

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variance and Site Plan Review
BZZ-2544

Date: September 19, 2005

Applicant: The Rottlund Companies, Inc.

Address of Property: 800 Washington Avenue South

Project Name: Parcel E (formal name to be determined)

Contact Person and Phone: Deb Ridgeway and Tim Himmer with The Rottlund Companies, Inc., (651) 638-0500

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

Date Application Deemed Complete: August 5, 2005

End of 60-Day Decision Period: October 4, 2005

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

Ward: 2 Neighborhood Organization: Downtown Minneapolis Neighborhood Association

Existing Zoning: C3A, Commercial Activity Center District, DP Downtown Parking Overlay District and DH Downtown Height Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 14

Legal Description: Not applicable for this application

Proposed Use: Mixed-use building with 116 dwelling units and approximately 24,650 square feet of commercial space

Concurrent Review:

Conditional use permit: for 116 dwelling units

Variance: to reduce the required number of off-street parking spaces for the commercial tenants in the building from 196 to 0

Site plan review

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(7) “to reduce the applicable off-street parking requirements up to one hundred (100) percent provided the proposed use or building serves

pedestrian or transit-oriented trade or occupancy, or is located near an off-street parking facility that is available to the customers, occupants, employees and guests of the use”; and Chapter 530, Site Plan Review.

Background: The applicant is proposing to construct a mixed-use development containing 116 dwelling units and approximately 24,650 square feet of commercial space. The development will be built in an “L” shape and will screen two sides of the Riverfront Parking Ramp that is being built on the block. The building will be constructed 15 feet from the south wall of the parking ramp and immediately adjacent to the west wall of the parking ramp. The area located between the building and the south wall of the parking ramp is a private drive that will be utilized by delivery trucks and service vehicles accessing the site. In addition, a van accessible parking space is located off of the private drive. The private drive divides the first floor of the building into two buildings. However, on the second through fifth floors of the building is a skyway link connecting the two buildings.

The building will be five stories tall. The first floor of the building will contain the residential lobby and the commercial space. The 116 dwelling units will be located on the upper four floors of the building. The size of the dwelling units range between 698 square feet to 1,775 square feet. A conditional use permit is required for any residential development containing five or more dwelling units. There will be one-and-a-half levels of below ground parking for the residential portion of the building. The parking spaces will be accessed through the parking ramp. The applicant and the City are working on a license agreement and easement language to allow for such an arrangement.

The applicant is not proposing to provide any of the parking spaces that are required for the commercial spaces. Instead, the applicant has applied for a variance to reduce the off-street parking requirement to zero. Site plan review is also required for this development.

Travel Demand Management Plan: The Public Works Department asked the applicant and the developer of Parcel F, which is located across 9th Avenue South from the site, to jointly prepare a discretionary TDM plan for the two developments. The TDM plan was submitted to the City for comments on August 15, 2005. The City is in the process of reviewing the submitted plan and giving feedback to the applicants. Outcomes of the TDM plan include; the developers will not provide free parking spaces for the residents, residents and employees will be encouraged to use mass transit, employees should be allowed to work flexible hours in order to avoid peak commuting hours, the developers will designate someone to be a transportation coordinator and will work with the Downtown Minneapolis Transportation Management Organization, telecommuting and teleconferencing will be encouraged, bicycle storage facilities should be an option provided to all residents and bicycle racks should be provided outside of every commercial tenant within the buildings, delivery trucks and service vehicles, other than small package trucks, should be encouraged to access the site outside of the weekday AM and PM peak traffic periods and travel behavior should be monitored after the development is occupied and results shared with the City of Minneapolis.

CONDITIONAL USE PERMIT - for 116 dwelling units

Findings as Required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic Development – Planning Division 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.

Staff does not believe that a 116-unit, for-sale condominium development would be detrimental to the surrounding area. The additional residential units would help support the commercial uses in the area, the cultural amenities found along the Mississippi River and downtown in general.

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 Planning Division does not believe that a 116-unit, for-sale condominium development would be injurious to the use and enjoyment of other property in the area. The development will be constructed 15 feet from the south wall of the Guthrie Theater ramp and immediately adjacent to the west wall of the Guthrie Theater ramp. Screening the two sides of the parking ramp will visually improve the site. In addition, the development will increase the property's value, contribute to the building of the city's infrastructure and contribute to the city's tax base.

