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.

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- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

Conformance with above requirements:

- The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 132,195 square feet. The building footprints would be approximately 50,222 square feet. The lot area minus the building footprint therefore consists of approximately 81,973 square feet. At least 20 percent of the net site area (16,394.6 square feet) must be landscaped. Approximately 36,590 square feet of the site would be landscaped. That is equal to 44.6 percent of the net lot area.
- The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space be provided on the site. The tree and shrub requirement for this site is 33 and 164 respectively. The applicant would provide 2 deciduous canopy trees and 346 shrubs on-site. The applicant is requesting alternative compliance for the on-site tree requirement.
- The remainder of the landscaped area would be covered with ornamental trees, evergreen trees, sod, perennials and wood mulch.
- A landscaped yard at least 15 feet wide, screening that is 60 percent opaque and 3 feet in height, and two canopy trees are required between the surface parking lots and Marshall Street Northeast and Main Street Northeast.
 - *Marshall Street Northeast:* A 17 foot wide landscaped yard is proposed. Shrubs are proposed to provide the required screening; however, no canopy trees are proposed. The applicant is requesting alternative compliance for the required trees.
 - *Main Street Northeast:* A 6.5 foot wide landscaped yard is proposed. Shrubs are proposed to provide the required screening; however, no canopy trees are proposed. The applicant is requesting alternative compliance for the width of the landscaped yard and the required trees.
- A landscaped yard at least 7 feet wide and screening that is 95 percent opaque and 6 feet in height is required between the parking area that is accessed from Main Street Northeast and the residential property located to the north of the site. The parking lot would not be parallel to the shared lot line resulting in a 7-foot wide or greater landscaped yard along most of the parking area. Shrubs and ornamental trees are proposed in the landscaped yard, but would not equate to 95 percent screening that is 6 feet in height. The applicant is requesting alternative compliance for the yard width and screening.
- The corners of the parking lots unavailable for parking or vehicular circulation would be landscaped or used for pedestrian circulation.
- Four of the 23 spaces in the Marshall Street Northeast parking and none of the Main Street Northeast parking lot spaces would be located within 50 feet of an on-site deciduous canopy tree. The applicant is requesting alternative compliance for this requirement.

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.**

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- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
 - Natural surveillance and visibility
 - Lighting levels
 - Territorial reinforcement and space delineation
 - Natural access control
- To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

Conformance with above requirements:

- Continuous 6-inch by 6-inch concrete curbing is proposed around the parking lot accessed from Marshall Street Northeast to limit stormwater infiltration in order to protect the archeological features beneath the parking lot. Discontinuous curbing is proposed on the north side of the parking lot accessed from Main Street Northeast to allow on-site stormwater infiltration in a rain garden. Continuous 6-inch by 6-inch concrete curbing would be used on the other three sides.
- The location of the buildings would retain views of the Brewhouse located across Marshall Street Northeast.
- The effects of shadowing on surrounding properties and adjacent streets should not be significant.
- Wind currents should not be a major concern. The building would contain recesses and projections. Landscaping would be planted around the site and in the plaza.
- The development would include crime prevention through environmental design elements. To promote natural surveillance and visibility, an abundant amount of windows would be provided on all sides of the buildings with the adoption of the staff recommendations and appropriate located lighting is proposed around the site. The lighting levels would maintain a level of security without creating glare or excessive lighting of the site. Walkways allowing for public access through the site would be separated from private spaces by grades changes and landscaping.
- The locally designated office building on the site will be rehabilitated as part of the development.

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 site is zoned C1 and R5. The applicant is requesting to rezone the entire site to OR2. In the OR2 district, a multiple-family dwelling with 5 or more units and offices are permitted uses. A planned unit development is a conditional use.

