

Department of Community Planning and Economic Development
Conditional Use Permit, Site Plan Review and Vacation
BZZ – 6015 and Vac-1615

Date: July 15, 2013

Applicant: Upper Midwest Organ Procurement Organization

Address of Property: 2225-2313 West River Road North and 70 North 22nd Avenue

Project Name: LifeSource

Contact Person and Phone: Eric Galatz, Leonard, Street and Deinard (612-335-1509)

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

Date Application Deemed Complete: June 20, 2013

End of 60-Day Decision Period: August 19, 2013

Ward: 3 Neighborhood Organization: Hawthorne Neighborhood Council

Existing Zoning: I1 Light Industrial District, IL Industrial Living Overlay District, SH Shoreland Overlay District, and MR Mississippi River Critical Area Overlay District

Proposed Zoning: Not applicable

Zoning Plate Number: 8

Legal Description: Not applicable

Proposed Use: Nonresidential building for offices and a medical laboratory.

Concurrent Review:

- Conditional use permit to increase the maximum height of a building located in the SH Shoreland Overlay District from 35 feet to 41 feet.
- Site plan review to allow a new nonresidential building.
- Vacation of multiple drainage and utility easements.

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits; and Chapter 530, Site Plan Review.

Background: The applicant proposes to construct a new, 2-story, approximately 42,000 square foot building for offices and a medical laboratory located at the property of 2225-2313 West River Road North and 70 North 22nd Avenue. The existing 2225 West River Road building will be demolished to make way for the proposed development. The rest of the site is vacant. The site is odd-shaped. The proposed building would be located on the east side of the site closest to the river. An area between the building and West River Road North would be occupied by a memorial garden. An enclosed receiving

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area would be located on the north side of the building. Surface parking with 123 spaces would be located on the west side of the building. The site also includes several shared driveways. Two existing driveways with access to West River Road North are shared with the uses located to the north and south. The proposed 22nd Avenue North driveways would also be shared with the industrial use to the south to facilitate the loading area on the west side of the building. The rest of the south end of the site will be green space to allow future opportunities for expansion or other redevelopment.

For the proposed development, the following applications are required:

- The maximum height allowed in the I1 district is 4 stories or 56 feet, whichever is less. Part of the site is located in the SH overlay district, where the maximum height is 2.5 stories or 35 feet, whichever is less. The proposed building would be 2 stories and 41 feet in height. In the future, the applicant also proposes to install photo-voltaic panels. The panels would not extend higher than 41 feet. A conditional use permit is required to increase the height where the building extends into the SH overlay district. Approximately 120 feet of the building, including the patio, located closest to West River Road North is located within the SH Overlay District. Upon approval of a conditional use permit, the action must be recorded with Hennepin County as required by state law.
- A site plan review is required for any new nonresidential building.
- The applicant is proposing to vacate multiple drainage and utility easements that run through the subject site. The easements are generally located in the vicinity of vacated 23rd Avenue North. The City utilities include a public water main and sanitary sewer. The easement also accommodates space for a yet-to-be-installed storm drain. The applicant has been working with the Public Works Department to locate these facilities and easements elsewhere, generally running along the west and north sides of the subject site. As of the writing of this staff report, Public Works had not issued a recommendation letter for the proposed vacation due to the need to work out additional details related to the easements. Although the applications have been scheduled for a public hearing, the vacation will not proceed to the City Council until the necessary details haven't been addressed.

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.

CONDITIONAL USE PERMIT: to increase the maximum height of a building located in the SH Shoreland Overlay District from 35 feet to 41 feet.

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.

Construction of a 41-foot tall building with photo-voltaic panels in the SH Shoreland Overlay District would 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.

The Mississippi River is located to the east of the site. West River Road North and park land separates the subject site from the river. A residential townhouse development and park land are located to the north. The townhomes closest to West River Road North are 3 stories and 43 feet in height. Nonresidential uses, one to 2-stories in height, are located to the south. Although the proposed building may impede private views of the adjacent townhomes, the proposed height will have little effect on surrounding properties. The site is also not located in any significant view corridors. Nonresidential buildings typically require taller floor levels to accommodate required ceiling clearances and mechanical equipment. The construction of a 2-story building will allow for more job-intensive and land-efficient development. Photo-voltaic panels located on the roof will also have no effect on surrounding properties.