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

The zoning code requires one parking space per dwelling unit. The applicant proposes to have 156 parking spaces located in one-and-a-half levels of below ground parking. All of these parking spaces will be for the residential portion of the development.

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

According to the *Minneapolis Downtown 2010 Plan*, this property is located in a downtown neighborhood as found on the concept plan map. According to the Principles and Policies outlined in both of these plans, the following apply to this proposal:

- Locate medium to high-density housing in areas designated as a Riverfront Residential District located adjacent to and near the West River Parkway. This district should provide for housing that can take advantage of the open space and recreational amenities along the riverfront. The primary use of this district should be housing. Other retail, office, cultural and recreational uses should be encouraged, especially those that revitalize historic structures, but should be compatible with housing (Housing Policy 4).
- Support the retention and development of neighborhood-serving retail (Housing Policy 9).

The applicant is proposing to construct a mixed-use development containing 116 dwelling units and approximately 24,650 square feet of commercial space in the area designated as the Riverfront Residential District. All of the commercial uses within the building will be located on the first floor of the building. The development would help support the commercial uses in the area, the cultural amenities found along the Mississippi River and downtown in general.

The Update to the Historic Mills District Master Plan was adopted by the City Council on September 14, 2001. The plan calls for residential developments on the block with commercial uses located on the ground floor along both Chicago Avenue South and Washington Avenue. As proposed, this development is in conformance with these guidelines.

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

With the approval of the conditional use permit, the variance and the site plan review this development will be in conformance with the applicable regulations of the zoning code.

VARIANCE - to reduce the required number of off-street parking spaces for the commercial tenants in the building from 196 to 0

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

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Parking reduction: The applicant is seeking a variance to reduce the required number of off-street parking spaces for the commercial tenants in the building from 196 to 0. Please note that because the specific tenants of the commercial spaces within the building are not known at this time the parking requirement was calculated using the gross square footages of the commercial spaces. Staff would anticipate that the parking requirement would be less once the areas of the food and beverage uses that are not open to the public are subtracted from the square footage calculation.

The variance that the applicant is applying for is the variance that allows the applicable off-street parking requirement to be varied up to one hundred (100) percent provided the proposed use or building serves pedestrian or transit-oriented trade or occupancy, or is located near an off-street parking facility that is available to the customers, occupants, employees and guests of the use. The applicant has indicated that the parking requirement for the residential portion of the development is being met and that it is only the parking requirement for the commercial tenants in the building that is being varied. There are two public parking ramps located within very convenient walking distance of the site. One is the Riverfront Parking Ramp, which is located on the same block as the proposed development, and the other is the Mills District Parking Ramp, which is located across Chicago Avenue South from the site. In addition to the two parking ramps there are surface parking lots and metered parking spaces available to the general public.

As part of this application the Public Works Department asked the applicant and the developer of Parcel F, which is located across 9th Avenue South from the site, to jointly prepare a discretionary TDM plan for the two developments. The TDM plan specifically analyzes the availability of parking spaces within the area. The conclusion of the parking analysis is that the anticipated demand for both the Parcel E and Parcel F developments will be supported by the surrounding public parking supply. However, the analysis has identified that during the Guthrie's Wednesday matinees in November and December and during major Metrodome events that the parking supply in the area will be limited.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Parking reduction: The site is unique in that there are two public parking ramps, surface parking lots and metered parking spaces located within walking distance. In addition, this property is located along Washington Avenue South which is a bus route and within three blocks of a Light Rail Transit stop.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Parking reduction: The Planning Division believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance. Although this development is not providing parking for the commercial tenants in the building it has been demonstrated that there is sufficient parking in the surrounding area to meet the parking demand.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Parking reduction: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FACADE:

- **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 and windows:**

- **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.**
 - **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.**
- **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

PLANNING DEPARTMENT RESPONSE:

- This development reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access. The building is set close to the property lines, there are entrances and exits at street level and there are large windows where people can see in and out along all levels of the building.
- The building is located at the property line along Washington Avenue South, 9th Avenue South

and 2nd Street South. The building wall along Chicago Avenue South is setback 9.5 feet from the property line. Located between the property line and the face of the building is landscaping. The Update to the Historic Mills District Master Plan indicates that the building should be setback between 10 and 15 feet from the property line along Chicago Avenue South. This setback is intended to pull the riverfront park into downtown. In addition, Chicago Avenue South is intended to be a major pedestrian street connecting the Historic Mills District to the Metrodome and the area around it. The Planning Division is recommending that the Planning Commission grant alternative compliance to allow the building to be setback more than eight feet from the front property line in order to conform to the Historic Mills District Plan.