Parking and Loading:

Minimum automobile parking requirement: The minimum parking requirement for a multiple-family dwelling in the OR2 district is 0.9 spaces per dwelling unit. With 151 dwelling units, the minimum parking requirement is 136 parking spaces. The minimum parking requirement for an office is one space per 500 square feet of gross floor area in excess of 4,000 square feet, or 4 spaces, whichever is greater. The proposed floor area of the offices is approximately 5,042 square feet; therefore, a minimum of 4 spaces are required. The combined minimum requirement is 140 spaces. For the development, the applicant would provide 151 enclosed parking spaces and 38 surface parking spaces. At least 4 of the enclosed spaces and at least 2 of the surface spaces are required to be accessible. Four accessible spaces

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would be provided in the enclosed parking garage and a total of four accessible spaces would be provided in the surface parking lots. Not more than 25 percent of the required spaces, or 35, can be compact. One of the spaces would be compact.

Maximum automobile parking requirement: For dwellings, the total number of vehicles located on a zoning lot cannot exceed two vehicles per dwelling unit, excluding those parked within an enclosed structure. The maximum parking requirement for offices is one space per 200 square feet of gross floor area. Therefore the maximum parking requirement for the offices is 25 spaces. The 38 surface parking spaces would be shared amongst the residents and office users.

Bicycle parking requirement: The minimum bicycle parking requirement for a multiple-family dwelling is equal to one space per two dwelling units. Not less than 90 percent of the required bicycle parking must meet the standards for long term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, required long-term bicycle parking spaces must 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. The total minimum requirement is 75 spaces, of which at least 67 must meet the long-term parking requirements. The applicant has indicated that at least 100 long-term spaces would be provided in the parking garage. In addition to these spaces, 36 short-term spaces would be provided.

The minimum bicycle parking requirement for offices is 3 spaces or 1 space per 15,000 square feet of gross floor area, whichever is greater. Not less than 50 percent of the required bicycle parking must meet the standards for long-term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, short term spaces must be located in a convenient and visible area within 50 feet of a principal entrance and must permit the locking of the bicycle frame and one wheel to the rack and must support a bicycle in a stable position without damage to the wheels, frames or components. A minimum of 3 bicycle spaces are required. No bicycle parking is currently provided for the office building. Thirty-six exterior bicycle parking spaces are proposed on the site. By providing these spaces, the applicant will be bringing the existing office building closer to compliance with the minimum bicycle parking requirements.

Loading: One small loading space is required for multiple-family dwellings of 100 to 250 units. For offices with less than 20,000 square feet of gross floor area, adequate shipping and receiving facilities, accessible by motor vehicle off any adjacent alley, service drive or open space on the same zoning lot is required. One small loading space will be provided and surface parking in excess of the minimum parking requirements would allow for additional shipping and receiving facilities as needed.

Parking area location: In the residence and office residence districts, off-street parking areas are not allowed to be located between the principal building and the front lot line. Surface parking areas are proposed on the east and west ends of the site that would be between the principal buildings and the front lot lines adjacent to Main Street Northeast and Marshall Street Northeast. The applicant is requesting a variance of the parking location requirements.

Proposed Lot Area: The proposed lot area is 132,195 square feet.

Maximum Floor Area: The maximum FAR allowed in the OR2 district is 3.0 when all of the required residential parking is provided within the building. The existing office building has a gross floor area of 11,094 square feet. The proposed residential buildings, not including the parking, would have a total of 166,953 square feet. The combined gross floor area of the buildings is 178,047 square feet, which is an FAR of approximately 1.35.

Minimum Lot Area: The minimum lot area requirement in the OR2 district is 700 square feet per dwelling unit. The development qualifies for a bonus to increase the number of dwelling units by enclosing all required residential parking. This reduces the required lot area per dwelling unit to 587.5 square feet. For 151 dwelling units, the minimum lot area requirement is 88,717 square feet. The minimum lot area requirement for an office in the OR2 district is 4,000 square feet. The combined minimum lot area requirement is 92,717 square feet.

Dwelling Units per Acre: The proposed density would be approximately 49.7 dwelling units per acre.

