

**Department of Community Planning and Economic Development**  
Conditional Use Permit, Variance, and Site Plan Review  
BZZ – 6012

**Date:** May 20, 2013

**Applicant:** The Neat Pig Group LLC

**Address of Property:** 525 3<sup>rd</sup> Street North and 345 6<sup>th</sup> Avenue North

**Project Name:** Bickford

**Contact Person and Phone:** Paul Stankey, Hive Modular LLC (612) 379-4382

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

**Date Application Deemed Complete:** April 26, 2013

**End of 60-Day Decision Period:** June 25, 2013

**Ward:** 7      **Neighborhood Organization:** North Loop

**Existing Zoning:** B4N Downtown Neighborhood District and DP Downtown Parking Overlay District

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 13

**Legal Description:** Not applicable for this application

**Proposed Use:** Mixed use building with offices and a sit down restaurant.

**Concurrent Review:**

**Conditional use permit** amendment for third phase of a planned unit development.

**Variance** to reduce the minimum floor area ratio (FAR) from 2.0 to 0.9.

**Site plan review** amendment.

**Applicable zoning code provisions:** Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, Section 525.520 (3) “To vary the gross floor area, floor area ratio and seating requirements of a structure or use”; Chapter 527, Planned Unit Development; and Chapter 530, Site Plan Review.

**Background:** The applicant proposes to construct a 3-story, approximately 16,300 square foot mixed use building located at the property of 525 3<sup>rd</sup> Street North. The subject site also includes 345 6<sup>th</sup> Avenue North because these properties were included in a planned unit development (PUD) that was approved by the planning commission in 2003. The Bookmen Lofts and Bookmen Stacks multiple-

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family residential buildings were constructed in earlier phases. In 2005, a subdivision for a registered land survey (RLS) was also approved for the PUD. The location of the proposed building is adjacent to the corner of 4<sup>th</sup> Street North and 5<sup>th</sup> Avenue North on Tract G (where the roof of the below-grade parking garage of the Bookmen Stacks building is exposed and turf covers the remainder of the parcel) of the RLS. Offices and a restaurant would be located in the new building. An outdoor patio for the restaurant is also proposed. Because the boundaries of the tracts in the RLS are defined both vertically and horizontally, the patio and part of the building would extend over the below-grade parking garage.

In 2004, a one-story sit-down restaurant was proposed as the final phase of the PUD where this project is now proposed. The City Planning Commission adopted the staff findings and denied the restaurant proposal; however, the City Council overturned most of the City Planning Commission actions upon appeal. Ultimately the restaurant proposal was not constructed, but certain aspects of that proposal may be useful as background information. At 9,300 square feet, the proposed restaurant building only had an FAR of 0.4 (please note that a minimum FAR requirement did not apply at that time). It was also proposed to be set back 85 feet from 5<sup>th</sup> Avenue (the same setback as the existing below-grade parking garage). An outdoor garden/seating area was proposed on the remainder of the site. The principal entrance faced the interior of the site and no entrance faced the adjacent streets.

A PUD is a conditional use in the B4N district. For this phase of development, an amendment to the conditional use permit is required. If the amendment is approved, the action must be recorded with Hennepin County as required by state law. In the B4N District, the minimum floor area ratio (FAR) requirement is 2.0. The lot area of this phase is 18,090 square feet. The proposed gross floor area of the building is 16,300 square feet, which is an FAR of 0.9. A variance is required to reduce the minimum FAR. Any new non-residential building requires site plan review. Also, any major changes to a previously approved site plan require an amendment.

The Bookmen Lofts development is located within Minneapolis Warehouse Historic District. However, the Bookmen Stacks and the proposed Bickford developments are not located in a historic district.

Correspondence from the neighborhood group, North Loop Neighborhood, was received and is attached to this report. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

**CONDITIONAL USE PERMIT:** amendment for third phase of a planned unit development to allow a mixed use building.

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

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.**

A mixed use 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.**

Two multiple-family residences, the Bookmen Lofts and the Bookmen Stacks, and a nonresidential building share the block with the subject site. The I-94 overpass and parking lots are located across 4<sup>th</sup> Street North. A parking ramp is located across 5<sup>th</sup> Avenue North. A mixed use building should have a positive effect on the surrounding properties. An 85-foot wide landscaped courtyard separates the Bookmen Stacks building from the proposed restaurant patio. The patio would also be screened.