- The commercial spaces along Washington Avenue South each have their own principal entrances facing the street as do the commercial spaces along Chicago Avenue South. The principal entrance to the residential lobby also faces Chicago Avenue South.
- All of the on-site parking associated with this development is structured parking and located beneath the building.
- The exterior materials of the structure will be a combination of metal and glass. All four sides of the building will be compatible with one another.
- The north and south walls of the building that are adjacent to the private drive are blank. The Planning Division is recommending that the applicant design the walls to include windows, entries, recesses or projections, or other architectural elements.
- At least 30 percent of the first floor and at least 10 percent of the upper floors of the building walls facing Washington Avenue South, 9th Avenue South, 2nd Street South and Chicago Avenue South are required to be windows.
 - Washington Avenue South: the percentage of windows on the first floor of the building is 84 percent and the percentage of windows on the second through fifth floors of the building is 15 percent.
 - 9th Avenue South: the percentage of windows on the first floor of the building is 40 percent and the percentage of windows on the second through fifth floors of the building is 37 percent.
 - 2nd Street South: the percentage of windows on the first floor of the building is 31 percent and the percentage of windows on the second through fifth floors of the building is 37 percent.
 - Chicago Avenue South: the percentage of windows on the first floor of the building is 53 percent and the percentage of windows on the second through fifth floors of the building is 13 percent.
- The windows in the building are vertical in nature and are evenly distributed along the building walls.
- The link area located on floors two through five is not detailed on the elevations. The applicant has indicated that there will be windows in this portion of the building but that the majority of it will be solid. The Planning Division is recommending that there be windows located in this portion of the building that sufficiently allows residents to view both the east and west sides of the public drive from all four levels.
- The roof line of the building will be flat. This roofline is similar to other buildings found in the 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.

PLANNING DEPARTMENT RESPONSE:

- The entrances to the residential lobby and the individual commercial spaces are connected to the public sidewalk along both Washington Avenue South and Chicago Avenue South by walkways.
- There are no transit shelters on or adjacent to the site.
- The parking for the residential component of the development is located in one-and-a-half levels of below ground parking.
- Five percent of the overall site is pervious and 28 percent of the site not occupied by the building is pervious. The landscaping requirement for this site is being met.

LANDSCAPING AND SCREENING:

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

- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

PLANNING DEPARTMENT RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 41,036 square feet. The footprint of the building is 33,344 square feet. When you subtract the footprint from the lot size the resulting number is 7,692 square feet. Twenty percent of this number is 1,538 square feet. The applicant has a total of 2,150 square feet of landscaping, or 28 percent of the site.
- The zoning code requires at least 1 tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 3 and 15 respectfully. The applicant is proposing to plant a total of 8 ornamental trees, 119 shrubs and 227 perennials on the site. In addition, the applicant is proposing to plant 6 canopy trees in the right of way along Washington Avenue South. The Planning Division is recommending that the Planning Commission grant alternative compliance to allow the applicant to substitute ornamental trees for canopy trees on the property. The 9.5-foot area between the building wall and the property line along Chicago Avenue South is supposed to remain open in order to create a visual corridor to the Mississippi River and the riverfront park.
- No fences are proposed to be located on the site.