Building Height: In the OR2 district, the maximum height is limited to 4 stories or 56 feet, whichever is less. The new buildings would be 4 stories and 56 feet tall.

Yard Requirements:

Front yard requirement: A front yard is required adjacent to Marshall Street Northeast and Main Street Northeast. The minimum front yard requirement is 15 feet unless the setback of an adjacent structure originally designed for residential purposes is greater. There are no other structures originally designed for residential purposes along Marshall Street Northeast. Adjacent to Main Street Northeast, there is one residential structure with an established setback of 5 feet. Therefore, the minimum front yard requirement adjacent to both streets is 15 feet.

- *Marshall Street Northeast:* The new buildings would be set back more than 15 feet from the front line. The plaza, 6-foot wide walkways and stairs, and a 20-foot wide driveway would extend into the front yard. Driveways less than 25 feet in width, walkways not exceeding 4 feet in width (for nonresidential uses), and stairs not exceeding 6 feet in width are permitted obstructions. The plaza and walkways are not permitted obstructions.
- *Main Street Northeast:* Building B would be setback 7.8 feet from the front lot line. Surface parking, an 8 to 11-foot wide walkway and stairs, a 5-foot wide walkway, and a 20-foot wide driveway would also extend into the front yard. Driveways less than 25 feet in width and walkways and stairs not exceeding 6 feet in width (for residential uses) are permitted obstructions. The surface parking and walkway and stairs exceeding 6 feet in width are not permitted obstructions.

Through the PUD, the applicant is proposing alternatives to complying fully with these yard requirements by providing additional amenities on-site. For a detailed description of the amenities proposed, please see the conditional use permit section of this report.

Corner side yard requirement: A corner side yard is required adjacent to 13th Avenue Northeast. The minimum corner side yard requirement is equal to $8+2x$, where x is equal to the number of stories above the first floor, but not to exceed the applicable front yard requirement of 15 feet. The proposed buildings

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would be 4-stories tall; therefore the minimum requirement is 14 feet. Building A would be set back 13 feet or more from the corner side lot line. The plaza and a 20-foot wide driveway would also extend into the corner side yard. Driveways less than 25 feet in width are permitted obstructions. The plaza is not a permitted obstruction. Through the PUD, the applicant is proposing alternatives to complying fully with these yard requirements by providing additional amenities on-site. For a detailed description of the amenities proposed, please see the conditional use permit section of this report.

Interior side yard requirement: An interior side yard is required along the north and south lot lines. The minimum interior side yard requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor. The proposed buildings would be 4-stories tall; therefore the minimum requirement is 11 feet. Building B would be setback 14 feet or more from the south and north interior side lot lines. Balconies extend into the interior side yard on the south side of Building B. Balconies not exceeding 50 square feet in area are permitted obstructions on multiple-family dwellings of 4-stories or more provided such balcony is located no closer than 10 feet from the interior side lot line. The proposed balconies on Building B would comply with these size and setback requirements. Some of the balconies on Building A would be located 9 feet from the interior side lot line and require a variance.

Rear yard requirement: A rear yard is required along the east lot line adjacent to Building A. The minimum rear yard requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor. The proposed building would be 4-stories tall; therefore the minimum requirement is 11 feet. The building would be set back 9 to 13 feet from the rear lot line. Balconies also extend into the rear yard. Balconies not exceeding 50 square feet in area and projecting not more than 4 feet into the required yard are permitted obstructions. Because the rear lot line abuts a rear lot line of a residential property used for permitted residential use, a reduction of the yard requirement cannot be authorized through the planned unit development. Therefore, a variance of the rear yard requirement is required to allow the building location.

Lot Coverage: The maximum lot coverage allowed in the OR2 district is 70 percent. The lot area is 132,195 square feet, therefore 92,536.5 square feet of coverage is allowed. The combined building footprints are approximately 50,222 square feet in area, which covers 38 percent of the site.