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

The site is served by existing infrastructure. Vehicle access would be from West River Road North and 22nd Avenue North. 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.

Increasing the allowed height would have no impact on traffic congestion in the public streets.

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

The proposed height would be consistent with the applicable policies of the comprehensive plan. The future land use designation of the site is urban neighborhood in *The Minneapolis Plan for Sustainable Growth*. The following principals and policies apply to building height:

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.

Environment Policy 6.2: Protect and enhance air quality and reduce greenhouse gas emissions.

6.2.2 Support energy efficiency and resource conservation.

6.2.7 Promote the development of sustainable site and building standards.

The site is located within the boundaries of the *Mississippi River Critical Area Plan* adopted by the City Council in 2006. The plan identifies that, in general, structures within the Critical Area should be shorter when located closer to the river. Taller structures are possible within the Critical Area as distance from the river increases or measures are taken to provide some level of screening, buffering and/or enhancement of views of and from the river. The plan also promotes retaining downstream

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vistas whenever possible for longer views of the river and views to the Downtown skyline. The subject site is not specifically identified as a view corridor location. In the plan, the site is located in the Urban Diversified Planning District. It includes the following guidance for river corridor development in order to minimize adverse effects on the natural or scenic values of the river:

- Development should respect major natural features and the character of existing nearby development. In locations where an approved plan calls for land use changes, new development might differ in character from other nearby buildings, however, it is also acknowledged that urban development along the river can, if properly designed, have a high degree of visual compatibility with the river in the Urban Diversified and Urban Developed districts.
- The City will prevent development that blocks or has a significant negative impact on key scenic views and encourages design which preserves, enhances, or creates key scenic views. Walls of tall buildings along the river corridor should be avoided, and view and accessibility points through river corridor development should be designed.
- The City will encourage commercial and industrial development to be more job-intensive and land-efficient.

The site is also located in the boundaries of the *Above the Falls Master Plan Update* adopted by the City Council in June of this year. Pertaining to height, the plan calls for “retain[ing] some views of the river for second tier development sites by thoughtful placement and design of riverfront buildings, utilizing tapered profiles as building height increases and avoiding overly wide or tall buildings that block much of the prime view and can create a wall that physically and psychologically cuts off the riverfront from surrounding neighborhoods.”

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 use will conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permit and site plan review. When the photo-voltaic panels are proposed to be installed, they will need to be reviewed for compliance with the zoning code at that time.

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

1. Access to light and air of surrounding properties.

The building with photo-voltaic panels would be 41 feet in height as measured from natural grade. Where the building extends into the SH Overlay District, it would be 92 feet from the adjacent residential property and more than 70 feet from the adjacent nonresidential property. The increased height would not have any effect on surrounding properties access to air and light.

2. Shadowing of residential properties, significant public spaces, or existing solar energy systems.

The building bulk is centered on the property. Allowing a 6-foot height increase would not have significant shadowing effects on the adjacent residential property, the surrounding public spaces, or existing solar energy systems, if any.

3. The scale and character of surrounding uses.

A residential townhouse development and park land are located to the north. The townhomes closest to West River Road North are 3 stories and 43 feet in height. Nonresidential uses, one to 2-stories in height, are located to the south. The Mississippi River is located to the east of the site. The proposed building height would be compatible with surrounding development and parkland.

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

The subject site is located in two adopted plans that pertain to development near the Mississippi River. Neither plan identifies the site within a view corridor location. Allowing a 6-foot height increase would not significantly block views of landmark buildings, significant open spaces, or bodies of water.

In addition to the conditional use standards contained in Chapter 525, Administration and Enforcement, the city planning commission shall consider the following evaluation criteria for conditional uses located within the SH Shoreland Overlay District:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

The applicant has provided an erosion and sediment control plan. The Public Works Department will review the project for appropriate drainage and stormwater management. Once construction is complete, the areas not occupied by the building or paving will be landscaped with trees, perennials and grasses.

2. Limiting the visibility of structures and other development from protected waters.

While engaging the West River Road North street frontage, the visibility of the building will be softened by the proposed landscaping.

3. The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.

This standard is not applicable for the proposed development.

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.