**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 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.**

No on-site parking will be provided for the proposed uses. Because the site is zoned B4N, a minimum parking requirement does not apply. The proposed building will not affect any of the existing parking for the residential uses within the PUD. Sixteen bicycle parking spaces are proposed, 6 of which are needed to meet the minimum bicycle parking requirement. The close proximity to the central business district and multiple transit options will help to minimize traffic congestion.

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

In *The Minneapolis Plan for Sustainable Growth*, the future land use of the subject property is designated as mixed use. It is also within the Target Field Transit Station Area and the Downtown Growth Center. Specific to the Downtown Growth Center, the plan states:

As the physical and economic center of the city, Downtown is a logical place for a concentration of employment, housing, and other complementary uses....The land use pattern strengthens the concentrated office core with surrounding entertainment, cultural, and residential development. High intensity uses are encouraged to make the best use of the premium location and to strengthen the city's core.

According to the principles and polices outlined in the plan, the following apply to the proposed use:

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.
- 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 1.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

- 1.13.1 Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations.

Land Use Policy 1.15: Support development of Growth Centers as locations for concentration of jobs and housing, and supporting services.

- 1.15.2 Support the intensification of jobs in Growth Centers through employment generating development.

Economic Development Policy 4.13: Downtown will continue to be the most sustainable place to do business in the metro area.

- 4.13.1 Support the development of a variety of businesses of all sizes within Downtown.

The subject site is located within the boundaries of the *Downtown East/North Loop Master Plan* that was adopted by the City Council in 2003. This plan calls for transit oriented development and mixed use development on the subject site. Street level retail is encouraged along 5<sup>th</sup> Avenue North in order to connect the Target Field Transit Station and Washington Avenue North.

The property is also located within the boundaries of the *North Loop Small Area Plan* that was adopted by the City Council in 2010 and is an update to the *Downtown East/North Loop Master Plan*. The recommended land use for the site is high density mixed use in the area referred to as Warehouse West. In this area, the plan calls for the removal of surface parking lots and other underdeveloped sites to continue the eclectic mix of commercial, residential, and industrial uses. It does not emphasize orienting street level retail along 5<sup>th</sup> Avenue as the *Downtown East/North Loop Master Plan* does. According to the principles and polices outlined in the plan, the following guidance applies to this proposal:

- Land uses in the North Loop that support the strength and character of the Downtown Core instead of competing with it.

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- Preference for mid- to high-density mixed-use developments that combine residential, commercial, and retail (where appropriate) uses.
- Service-oriented commercial uses are appropriate in areas off the designated Commercial Corridors.
- Land uses organized to encourage and support public transit, cycling, and walking as viable alternatives to the private automobile.

The following principles and policies apply to the proposed building scale and placement:

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.

Urban Design Policy 10.1: Promote building designs and heights that enhance and complement the image and form of the Downtown skyline, provide transition to the edges of Downtown and protect the scale and quality in areas of distinctive physical or historical character.

10.1.2 Building placement should preserve and enhance public view corridors that focus attention on natural or built features, such as landmark buildings, significant open spaces or water bodies.

10.1.3 Building placement should allow light and air into the site and surrounding properties.

Urban Design Policy 10.2: Integrate pedestrian scale design features into Downtown site and building designs and infrastructure improvements.

10.2.7 Locate buildings so that shadowing on public spaces and adjacent properties is minimized.

The *Downtown East/North Loop Master Plan* calls for development 5 to 13 stories tall on this site. However, the *North Loop Small Area Plan* supports development of 2 to 10 stories on this site in order for new development to be compatible with existing historic warehouse structures. It categorizes the subject site in the Development Intensity District B. District B is intended to support supports land areas that are developing in a pattern consistent with medium density building types of up to ten stories. Appropriate building types in this district include housing, commercial, and industrial structures of two to ten stories. This type is generally consistent with the bulk and height of historic warehouse structures in the neighborhood. The plan states: “New development should offer a mix of development styles, and larger sites should consider site designs that provide a mix of development types within the development.