Impervious Surface Coverage: The maximum impervious surface coverage allowed in the OR2 district is 85 percent. The lot area is 132,195 square feet, therefore 112,365.8 square feet of impervious surface is allowed. The proposed amount of impervious surface is approximately 95,605 square feet, which covers 72.3 percent of the site.

Specific Development Standards: Not applicable.

Refuse Screening: Refuse storage containers are required to be effectively screened from the street and residences by screening compatible with the principal structure and not less than two feet higher than the refuse container. Refuse storage containers would be stored in the new residential buildings. Refuse storage containers for the office building would be located between the office building and Building B. The applicant has indicated that a screening fence will be provided. The proposed screening materials and height will need to be identified on the final site plan.

Screening of Mechanical Equipment: All mechanical equipment is required to be arranged so as to minimize visual impact by using screening and must comply with Chapter 535 and district requirements including:

535.70. Screening of mechanical equipment. (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

- (1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
 - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
 - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
 - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

Two new transformers would be located on the west end of the surface parking lot accessed from Main Street Northeast. The transformers would be screened by landscaping. An existing transformer is located on the south side of the office building. No screening has been proposed for this transformer, but will need to be provided.

Lighting: Lighting must comply with Chapter 535 of the zoning code including:

535.590. Lighting. (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (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.

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- (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.

Between the surface parking area and the adjacent residential property, lighting levels were shown to slightly exceed what is allowed. The applicant is aware that these levels will need to be reduced and will be addressed on the final plans.

Signs: A monument sign for the plaza is proposed. The applicant is not proposing any other signage at this time. Signs are regulated by Chapter 543 On-Premise Signs in the zoning code. In the OR2 district, not more than one monument sign is allowed per zoning lot. The monument sign can be up to 32 square feet in area and up to 8 feet in height. It can also be illuminated, but not backlit. The applicant has indicated that the monument sign would comply with these standards. Any proposed signage will require Zoning Office review, approval, and permits.

Plazas: Plazas with at least 2,000 square feet of area are subject to the regulations of Chapter 535 Regulations of General Applicability, specifically Article XI. Plazas, in the zoning code. For plazas exceeding 5,000 square feet in area, two additional amenities are proposed. The applicant is proposing an art feature and stormwater functionality for the additional amenities. However, specifics have not been identified for the art feature at this time because the applicant is in the process of securing funding to commission an artist. If more information about the art is not available at the time final plans are submitted, at a minimum, the art feature location will need to be indicated on the final site plan with a note that states that the final design will comply with the requirements of section 535.810(9)(c) in the zoning code and is subject to review and approval by Minneapolis CPED staff. Upon adoption of the staff recommendation, the proposed plaza would comply with these standards.

MINNEAPOLIS PLAN: Please refer to the rezoning and conditional use permit sections of this report.

ALTERNATIVE COMPLIANCE:

The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**

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- **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.**

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

Principal entrances facing a public street

The principal entrance for Building A would face the plaza. Although the entrance is oriented to Marshall Street Northeast, the location does not meet the intent of this standard because it would be over 70 feet from the nearest public sidewalk. Building A fronts 13th Avenue Northeast. A principal entrance that provides access for residents and guests could be provided on the parking or first floor level facing 13th Avenue Northeast. For these reasons, staff is recommending that the planning commission not grant alternative compliance and require the applicant to provide a principal entrance facing 13th Avenue Northeast.

The principal entrance for Building B would face the pedestrian promenade, but would be within 20 feet of the front lot line adjacent to Main Street Northeast. There is a difference of approximately 3.5 feet between the first floor elevation and the grade elevation of the public sidewalk. Some separation between the sidewalk and entrance is needed to accommodate stairs and an accessible ramp. Staff prefers landscaping between the building and the public sidewalk. With a building setback of 7.8 feet, allowing an interior facing entrance should result in more room for landscaping in this area. Currently, sod is mainly proposed between the building and street. As an alternative, additional plantings in the aforementioned area should be provided. To ensure that the Main Street Northeast elevation contains a sufficient amount of windows more appropriate for a street facing elevation, staff is also recommending that the applicant provide windows covering at least 25 percent of the total east elevation. With the condition that the applicant provides these alternatives in lieu of orienting the entrance to the street, staff is recommending that the planning commission grant alternative compliance.