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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:

- With the exception of a small corner of the building/patio, the building would be located more than 8 feet from the lot line adjacent to West River Road North. Alternative compliance is requested.
- The area between the building and the front lot lines would contain a courtyard, landscaping and walkways.
- A principal entrance for the building would face West River Road North.
- The surface parking would be located to the interior of the site. The remainder of the parking would be enclosed in the building.
- A variety of building materials, recesses, projections, windows, and entries are 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 would not exceed 25 feet in length, except in four areas on the building. Alternative compliance is requested.
- The primary exterior materials would be durable including metal panels, composite wood panels and 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 similar and compatible.
- Plain face concrete block would not be used as a primary exterior building material.
- To emphasize their importance, the main entrances would be emphasized by deep roof overhangs and walls of glass.
- Windows are required on the walls facing West River Road North (east) and the surface parking area (west).
 - On the West River Road North elevation, 30 percent of the first floor measured between 2 and 10 feet above grade is equal to 583.2 square feet and 10 percent of the second floor is equal to 90 square feet. Overall, 36 percent of the first floor wall would be windows as measured between 2 and 10 feet above grade. However, only 21.4 percent of the wall would be windows where the bottom of the window would be located within 4 feet of the adjacent grade. Alternative compliance is requested for this requirement. On the second floor, the proposed amount of windows is 80 percent of the wall area.
 - On the west elevation facing the surface parking areas, 30 percent of the first floor measured between 2 and 10 feet above grade is equal to 741.6 square feet and 10 percent of the second floor is equal to 126 square feet. On the first floor, 25 percent of the wall would be windows and the bottom of each window would be located within four feet of the adjacent grade. Alternative compliance is requested for the amount of windows. On the second floor, 13.8 percent of the wall would be windows.
- All required windows would be vertical in proportion, but would not be distributed to include walls on the north end of the building. Alternative compliance is requested.

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- The plans indicate that the light transmittance of the windows will be 0.6 or greater.
- The layout plan indicates that fixtures will not block required windows.
- Active uses would occupy more than 70 percent of the ground floor facing West River Road North.
- A flat roof is proposed. Most of the buildings in the area also have flat roofs.

ACCESS AND CIRCULATION:

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

Conformance with above requirements:

- Well-lit walkways exceeding 4 feet in width would connect all entrances to the surface parking area and to the public sidewalk.
- No transit shelters are located on or adjacent to the site.
- All circulation would occur on-site. Four curb cuts would provide access to the site. The two curb cuts on West River Road North exist and are shared with the adjacent properties to the north and south. There is not a sidewalk on the west side of the parkway; therefore the two curb cuts on West River Road North should have little effect on pedestrians. The two proposed 22-foot wide curb cuts on 22nd Avenue North, where Public Works has requested a sidewalk, should also have little effect on pedestrians. These driveways would also be shared with the adjacent property to the south. Generally, minimizing the number of curb cuts is preferred. However, the net number of curb cuts would not increase and each would be shared with an adjacent property. The Public Works Department has requested supplemental information, such as turning movements for the adjacent properties loading docks, to demonstrate the need for the two curb cuts on 22nd Avenue.
- The site is not adjacent to an alley.
- The site plan minimizes the use of impervious surfaces in the parking areas, which incorporates larger, contiguous planting areas.

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.

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- 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 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 209,981 square feet. The building footprint would be approximately 30,200 square feet. The lot area minus the building footprint therefore consists of approximately 179,781 square feet. At least 20 percent of the net site area (35,956.2 square feet) must be landscaped. Approximately 97,092 square feet of the site would be landscaped. That is equal to 54 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. The tree and shrub requirement for this site is 72 and 360 respectively. On-site, 155 canopy trees are proposed. No shrubs are proposed. Alternative compliance is requested.
- The remainder of the landscaped area would be covered with perennials and grasses.
- With more than 100 spaces proposed in the parking lot, a 9-foot wide landscaped yard is required between the parking area and 22nd Avenue North. Screening that is 3 feet in height and not less than 60 percent opaque and at least 6 deciduous canopy trees are also required in the required landscaped yard. The parking area would be set back over 120 feet from the street. The landscaped areas between the parking area and the street would contain 24 canopy trees. However, a 3-foot high screen is not proposed. Alternative compliance is requested.
- With more than 100 spaces proposed in the parking lot, a 9-foot wide landscaped yard is also required between the parking area and the residential property to the north. Screening that is 6-feet tall and not less than 95 percent opaque is required in this yard. A 50-foot wide landscaped yard is proposed on the north side of the parking area. Screening meeting the aforementioned requirements is not proposed. Alternative compliance is requested.
- All corners of the parking lot that are not available for parking would be landscaped.
- All of the surface parking spaces would be within 50 feet of an on-site deciduous tree.
- Information provided on the landscaping plan indicates that the installation and maintenance of all landscape materials will comply with minimum standards.