The *Downtown East/North Loop Master Plan* indicates that buildings should be located within 5 feet of a property line adjacent to a street to establish a continuous street frontage and as a means to reinforce a pedestrian scaled environment. The exception to this guideline would be in locations where a well-defined open space is provided as a public amenity along the street.

The following principles and policies apply to the rest of the site plan features:

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

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- 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.

Economic Development Policy 4.13: Downtown will continue to be the most sustainable place to do business in the metro area.

- 4.13.2 Encourage existing Downtown buildings to retrofit using sustainable design practices, including energy efficiency, additional green space, and bicycle facilities.
- 4.13.3 Support opportunities for new Downtown development to build to a high standard of sustainability.

Urban Design Policy 10.2: Integrate pedestrian scale design features into Downtown site and building designs and infrastructure improvements.

- 10.2.1 The ground floor of buildings should be occupied by active uses with direct connections to the sidewalk.
- 10.2.2 The street level of buildings should have windows to allow for clear views into and out of the building.
- 10.2.3 Ensure that buildings incorporate design elements that eliminate long stretches of blank, inactive building walls such as windows, green walls, architectural details, and murals.

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.

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

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.

- 10.19.1 In general, larger, well-placed, contiguous planting areas that create and define public and private spaces shall be preferred to smaller, disconnected areas.
- 10.19.2 Plant and tree types should complement the surrounding area and should include a variety of species throughout the site that include seasonal interest. Species should be indigenous or proven adaptable to the local climate and should not be invasive on native species.
- 10.19.6 Green roofs, living walls, and porous pavement are encouraged but are not meant to be a substitute for ground-level landscaping of sites as landscaping provides both a natural amenity and aesthetic beauty to the urban landscape.

Urban Design Policy 10.23 Promote climate-sensitive design principles to make the winter environment safe, comfortable and enjoyable.

- 10.23.1 Consider solar access, shelter from wind and snow storage and removal in site design.
- 10.23.2 Locate pedestrian places on the sunny sides of streets and buildings to shelter from the wind and utilize the sun's warmth.

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The *North Loop Small Area Plan* provides the following building design guidance:

- Facades should include prominent front entrances and abundant window glass.
- Principal entrances of buildings – commercial, industrial, residential - should face the street. They should be clearly defined and emphasized through the use of architectural design features.
- Storefronts should have an abundance of large display windows with transparent glass in order to improve visibility out and in and therefore improved street safety.

Both small area plans recognize a shortage of green space in the North Loop and encourage landscaping along public sidewalks.

*Staff comment:* The proposed building size and location as well as the restaurant location deviate from the above policies. A higher density development is preferred. The restaurant and outdoor patio would be oriented towards 4<sup>th</sup> Street North rather than 5<sup>th</sup> Avenue North as encouraged by the small area plan. Also, the building would not be within 5 feet of the lot lines along the adjacent streets. The applicant has proposed landscaping between the building and the street corner to improve the pedestrian realm. However, the landscaping would be limited to sod, ground cover and ornamental grasses. The proposed building size and location as well as the restaurant location were determined by the applicant based on a number of factors:

- The site is part of a condominium association, which is subject to bylaws set by the association. The bylaws include an overall height limit of 40 feet. Taller ceiling heights are preferred for nonresidential development. Situating the restaurant on the undeveloped area closer to 4<sup>th</sup> Street and 5<sup>th</sup> Avenue would have ultimately limited the building to 2 stories to achieve the aesthetic goals in terms of interior height while resulting in more lot coverage to reach the same square footage the proposed building has now.
- Poor soil conditions exist on the site as evidenced in the geotechnical report that was conducted in 2005 for the original restaurant proposal. The worst soil conditions are located at the corner of 4<sup>th</sup> Street and 5<sup>th</sup> Avenue. If the patio were to be located at the street corner, the entire patio would have to be supported by piles to prevent it from settling away or against the main proposed building.
- The placement of the patio is affected by the angle of the sun. The patio is oriented to the southwest in order to extend the use of the patio deeper into the fall season and earlier in spring.
- The grade of the site changes by 6 feet along 5<sup>th</sup> Avenue between the entrance of the below-grade parking garage and the street corner.
- The isolation of the restaurant and stacking of the office components creates efficiencies in the plumbing, HVAC, and electrical systems. This level of efficiency is critical for LEED Platinum Certification of the building. If these programs were intertwined, the network of ducting, electrical components, and plumbing runs would eliminate the short runs and stacked nature of "like" uses. When targeting any level of efficient sustainable construction, all aspects of the design and layout play into to overall equation.