Parking lot location

Parking lots are required to be located to the rear or interior of the site. Two surface parking lots, located at the east and west ends of the site, would be located between the residential buildings and Marshall Street Northeast and Main Street Northeast. A variance is also required to allow the parking lot locations.

Marshall Street Northeast parking lot: Some parking is necessary to ensure the vitality of the historic office building. Although the surface parking is in excess of the parking needed to meet the minimum parking requirements, this 23-space parking lot would also accommodate some guest parking for the dwellings and would reduce demand for on-street parking in the immediate area. The character of Marshall Street Northeast is more commercial in nature. A 17-foot wide landscaped yard is proposed between the parking area and the street. The location of the historic office building and building foundations on the west side of the site, and providing a view corridor through the site to the Brewhouse located on the other side of Marshall Street Northeast, limits where this parking can be provided. Staff is recommending that the planning commission approve the variance to allow this parking lot and grant alternative compliance.

Main Street Northeast parking lot: The 12-space parking lot adjacent to Main Street Northeast would provide additional residential and guest parking, but it is not needed to meet the minimum parking requirement. Main Street Northeast is primarily a residential street and adjacent residential uses are located to the north and east of the proposed parking area location. The proposed setback of 6.5 feet from Main Street Northeast does not comply with the minimum 15 foot front yard requirement. Allowing the parking lot also significantly reduces the width of the pedestrian promenade on the east side of the site. Parked cars in this location would impede pedestrian views of the Brewhouse. Further, less area would be available to locate an accessible ramp that is needed to address the 3.5 foot grade difference between the public sidewalk and the Building B principal entrance. Staff prefers that the accessible ramp is not located between the building and the street because it would likely result in the loss of most of the landscaping in that area. Staff is recommending denial of the variance to allow this parking lot and also recommends that alternative compliance is not granted. If the variance and alternative compliance is approved, a minimum 15 foot landscaped yard should be required between the parking area and the street in order to make the parking lot comply with the applicable landscaping requirements.

Blank, uninterrupted walls not exceeding 25 feet in width

There would not be any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length on the first through fourth floors of the residential buildings. However, there are several walls on the parking level that would contain insufficient architectural elements. The width of the parking level walls, with more than 6 feet exposure above the adjacent grade, without sufficient detail is as follows:

- Building A, west elevation: 26 feet
- Building A, south elevation: 54 feet
- Building B, west elevation: 25.5 feet

Landscaping is proposed adjacent to the south elevation of Building A and the west elevation of Building B to minimize the effects of the blank walls. The west elevation of Building A faces the plaza. No landscaping is proposed adjacent to the blank wall and it would not be impractical to provide additional architectural details in this location. For these reasons, staff is recommending that the planning commission grant alternative compliance for the south elevation of Building A and the west elevation of Building B and not grant alternative compliance for the west elevation of Building A.

Window requirements

Twenty percent of the first floor walls, measured between 2 and 10 feet above the adjacent grade, are required to be windows on the north wall on Building A facing 13th Avenue Northeast and on the east wall of Building B facing Main Street Northeast. Respectively, 16.4 percent and 18.7 percent these wall areas would be windows.

- *Building A, north elevation:* The grade changes 9 feet along 13th Avenue Northeast resulting in more exposure of the parking level walls, which have no windows. Irrespective of grade location, 30 percent of the first level wall would be evenly distributed windows. Providing windows in the parking garage level would provide little additional natural surveillance or visibility opportunities. The applicant is proposing landscaping, including ornamental trees, shrubs, and perennials, along the parking level wall. Although not reflected on the elevations, the grading plan shows that grading will be used to lessen the exposure of the garage wall as well. If a 13th Avenue Northeast facing principal entrance is added to the parking level as staff prefers, windows for the principal entrance could be incorporated to further meet the intent of

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these standards. For these reasons, staff is recommending that the planning commission grant alternative compliance.