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.

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- 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:

- Flat ribbon curbing would be installed around landscaped islands in the parking area to allow for on-site retention of stormwater. Continuous 6-inch by 6-inch concrete curbing is proposed around the remainder of the parking area.
- The building would not impede any views of important elements of the city, effects of shadowing would not be significant, and wind currents should not be a major concern.
- Several crime prevention through environmental design best practices are evident in the site plan. Windows would be provided on all sides of the building. Lighting would be located in the parking area and at entrances and walkways to promote security. Landscaping, sidewalks, fencing and building features would be used to guide movement and distinguish between public and private areas.
- The existing building is not locally designated. The applicant obtained a Historic Review Letter from CPED, which determined that the existing structure does not meet the Minneapolis Code of Ordinances definition of a historic resource.

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 I1 Light Industrial District with the MR Mississippi River Critical Area, IL Industrial Living, and SH Shoreland Overlay Districts. Offices and a medical laboratory are permitted uses in the I1 District. Other than limitations on height, the provisions of the overlay districts do not apply to this site. The height requirements are discussed below.

Parking and Loading:

Minimum automobile parking requirement: The minimum parking requirement for offices and medical laboratories is one space per 500 square feet of gross floor area (GFA) in excess of 4,000 square feet. Not including enclosed parking, the proposed GFA is approximately 42,075 square feet. Therefore the parking requirement is 76 spaces. A total of 133 spaces are proposed, including 10 enclosed spaces and 123 surface parking spaces. At least 6 accessible spaces are required, of which one must be provided in the garage and 5 must be provided in the surface parking area. Five accessible spaces are proposed in the surface parking area. No accessible parking is identified in the garage. The required enclosed accessible space will need to be included in final plans.

Maximum automobile parking requirement: The maximum parking requirement for offices and medical laboratories is equal to one space per 200 square feet of GFA. With 42,075 square feet of GFA, the maximum requirement is 210 spaces.

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Bicycle parking requirement: There is not a bicycle parking requirement for medical laboratories. The minimum bicycle parking requirement for offices is equal to 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. Required spaces that are not long-term need to comply with the short-term requirements. 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. 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. The floor area of the building not occupied by enclosed parking or the medical laboratory is approximately 30,725 square feet in area. Therefore, the minimum bicycle requirement is 3 spaces, of which at least 2 must meet the long-term parking requirements. The applicant will provide 2 long-term spaces in the parking garage and 4 short-term spaces next the entrance accessed from the parking lot. Shower and changing rooms are proposed in the building. Because of the site's proximity to downtown and two bicycle routes, the applicant is encouraged to provide additional bicycle parking for employees.

Loading: For offices with 20,000 and 50,000 square feet, one large loading space (12 feet wide by 50 feet deep) is required. For a medical laboratory with less than 20,000 square feet of 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. The surface parking area at the north end of the property, adjacent to the enclosed parking area, would accommodate these loading requirements.

Proposed Lot Area: The proposed lot area is 209,981 square feet.

Maximum Floor Area: The maximum FAR allowed in the I1 district is 2.7. The proposed GFA is 42,075 square feet, which is an FAR of 0.2.

Minimum Lot Area: Not applicable.

Building Height: The maximum height allowed in the I1 district is 4 stories or 56 feet, whichever is less. Part of the site is located in the SH overlay district, where the maximum height is 2.5 stories or 35 feet, whichever is less. The proposed building would be 2 stories and 41 feet in height. In the future, the applicant also proposes to install photo-voltaic panels. The panels would not extend higher than 41 feet. A conditional use permit is required to increase the height where the building extends into the SH overlay district.

Yard Requirements: Uses located in industrial districts are not subject to minimum yard requirements unless they are adjacent to a residence or office residence district or a structure used for permitted or conditional residential purposes. A conditional residential use, zoned I1 with the IL overlay district, is located to the north of the subject property. Therefore, an interior side yard is required along the north lot line. The minimum interior side yard requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor. A two-story building is proposed; therefore the minimum requirement for the building is 7 feet. The building and parking area would be set back 50 feet or more.