Although higher density development would be preferred on the site, the proposed building would result in a mix of building sizes in the PUD. The small area plan also doesn't seem to recognize the undulating grade changes between Washington Avenue and Target Field, which is a detriment to establishing retail along 5<sup>th</sup> Avenue. Because these existing site conditions have a significant impact on the development of the site, a smaller building, somewhat larger setbacks, and locating the restaurant adjacent to 4<sup>th</sup> Street are warranted if enhanced landscaping, including seasonal interest and an increased variety of plant types, is provided in the proposed landscaped area between the building and the intersection of 4<sup>th</sup> Street and 5<sup>th</sup> Avenue. To further create a sense of place that is appropriate for its context, staff is recommending that the planning commission also require the applicant to provide an art or water feature in this area. With the enhanced landscaping and art or water feature, the development would be consistent with the adopted policies.

**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 proposed development will conform to the applicable regulations upon the approval of the conditional use permit, variance and site plan review.

**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.
- 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.** – No alternatives requested.

- **Bulk regulations.**

**Maximum Floor Area** – No alternative requested.

**Building Height** – No alternative requested.

- **Lot area requirements.** – No alternative requested.
- **Yards.** – No alternative requested.
- **On-premise signs.** – No alternative requested.
- **Off-street parking and loading.** – No alternative requested.

***Points required:***

- Minimum required amenity(ies) – Per section 527.90(c), planned unit developments approved before August 28, 2009 shall only be required to provide amenities for any alternatives requested as a part of an amendment. Because the original land use applications were approved in 2003, the applicant is only required to provide an amenity(ies) worth five points for any new alternatives that are being requested. No alternatives are requested; therefore no additional amenities are required for this phase.
- **Total – 0 points.**

***Amenities provided:*** Although not required, the applicant is pursuing LEED Platinum Certification. The proposed sustainable features include green roofs, bicycle storage and changing rooms, energy efficient building systems, and a stormwater retention tank.

***Phasing plan.*** – The proposed development would be the last phase of this PUD.

**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.**

Two multiple-family residences exist in the PUD. A mixed use building is proposed that would be occupied by offices and a restaurant. The proposed building would be separated from the residential buildings by the existing landscaped courtyard and surface parking area.

**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 proposed uses are expected to generate minimal amounts of vehicle traffic due to the site's close proximity to the central business district and multiple transit options, including the Target Field Transit Station. No on-site parking will be provided for the proposed uses. Because the site is zoned B4N, a minimum parking requirement does not apply. The proposed building will not affect any of the existing parking for the residential uses within the PUD. Sixteen bicycle parking spaces are proposed, 6 of which are needed to meet the minimum bicycle parking requirement. The site is also located less than a block away from a NiceRide kiosk. Pedestrian access to, from and through the site would primarily be from the main entrance facing 4<sup>th</sup> Street. A secondary entrance for employees would face the interior of the site, accessed from 5<sup>th</sup> Avenue by a walkway.

**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.**

Although not required for any alternatives to zoning requirements, the applicant is pursuing LEED Platinum Certification. The proposed sustainable features include green roofs, bicycle storage and changing rooms, energy efficient building systems, and a stormwater retention tank. Landscaped open space is also proposed at the street corner. Staff is recommending that the planning commission require the applicant to provide enhanced landscaping, including seasonal interest and an increased variety of plant types, and an art or water feature in the proposed landscaped area between the building and the intersection of 4<sup>th</sup> Street and 5<sup>th</sup> Avenue.