- *Building B, east elevation:* The lobby, a staircase and landing, and a dwelling unit are adjacent to the east facing wall. It is not impractical to provide additional windows to meet the requirement. Further, the applicant is requesting alternative compliance to allow the principal entrance to face the interior of the site and not the street. As an alternative to that standard and to ensure that the Main Street Northeast elevation contains a sufficient amount of windows more appropriate for a street facing elevation, staff is recommending that the applicant provide windows covering at least 25 percent of the total east elevation. For these reasons, staff is recommending that the planning commission not grant alternative compliance.

Active functions

The first floor or ground level of buildings are required to 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. The north and west walls of Building A would not comply with this requirement. Approximately 50 percent of the linear frontage of the ground floor walls (including that part of the parking level extending 6 or more feet above the adjacent grade) facing 13th Avenue Northeast would accommodate spaces with active functions. Approximately 35 percent of the ground floor elevation facing Marshall Street Northeast would be adjacent to the parking garage. These walls are exposed because the grade changes on the site. The applicant is proposing landscaping, including ornamental trees, shrubs, and perennials, along the parking level wall facing 13th Avenue Northeast. Although not reflected on the elevations, the grading plan shows that grading will be used to lessen the exposure of the north garage wall as well. Complying fully with this standard would eliminate a large number of enclosed parking spaces. If a 13th Avenue Northeast facing principal entrance is added to the parking level as staff prefers, more active space could be incorporated to further meet the intent of these standards without a significant loss of parking. For these reasons, staff is recommending that the Planning Commission grant alternative compliance.

Minimum number of on-site canopy trees

The zoning code requires at least one canopy tree for each 500 square feet of required green space be provided on the site. The tree requirement for this site is 33. The applicant would provide 2 deciduous canopy trees on-site. In lieu of providing 31 additional canopy trees on-site, the applicant is proposing to provide 182 shrubs in excess of the minimum amount required, 43 ornamental trees, and 11 coniferous trees on-site. The remainder of the landscaped area would be covered with sod, ornamental grasses and perennials. The applicant is also proposing to plant 11 trees along 13th Avenue Northeast where there is currently no boulevard. Because the site is part of an historic landmark, vertical obstructions are not appropriate on the west side of the site as they would obscure views of the Brewhouse located across Marshall Street Northeast. For these reasons, staff is recommending that the planning commission grant alternative compliance.

Landscaped yards and canopy trees located between a parking area and a street

A landscaped yard at least 15 feet wide, screening that is 60 percent opaque and 3 feet in height, and two canopy trees are required between the surface parking lots and Marshall Street Northeast and Main Street Northeast.

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- *Marshall Street Northeast:* No trees are proposed in the 17 foot wide landscaped yard between the parking lot and Marshall Street Northeast. The parking lot and most of the landscaped yards overlap the area of significant archeological features. Planting trees could negatively impact the building foundations that are meant to be preserved as well as impede views of the Brewhouse located across the street. For these reasons, staff is recommending that the planning commission grant alternative compliance.
- *Main Street Northeast:* A 6.5 foot wide landscaped yard is proposed. Shrubs are proposed to provide the required screening; however, no canopy trees are proposed. Because the parking is not needed to meet the minimum parking requirements, providing a 15 foot landscaped yard with canopy trees would not be impractical. The applicant is also requesting a variance to allow this parking lot to be located between a building and the street. Staff is recommending denial of this variance. If the variance is approved, compliance with these landscaping standards should be required. Therefore, staff is recommending that the planning commission not grant alternative compliance.