Specific Development Standards: Not applicable.

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Signs: Signs are regulated by Chapter 543 On-Premise Signs in the zoning code. The applicant is proposing a wall sign on the south side of the building adjacent to the parking lot entrance and a freestanding sign at the southeast corner of the courtyard. The wall sign would be 34 square feet in area and located 18 feet above grade. The freestanding sign would be a 4-foot tall, 40 square foot monument sign. Type of illumination of the signs has not been indicated. Wall signage is only allowed on primary building walls. The zoning code does not allow sign area based upon one primary building wall to be placed on any other building wall. The wall sign would be located on a primary building wall. Up to one square foot of wall signage for every one foot of primary building wall is allowed. Also, wall signs are limited to a maximum of 180 square feet in area, can be placed up to 28 feet above the adjacent grade, and can be internally or externally lit, but not backlit. A monument sign is allowed, but not a pole sign. Monument signs can be up to 80 square feet in area and 8 feet tall, and can be internally or externally lit, but not backlit. Any proposed signage requires Zoning Office review, approval, and permits.

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 on the west side of the building adjacent to the enclosed parking. The plans indicate that they will be located in an enclosure, but the enclosure materials and height are not identified. The enclosure will need to comply with the screening requirements with materials identified on the final plans.

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. Mechanical equipment would be located on the north side of the building and would be screened by a 7 foot tall metal screen fence.

Lighting: 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.

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- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

Fences: Fences are regulated by Article VI, Chapter 535 Regulations of General Applicability of the zoning code. An 8 foot tall chain link fence is proposed adjacent to the railroad corridor (west side of the subject property) and around the parking/loading area on the west side of the enclosed parking. Fencing located outside of required yards and at least 5 feet from a street and public sidewalk can be up to 8 feet in height.

Solar Energy Systems: Solar energy systems are regulated by Article XII, Chapter 535 Regulations of General Applicability of the zoning code. When the photo-voltaic panels are proposed to be installed, they will need to be reviewed for compliance with the zoning code at that time and a building permit will need to be obtained.

MINNEAPOLIS PLAN: In addition to the principals and policies identified in the conditional use permit section of this staff report, the site plan would also be consistent with the following:

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.

Urban Design 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.
- 10.18.4 Provide walkways within parking lots in order to guide pedestrians through the site.
- 10.18.18 Encourage appropriate land uses to share parking lots to reduce the size and visual impact of parking facilities.

Urban Design Policy 10.24: Preserve the natural ecology and the historical features that define Minneapolis' unique identity in the region.

- 10.24.2 Continue to revitalize the Central Riverfront and Upper River area as a residential, recreational, cultural and entertainment district.
- 10.24.4 Ensure that future riverfront development will be consistent with the city's Mississippi River Critical Area Plan.
- 10.24.5 Improve land use aesthetics along the river.

The *Mississippi River Critical Area Plan* states that “the Upper River is an area suited for new housing, industrial and office jobs, and an extended parkway system.” The plan supports the following site layout and architectural design standards:

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- Appropriate building location in relation to the water's edge.
- Orientation to the river.
- Fenestration to create views to the river.
- High quality building materials.
- Location of parking areas away from the river side of a site.
- Screening of all parking and open storage areas from the river.
- Landscaping that is complementary with the vegetated context of the river corridor.
- Best practices for stormwater management.
- Fifty percent of the first 150 feet of a private development facing the riverfront should be open space to avoid a solid wall of buildings and to create open space and varied facades.

In the *Above the Falls Master Plan Update*, the future land use of the subject site is identified as mixed use. Applicable general principles for building and site design and character include the following:

- Support increased intensity and density of new development when paired with high quality and complementary design of buildings and sites.
- Any building on the riverfront should add to the positive activity of the public spaces around it, and complement riverfront parkland through development and site design.
- Primary building materials should be high quality, durable materials.
- Retain some views of the river for second tier development sites by thoughtful placement and design of riverfront buildings, utilizing tapered profiles as building height increases and avoiding overly wide or tall buildings that block much of the prime view and can create a wall that physically and psychologically cuts off the riverfront from surrounding neighborhoods.
- Buildings should be designed and programmed to engage public spaces. Encourage vitality and activity along the riverfront by orienting quasi-public spaces (restaurants and shops) and private open and communal spaces (decks, balconies, terraces, meeting rooms, etc.) toward the river, while also maintaining high quality design along public streets and pathways.
- Support the development of pedestrian friendly street frontages and windows that encourage natural surveillance and provide an inviting presence.
- Reflect the characteristic mixed use nature of development in this area with a complex and interesting combination of uses, while addressing potential conflicts and incompatibilities.
- Avoid driveway access off of the parkway where possible; development access should be from non-parkway streets.
- On riverfront sites, locate parking and loading facilities to minimize their visibility from the river and other public spaces.
- Incorporate greening and landscaping to create attractive appearance and provide buffering between adjacent uses and districts.
- Address the building's relationship to river and shoreland overlay to take advantage of this amenity.
- Support a 24 hour presence on the site to promote surveillance and general public safety throughout the day and night.
- Accommodate trucks, loading, and storage within sites in a way that minimizes the impacts on the public realm.
- Where land area permits, create well landscaped campuses, with private open space complementing adjacent parklands.

ALTERNATIVE COMPLIANCE:

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

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- **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 building wall located within 8 feet of a lot line adjacent to a street

With the exception of a small corner of the building/patio, the building would be located more than 8 feet from the lot line adjacent to West River Road North. The south section of the building is recessed from the parkway to carve out a space for a courtyard/memorial garden. The north section of the building would be occupied by an enclosed parking and receiving area, which is adjacent to other back-of-house spaces. The middle of the building with large curtain walls would extend toward the river. The policy guidance for development on this site encourages orienting a building to the river as well as providing landscaping and open space. For these reasons, staff is recommending that the planning commission grant alternative compliance.

Blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length

Blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements would exceed 25 feet in length in four areas on the building:

- *North elevation, first floor:* The length of wall without sufficient architectural detail is 74 feet wide and is adjacent to the enclosed parking area.
- *North elevation, second floor:* The length of wall without sufficient architectural detail is 56 feet wide and is adjacent to the mechanical room.
- *West elevation, second floor:* The length of wall without sufficient architectural detail is 28 feet wide and is adjacent to the mechanical room.
- *South elevation, first floor:* The length of wall without sufficient architectural detail is 40 feet wide and is adjacent to the main entrance where building signage is proposed.

The blank wall on the west elevation would have less visibility because it would face an area that is not open to the public and is somewhat screened from the architectural wall extending from the main entrance (the blank wall on the south elevation). The applicant is proposing composite wood panels on the south wall next to the entrance to enhance the proposed architectural style of the building. For these reasons, staff is recommending that the planning commission grant alternative compliance for the west and south walls.

The blank walls on the north elevation would face the adjacent residential property. The applicant is proposing to plant a row of canopy trees along the north side of the building, which would minimize visibility of the blank walls. However, Public Works has indicated that the total unobstructed width needed for the new utility easements width is 45 feet. With only 50 feet separating the proposed

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building from the north lot line, planting trees is not feasible. For these reasons, staff is recommending that the planning commission not grant alternative compliance for the north walls.

Required amount and distribution of windows

On the West River Road North elevation, 30 percent of the first floor measured between 2 and 10 feet above grade is equal to 583.2 square feet. Overall, 36 percent of the first floor wall would be windows as measured between 2 and 10 feet above grade. However, only 21.4 percent of the wall would be windows where the bottom of the window would be located within 4 feet of the adjacent grade. The distribution of the proposed windows does not include the north section of the building where the enclosed parking is proposed. The walls with windows located more than 4 feet above grade are located on the wall closest to the parkway where the grade drops down towards the river. The applicant is proposing a patio on this end of the building and the proposed amount of windows on the second floor is 80 percent of the wall area. With the patio and overall amount of proposed windows, the proposal maximizes natural surveillance of the street and provides visual interest. For these reasons, staff is recommending that the planning commission grant alternative compliance.

On the west elevation facing the surface parking areas, 30 percent of the first floor measured between 2 and 10 feet above grade is equal to 741.6 square feet. As proposed, 25 percent of the wall would be windows and the bottom of each window would be located within four feet of the adjacent grade. The distribution of the proposed windows does not include the north section of the building where the enclosed parking is proposed. The enclosed parking and other back-of-house spaces occupies almost 40 percent of the west elevation. The parking area located on the northwest side of the building would have restricted access and would be enclosed by an 8-foot tall chain link fence. Providing windows on the north end of the building would likely provide little natural visibility and surveillance. Staff is recommending that the planning commission grant alternative compliance to reduce the window requirement provided the applicant provide decorative metal fencing where fencing is proposed to enhance those areas of the site.