- 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 proposed 3-story building would have a modern aesthetic which is compatible with the surrounding buildings and warehouse district. Exterior materials of surrounding development include brick, metal, concrete, and glass. The proposed building materials, metal, wood and glass, would be compatible with the appearance of surrounding development. The scale and massing of the building is limited by existing site conditions and a height limit included in the condominium associations bylaws. The small area plans did not identify any significant views that need to be protected as a result of development of this site. As such, the building would not impede any significant public view corridors that focus attention on natural or built features, including landmark buildings, significant open spaces or water bodies.

- 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.**

Outside of the PUD, the site is not adjacent to any residential uses or residential zoning. An 85-foot landscaped courtyard separates the Bookmen Stacks from the development site. The proposed patio will be screened with fencing and landscaping.

- 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. An enhanced stormwater management system is proposed that includes green roofs, storm-water tanks and a subsurface irrigation and storage 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.**

Sustainable building practices will be used throughout the construction process.

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

The properties within the PUD are part of a registered land survey, which complies with all of the applicable subdivision requirements.

**VARIANCE:** to reduce the minimum floor area ratio (FAR) from 2.0 to 0.9.

**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 B4N District, the minimum floor area ratio (FAR) requirement is 2.0. The lot area of this phase is 18,090 square feet. The proposed gross floor area of the building is 16,300 square feet, which is an FAR of 0.9. There are a number of constraints that affect the size of a building that can be constructed on this site. Part of the site includes a below-grade parking garage. The garage structure was constructed to only support a one story building. The remainder of the site has poor soil conditions, which worsen as one approaches the street corner. Construction of a building in that area would require an extensive amount of engineering and subsequent structural piles being driven to a suitable depth to support a larger building footprint and taller building. The site is part of a condominium association, which is subject to bylaws set by the association. The bylaws include an overall height limit of 40 feet.

- 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.**

Building bulk regulations are established in order to assure that the scale and form of new development will occur in a manner most compatible with the surrounding area. The minimum FAR requirement is intended to prevent the underutilization of downtown properties. The proposed mixed use building is part of a PUD. Including the residential buildings, the overall FAR of the PUD would be 2.6. The remainder of the proposed development site would be used for a patio and landscaping. Greening and outdoor seating are encouraged by the comprehensive plan policies. Allowing the proposed floor area ratio would therefore be in keeping with the spirit and intent of the ordinance and the comprehensive plan and is reasonable.

- 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.**

The surrounding area contains a mix of nonresidential and residential uses. Without the existing constraints affecting the site and the proposal to provide enhanced outdoor spaces, allowing the proposed building at the requested floor area ratio would alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. Granting the variance would not be detrimental to the health, safety or welfare of the general public or those utilizing nearby properties.

**SITE PLAN REVIEW**

**Findings as required by the Minneapolis Zoning Code for the site plan review:**

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

**Section A: Conformance with Chapter 530 of 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.
- 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:***

- The first floor of the proposed building would be located 24 to 50 feet from the lot line adjacent to 5<sup>th</sup> Avenue North and would be located 1 to 43 feet from the lot line adjacent to 4<sup>th</sup> Street North. The applicant is requesting alternative compliance for these requirements.
- Between the building and the adjacent streets, landscaping and a patio with seating for the restaurant are proposed.
- The main entrance would face 4<sup>th</sup> Street North, which is the front lot line. However, it should be noted that guidelines from the small area plans support more active uses facing 5<sup>th</sup> Avenue because it connects Washington Avenue to Target Field.
- No new surface parking is proposed as a part of this development.
- The building design includes recesses and projections, windows, and changes in materials to divide the building 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, except on the second and third floors of the west elevation where walls 32.5 feet in width would have insufficient elements to comply with this requirement. The applicant is requesting alternative compliance.
- The primary exterior materials would be durable and include metal panels, wood siding, and glass. Please note, 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 building would be compatible with each other.
- Plain face concrete block would not be used as a primary exterior building material.
- The principal entrance would be clearly defined and architectural features, including windows and a canopy, would be used to emphasize its importance.
- The walls facing 4<sup>th</sup> Street and 5<sup>th</sup> Avenue are subject to the minimum window requirements. Measured between 2 and 10 feet above the adjacent grade, more than 50 percent of the first floor wall facing 4<sup>th</sup> Street would be windows and 25 percent of the first floor wall facing 5<sup>th</sup> Avenue would be windows. The bottom of most of the first floor windows on the 5<sup>th</sup> Avenue elevation

would not be within 4 feet of the adjacent grade. The applicant is requesting alternative compliance for the amount and location of windows on the first floor facing 5<sup>th</sup> Avenue. Both the restaurant and first floor office walls facing 4<sup>th</sup> Street would contain at least 30 percent windows. On each of the upper floors, 30 percent or more of the walls would be windows.