Landscaped yard and screening located between a parking area and an adjacent residential property

A landscaped yard at least 7 feet wide and screening that is 95 percent opaque and 6 feet in height is required between the parking area that is accessed from Main Street Northeast and the residential property located to the north of the site. A surface parking lot for the adjacent residential use is located directly on the other side of the property line. The parking lot would not be parallel to the shared lot line. The area where the parking area would extend closer to the lot line (up to 3 feet away) is 9 feet wide. Most of the landscaped yard would be greater than 7 feet in width. A variety of shrubs and ornamental trees are proposed in the landscaped yard, but would not equate to 95 percent screening that is 6 feet in height. The applicant is also requesting a variance to allow this parking lot to be located between a building and the street. Staff is recommending denial of this variance. If the variance is approved, staff is recommending that the planning commission grant alternative compliance.

Locating surface parking spaces within 50 feet of an on-site deciduous canopy tree

Four of the 23 spaces in the Marshall Street Northeast parking and none of the Main Street Northeast parking lot spaces would be located within 50 feet of an on-site deciduous canopy tree.

- *Marshall Street Northeast:* Although there would be landscaped areas around the surface parking lot adjacent to Marshall Street Northeast, the parking lot and most of the landscaped yards overlap the area of significant archeological features. Planting additional trees could negatively impact the building foundations that are meant to be preserved as well as impede views of the brewhouse located across the street. For these reasons, staff is recommending that the planning commission grant alternative compliance.
- *Main Street Northeast:* Providing canopy trees in the landscaped areas around the parking lot accessed from Main Street Northeast would not be impractical. The applicant is requesting a variance to allow this parking lot to be located between a building and the street. Staff is recommending denial of this variance. If the variance is approved, staff is recommending that the planning commission require the applicant to provide a minimum 15 foot wide landscaped yard with at least two canopy trees between the parking area and the street. This condition would also result in each parking space being located within 50 feet of an on-site canopy tree. Staff is recommending that the planning commission not grant alternative compliance.

PRELIMINARY PLAT

Findings as required by the Minneapolis Subdivision Code:

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

The subdivision is in conformance with the applicable zoning code regulations and policies of the comprehensive plan. The land is proposed to be platted into one lot. A subdivision for a PUD is required to include a deed restriction as required by section 598.260 of the subdivision ordinance.

598.260. Planned unit development and cluster design. Individual lots within planned unit developments and cluster developments shall be exempt from the public street frontage requirement of section 598.230 and the design requirements of sections 598.240 and 598.250. The design of a subdivision for a planned unit development or cluster development shall implement the site plan as approved by the planning commission and shall include a deed restriction designating the following:

- (1) The relationship between all common spaces and each individual lot (rights in the common spaces and proportionate ownership accruing to the individual lot).
- (2) Provision for access to each lot that does not have frontage on a public street.
- (3) A requirement that an owners' association be created. The duties and responsibilities of the owners' association shall include maintaining the elements of the planned unit development or cluster development as authorized under the zoning ordinance or other applicable regulations.
- (4) A provision that the taxes, special assessments, and other charges and fees that would normally be levied against the common spaces shall be levied against the individual lot occupied or to be occupied by buildings in direct proportion to the interest that is stated in the deed restriction and shall provide that such levies shall be a lien against the individual lots.
- (5) A requirement that any disposition of any of the common property situated within the planned unit development or cluster development shall not be made without the prior approval of the planning commission.

Although a deed restriction addressing the above conditions is required, the proposed development will only be platted as one lot making most of the conditions irrelevant to this PUD. Selling part of the land in the PUD at a future date would require planning commission approval for a subdivision application. A deed restriction could be required at that time if needed. Also, a title search will make any future owner of the property aware of the conditional use permit for the PUD because it is required to be recorded with Hennepin County.