Number of shrubs

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. The tree and shrub requirement for this site is 72 and 360 respectively. On-site, 155 canopy trees are proposed. No shrubs are proposed. The applicant is proposing to landscape 54 percent of the net lot area, which includes a memorial garden. In addition to providing twice any many trees than are required, the landscaped areas will be planted with perennials and grasses. For these reasons, staff is recommending that the planning commission grant alternative compliance.

Screening of the surface parking area adjacent to 22nd Avenue North and the residential property to the north

With more than 100 spaces proposed in the parking lot, a 9-foot wide landscaped yard is required between the parking area and 22nd Avenue North. Screening that is 3 feet in height and not less than 60 percent opaque and at least 6 deciduous canopy trees are also required in the required landscaped yard. The parking area would be set back over 120 feet from the street. The landscaped areas between the parking area and the street would contain 24 canopy trees. The remainder of the landscaped yards would be planted with grasses and wildflowers. However, a 3-foot high screen is not proposed. With the depth of the landscaped yard proposed, a 3-foot tall screen would provide little benefit. For these reasons, staff is recommending that the planning commission grant alternative compliance.

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With more than 100 spaces proposed in the parking lot, a 9-foot wide landscaped yard is also required between the parking area and the residential property to the north. Screening that is 6-feet tall and not less than 95 percent opaque is required in this yard. A 50-foot wide landscaped yard is proposed on the north side of the parking area. A row of canopy trees is proposed, but screening meeting the aforementioned requirements is not proposed. Also, Public Works has indicated that the total unobstructed width needed for the new utility easements is 45 feet. With only 50 feet separating the proposed building from the north lot line, planting trees would not be feasible. A fence is proposed around the parking area. A solid fence could be installed or vines could be planted to grow on the fence. Staff is recommending that the planning commission not grant alternative compliance. In addition to providing the required screening, staff is recommending that the planning commission require the applicant provide decorative metal fencing where fencing is proposed to enhance those areas of the site.

ALLEY VACATION (Vac-1615)

Development Plan: The applicant intends to use the vacated easement as part of a developable area to construct a building.

Responses from Utilities and Affected Property Owners: An easement was requested by Xcel, CenterPoint Energy, and Comcast for the area to be vacated.

Findings: The proposed building would encroach on the requested easements. The applicant will need to work with Xcel, CenterPoint Energy, and Comcast to have the easements released before building permits are issued. The Public Works Department has indicated that the area proposed for vacation is not needed for any public purpose, is not part of a public transportation corridor, and can be vacated if an easement is reserved for Xcel, CenterPoint Energy, and Comcast and a new easement for City utilities is provided elsewhere on the site. CPED concurs with this assessment.

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 to increase the maximum height of a building located in the SH Shoreland Overlay District from 35 feet to 41 feet for the property located at 2225-2313 West River Road North and 70 North 22nd Avenue, subject to the following condition:

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

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 to

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allow a new nonresidential building for the property located at 2225-2313 West River Road North and 70 North 22nd Avenue, subject to the following conditions:

1. Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements on the north elevation shall not exceed 25 feet in length as required by section 530.120 of the zoning code.
2. Screening that is 6-feet tall and not less than 95 percent opaque shall be provided on the north side of the parking area as required by section 530.170 of the zoning code.
3. Decorative metal fencing, which can include vinyl coated chain link, shall be installed where fencing is proposed.
4. The applicant is encouraged to provide additional bicycle parking for employees due to the site's proximity to downtown and two bicycle routes.
5. Department of Community Planning and Economic Development staff review and approval of the final building elevations, floor, site, landscape and lighting plans.
6. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by July 15, 2015, or the permit may be revoked for non-compliance.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application for the vacation of multiple drainage and utility easements for the property located at 2225-2313 West River Road North and 70 North 22nd Avenue, subject to the following conditions:

- 1) An easement shall be reserved for Xcel, CenterPoint Energy, and Comcast.
- 2) A new easement for City utilities shall be provided.

Attachments:

1. Preliminary Development Review report
2. Applicant's statement of use and findings
3. Zoning maps
4. Vacation maps
5. Plans
6. Photos