- All windows would be distributed in a more or less even manner. Windows needed to meet the minimum windows requirement are vertical in proportion.
- The windows would be clear or lightly tinted. The applicant is proposing to use a Sage Glass system (<http://sageglass.com>), which is electronically tintable glass. The applicant has indicated that it is programmable in its opacity, and the visible light transmittance ratio will be limited to 0.7 on all of the first floor windows.
- A fixture plan has not been provided. Shelving, mechanical equipment or other similar fixtures cannot block required windows.
- More than 70 percent of the linear building frontage along each street would be occupied by active uses.
- A flat roof is proposed as is common 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:***

- The main building entrance would be connected to the 4<sup>th</sup> Street public sidewalk with a well-lit walkway that exceeds four feet in width.
- No transit shelters are proposed.
- No changes to the existing vehicular access and circulation are proposed.
- The site is not adjacent to an alley.
- The proposed development would not increase the amount of impervious surface for vehicles.

#### **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.

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- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

***Conformance with above requirements:***

- The combined gross floor area of the buildings in the PUD is well over 50,000 square feet. Therefore, the site is not subject to the general landscaping requirements. Although no landscaping is required, the applicant is proposing over 1,500 square feet of landscaping. The main landscaped area would be planted with sod, groundcover and ornamental grasses. Staff is recommending that the planning commission require the applicant to provide enhanced landscaping with more variety and seasonal interest to improve the pedestrian realm as an alternative to placing the building up to the corner. No changes to the site are proposed that would affect the landscaping and screening of the existing surface parking.
- Installation and maintenance of all landscape materials must comply with the standards outlined in section 530.210.

**ADDITIONAL STANDARDS:**

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

***Conformance with above requirements:***

- No changes to the existing vehicular access and circulation are proposed.

- The small area plans did not identify any significant views that need to be protected as a result of development of this site. As such, the building would not impede any significant public view corridors that focus attention on natural or built features, including landmark buildings, significant open spaces or water bodies.
- Increases in shadows on adjacent public spaces and properties would not be significant.
- Wind currents should not be major concern.
- The site includes crime prevention design elements. The building would have windows on all sides of the building. Pedestrian level lighting will be provided at the main entrance. Landscaping, walkways, fencing and lighting would be used to guide people through the site. Entrance locations would also distinguish between private and public areas.
- No buildings are proposed to be demolished.

**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 B4N Downtown Neighborhood District with the DP Downtown Parking Overlay District. Offices and a sit down restaurant are permitted uses in the B4N district.

**Parking and Loading:**

*Minimum automobile parking requirement:* In the B4N district, there is not a minimum parking requirement for offices or delicatessen restaurants. No parking is proposed for these uses.

*Maximum automobile parking requirement:* In the B4N district, the maximum parking requirement for offices is one space per 1,000 square feet of gross floor area (GFA) and the maximum parking requirement for coffee shops is one space per 200 square feet of GFA.

*Bicycle parking requirement:* The minimum bicycle parking requirement for offices is 3 spaces or one space per 15,000 square feet of GFA. Not less than 50 percent of the required bicycle parking must meet the standards for long term parking. The minimum bicycle parking requirement for a coffee shop is 3 spaces. Not less than 50 percent of the required bicycle parking must meet the standards for short 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 short-term bicycle parking spaces must be located in a convenient and visible area within 50 feet of a principal entrance and permit the locking of the bicycle frame and one wheel to the rack and support a bicycle in a stable position without damage to the wheels, frame or components. With the permission of the city engineer, required bicycle parking may be located in the public right-of-way. Public bicycle parking spaces may contribute to compliance with required bicycle parking when located adjacent to the property in question. The total minimum requirement is 6 spaces, of which at least 2 must meet the long-term parking requirements and at least 2 must meet the short-term parking requirements. The applicant would provide 8 short-term spaces adjacent to the 4<sup>th</sup> Street North entrance. Eight additional spaces are proposed on the north side of the building, including 2 long-term parking spaces.