The subdivision is in conformance with the applicable design requirements of the land subdivision regulations and design standards except for Section 598.230(5). Section 598.230 (5) requires utility easements to be 5 feet wide adjacent to an interior side lot line and 10 feet wide adjacent to a rear lot line when no alleys are provided. In order to be in conformance with the land subdivision regulations, a variance of Sections 598.230(5) is required to allow the reduction of drainage and utility easements where the lot abuts adjacent property. While variances from the zoning code

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require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

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

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

No utility easements would be provided along the interior side and rear lot lines. One lot is proposed. The site is adjacent to three public streets where all utilities can be accessed for the site. Additional access for utilities is not needed. Granting the variance would not have any effect on surrounding properties. Staff is recommending that the planning commission grant the utility easement variance to 0 feet.

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

The plat would have no impact on the surrounding area.

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

The grade change of the site is not significant and does not present the other noted hazards. The variance would not have any effect on surrounding uses.

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

The lot is buildable with minimal alterations and has frontage on multiple streets.

5. **The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent**

practical, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.

The Public Works Department will review the project for appropriate drainage and stormwater management. Provisions to minimize the amount of stormwater runoff from the site include a rain gardens and an infiltration system.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the Rezoning:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the petition to rezone the property of 1215 and 1219 Marshall Street Northeast from C1 Neighborhood Commercial District and R5 Multiple-family District and OR2 High Density Office Residence District.

Recommendation of the Department of Community Planning and Economic Development for the Conditional Use Permit:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit to allow a planned unit development for the property located at 1215 and 1219 Marshall Street Northeast, subject to the following conditions:

- 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 two years of approval.
- 2) As required by section 527.120 of the zoning code, the development shall comply with the standards for the following amenities from Table 527-1, Amenities and those proposed by the applicant totaling a minimum of 20 points: Historic Preservation, a Plaza, Pedestrian Improvements, and Preservation of an Archeological Resource.
- 3) The applicant shall implement all amenities as required by section 527.120 of the zoning code by January 22, 2015.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the rear yard requirement from 11 feet to 9 feet to allow a building and from 10 feet to 9 feet to allow balconies for the property located at 1215 and 1219 Marshall Street Northeast.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the findings above and **approve** the variance of the parking location requirements to allow a parking area to be located between the building and the front lot line adjacent to Marshall Street Northeast in an office residence district for the property located at 1215 and 1219 Marshall Street Northeast.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the findings above and **deny** the variance of the parking location requirements to allow a parking area to be located between the building and the front lot line adjacent to Main Street Northeast in an office residence district for the property located at 1215 and 1219 Marshall Street Northeast.

Recommendation of the Department of Community Planning and Economic Development for the Site Plan Review:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review including two new buildings with a total of 151 dwelling units for the property located at 1215 and 1219 Marshall Street Northeast, subject to the following conditions:

- 1) Department of Community Planning and Economic Development staff review and approval of the final elevations, floor, site, lighting, plaza and landscape plans.
- 2) Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by January 22, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
- 3) A principal entrance facing 13th Avenue Northeast that is emphasized with architectural elements shall also be provided on Building A as required by section 530.110 of the zoning code.
- 4) Windows covering at least 25 percent of the total east elevation of Building B shall be provided.
- 5) Additional plantings shall be provided in between Building B and the Main Street Northeast public sidewalk as an alternative to orienting the principal entrance to the street as required by section 530.110 of the zoning code.
- 6) Additional architectural details shall be provided on the west parking level elevation of Building A to prevent blank, uninterrupted walls exceeding 25 feet in width as required by section 530.120 of the zoning code.

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- 7) Fiber cement board shall not be used as an exterior material on the new residential buildings. Brick shall be used in its place to ensure compatibility with the historic office building.
- 8) The transformer on the south side of the office building shall be screened as required by section 535.70 of the zoning code.
- 9) The applicant shall provide the two additional plaza amenities as required by section 535.800(9) of the zoning code.

Recommendation of the Department of Community Planning and Economic Development for the Plat:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the preliminary plat for the property located at 1215 and 1219 Marshall Street Northeast.

Attachments:

- 1) PDR report
- 2) Applicant's statement of proposed use and responses to findings
- 3) Correspondence
- 4) Zoning map
- 5) Hennepin County parcel map
- 6) Plans
- 7) Photos