**Loading:** In the downtown districts, office buildings with less than 30,000 square feet of gross floor area are required to provide adequate shipping and receiving facilities, accessible by motor vehicle off any adjacent alley, service drive or open space on the same zoning lot. There are areas within the PUD available to provide off-street loading.

**Maximum Floor Area Ratio:** In the B4N District, a maximum FAR does not apply to buildings.

**Minimum Floor Area Ratio:** In the B4N District, the minimum FAR is 2.0. The lot area of this phase is 18,090 square feet. The proposed gross floor area of the building is 16,300 square feet, which is an FAR of 0.9. A variance is required to reduce the minimum FAR.

**Minimum Lot Area:** In the B4N District, a minimum lot area is not required for offices or sit down restaurants.

**Dwelling Units per Acre:** Not applicable for this phase of the PUD.

**Building Height:** In the B4N district, the maximum height is limited to 10 stories or 140 feet, whichever is less. The building would have 3 stories and would be 40 feet tall as measured to the top of the parapet.

**Yard Requirements:** Not applicable.

**Lot Coverage:** Not applicable.

**Impervious Surface Coverage:** Not applicable.

**Specific Development Standards:** The development standard for sit down restaurants require the premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet to be inspected regularly for purposes of removing any litter found thereon and where alcoholic beverages are served, not less than 60 percent of total gross sales revenue shall be from the sale of food and beverages not containing alcohol, and the use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.

**Refuse screening:** Refuse and recycling storage containers are required to be enclosed on all four sides by screening compatible with the principal structure not less than two feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The containers will be located adjacent to the below-grade garage entrance and be screened by a 6-foot tall wood screen fence.

**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.

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- (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.

The applicant will screen the existing generators located on the garage roof. Any new mechanical equipment, including transformers, located on the ground and roof of the proposed building will also need to be screened as required.

**Lighting:** Existing and proposed lighting must comply with Chapter 535 and Chapter 541 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.
- (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.

**Signs:** Signs are regulated by Chapter 543 On-Premise Signs in the zoning code. Any new signage will require Zoning Office review, approval, and permits. Three wall signs are proposed (address signs are included in the maximum wall sign area allowed when they exceed one square foot in area). In the B4N district, wall signs up to 120 square feet in area are allowed provided the total sign area does not exceed 2.5 square feet of signage per one primary building wall. Wall signs are allowed to be located up to 28 feet above the adjacent grade and internally or externally illuminated, but not back lit. All signs would be on the 4<sup>th</sup> Street North side of the building, which is a primary building wall 120 feet in width. The wall signs would be approximately 11, 21.2 and 2.8 square feet in area. They would be placed 12 feet above grade or lower and would be internally illuminated.

**Fences:** Fences are regulated by Article VI, Chapter 535 Regulations of General Applicability of the zoning code. When located within 5 feet of a public street or public sidewalk, fences are not allowed to exceed 6 feet in height. In no case is a fence allowed to exceed 8 feet in height, regardless of location. The applicant is proposing to install a 3 foot tall fence around the restaurant patio.

**Plazas:** The applicant has indicated that the patio is solely for the use of the restaurant and will be fenced in to limit public access. Because the patio is to be exclusively used by the restaurant, it is not subject to the City's plaza design standards. If the restaurant and/or fence were to go away in the future, that space would likely be subject to the plaza design standards at that time.

**MINNEAPOLIS PLAN:** Please see the conditional use permit section of this staff report.

#### **ALTERNATIVE COMPLIANCE:**

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

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

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

#### First floor of the building located within 8 feet of a lot line adjacent to a street

The first floor of the proposed building would be located 24 to 50 feet from the lot line adjacent to 5<sup>th</sup> Avenue North and would be located 1 to 43 feet from the lot line adjacent to 4<sup>th</sup> Street North. The purpose of the building placement requirements is to promote pedestrian character, street life and activity, and public safety in an area. There are site conditions that have affected the proposed placement of the building. The site has poor soil conditions, which worsen as one approaches the street corner. Construction of a building in that area would require an extensive amount of engineering

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and subsequent structural piles being driven to a suitable depth to support a larger building footprint and/or taller building. The grade of the site also changes by 6 feet along 5<sup>th</sup> Avenue between the entrance of the below-grade parking garage and the street corner. The applicant has also tried to maximize the efficiencies of the electrical, HVAC and plumbing systems by stacking these office use components. These conditions and sustainability goals also affect the proposed location of the patio. In lieu of placing the building at the corner, the applicant is proposing to provide a landscaped area, planted with sod, groundcover and ornamental grasses, between the building and the adjacent streets. Both small area plans recognize a shortage of green space in the North Loop and encourage landscaping along public sidewalks. Staff is recommending that the planning commission require the applicant to provide enhanced landscaping, including seasonal interest and an increased variety of plant types, in this area. To further create a sense of place that is appropriate for its context, staff is recommending that the planning commission also require the applicant to provide an art or water feature. With these conditions of approval, staff is recommending that the planning commission grant alternative compliance.

Blank, uninterrupted walls 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, except on the second and third floors of the west elevation where walls 32.5 feet in width would have insufficient elements to comply with this requirement. These walls would be adjacent to the elevator and a stairwell. Complying with this requirement would not be impractical. Therefore, staff is recommending that the planning commission not grant alternative compliance.

Window requirements

Thirty percent of the first floor wall facing 5<sup>th</sup> Avenue is required to be windows. Windows used to satisfy the minimum window requirement must be located between 2 and 10 feet above the adjacent grade with the bottom of the window located not more than 4 feet above the adjacent grade. The bottom of most of the first floor windows would not be within 4 feet of the adjacent grade and only 25 percent of the wall would be windows as measured between 2 and 10 feet above the adjacent grade. Along 5<sup>th</sup> Avenue, the grade changes 4.5 feet adjacent to the proposed building. If the grade were relatively flat, the proposed windows would comply with both of these requirements. For these reasons, staff is recommending that the planning commission grant alternative compliance.

## **RECOMMENDATIONS**

### **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 application for a conditional use permit amendment to allow a third phase with a mixed use building in a planned unit development for the property located at 525 3<sup>rd</sup> Street North and 345 6<sup>th</sup> Avenue North, 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. Enhanced landscaping, including seasonal interest and an increased variety of plant types, shall be provided in the proposed landscaped area adjacent to the intersection of 4<sup>th</sup> Street North and 5<sup>th</sup> Avenue North.
3. An art or water feature shall be provided in the proposed landscaped area adjacent to the intersection of 4<sup>th</sup> Street North and 5<sup>th</sup> Avenue North. Said feature shall strive to promote quality design, enhance a sense of place, contribute to a sense of vitality, show value for artist and artistic processes, and use resources wisely, and shall be maintained in good order for the life of the principal structure. Department of Community Planning and Economic Development staff shall review and approve the final art or water feature design.

### **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 above findings and **approve** the application for a variance to reduce the minimum floor area ratio from 2.0 to 0.9 for the property located at 525 3<sup>rd</sup> Street North and 345 6<sup>th</sup> Avenue North.

### **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 amendment to allow a mixed use building for the property located at 525 3<sup>rd</sup> Street North and 345 6<sup>th</sup> Avenue North, subject to the following conditions:

1. Department of Community Planning and Economic Development staff review and approval of the final building elevations, floor, site and landscape plans.

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2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by May 20, 2015, or the permit may be revoked for non-compliance.
3. Blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements shall not exceed 25 feet in length as required by 530.120 of the zoning code.
4. Mechanical equipment shall be screened as required by section 535.70 of the zoning code.

**Attachments:**

1. PDR report
2. Applicants statement of use and findings
3. Correspondence received
4. Zoning map
5. PUD phases I & II site plan
6. Plans
7. Photos