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.**
- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
 - **Natural surveillance and visibility**
 - **Lighting levels**

- **Territorial reinforcement and space delineation**
- **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

PLANNING DEPARTMENT RESPONSE:

- The majority of the site is covered by the building. The water from the roof will be drained towards a catch basin located in 2nd Street South.
- A lighting plan showing footcandles was not submitted as part of the application materials. The Planning Division is recommending that the applicant submit a lighting plan so staff can verify that the lighting levels comply with the requirements of Chapter 535.
- This building should not block views of important elements in the city. The building has been positioned on the site in accordance with the guidelines of the Historic Mills District Plan.
- This building should have minimal light and air effects on the surrounding area.
- This building should have minimal wind effects on the surrounding area.
- The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. To be in compliance with the CPTED guidelines, the landscaping plan should maintain a “window” into the site between 3 and 6 feet, proper lighting should be located over all building entrances and exits, security cameras should be installed in the first floor corridor and the ability to secure the private drive should be built in to the design of the building.
- This site is neither historically designated nor located in a historic district. Please note that the site is located across 2nd Street South from the St. Anthony Falls Historic District.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE:

- **Use:** The residential use is conditional in the C3A District and the commercial uses are permitted in the C3A District.
- **Off-Street Parking and Loading:** The zoning code requires one parking space per dwelling unit, 1 parking space per 300 square feet of gross floor area over 4,000 square feet for general retail sales and services uses and for food and beverage uses the parking requirement is equal to thirty percent of the capacity of persons. The resulting parking requirement for this development is 312 spaces; 116 spaces for the residential component and 193 spaces for the general retail sales and services uses and the food and beverage uses combined. Within the building the applicant is providing a total of 156 parking spaces in one-and-a-half levels of below ground parking. All of these parking spaces will be for the residential component of the building. The applicant is applying for a variance to reduce the off-street parking requirement for the commercial component of the building to zero.

- **Maximum Floor Area:** The maximum FAR in the C3A District is 2.7. The maximum FAR in the DH Downtown Height Overlay District is 4.0. Section 548.130 allows a 20 percent density bonus for enclosed parking and a 20 percent density bonus for mixed commercial-residential buildings. This development qualifies for both of the density bonus which, when calculated, would result in a permitted FAR of 5.6. The lot in question is 41,036 square feet in area. The applicant proposes a total of 166,720 square feet of gross floor area, an FAR of 4.06.
- **Building Height:** Building height in the C3A District is limited to 4 stories or 56 feet, whichever is less. Building height in the DH Downtown Height Overlay District is 8 stories or 12 feet, whichever is less. The applicant is proposing a 5-story building or approximately 65 feet.
- **Minimum Lot Area:** The minimum lot area per dwelling unit in the C3A District is 400 square feet. Section 548.130 allows a 20 percent density bonus for enclosed parking and a 20 percent density bonus for mixed commercial-residential buildings. This development qualifies for both of the density bonus which, when calculated, would result in a lot area requirement of not less than 240 square feet per dwelling unit. With 116 proposed dwelling units on a lot of 41,036 square feet, the applicant proposes 353.75 square feet of lot area per dwelling unit.
- **Yard Requirements:** This development is not subject to any setback requirements.
- **Specific Development Standards:** There are no specific development standards for residential uses. The specific development standard for all food and beverage uses, except catering businesses, is that the premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected after an event for purposes of removing any litter found thereon. Other commercial uses that locate within the building may be subject to specific development standards but those uses are unknown at this time.
- **Hours of Operation:** Residential uses are not subject to hours of operation. The hours of operation for the C3A District are Sunday through Saturday, 6 am to 1 am. The applicant has indicated that the commercial uses within the building will comply with these hours of operation.
- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. Given the width of the building the applicant can have up to 460 square feet of signage on both the Washington Avenue South and Chicago Avenue South sides of the building. Wall signs are limited to 180 square feet in size, except wall signs for retail sales and services uses are limited to 45 square feet in size. There is no height limitation for wall signs. The applicant is proposing to have three 45 square foot wall signs on both the Washington Avenue South and Chicago Avenue South sides of the building. All of these signs would be for the commercial tenants within the building. The applicant is also proposing to have a wall sign for the residential portion of the building located near the entrance to the lobby. Wall signs for residential uses over five dwelling units and located on a lot of more than 40,000 square feet can be 32 square feet in size and located no higher than 12 feet on the wall.
- **Refuse storage:** The applicant is proposing to have a trash room located within the building. The refuse storage containers would be accessed from the private drive.

MINNEAPOLIS PLAN:

According to the *Minneapolis Downtown 2010 Plan*, this property is located in a downtown neighborhood as found on the concept plan map. According to the Principles and Policies outlined in both of these plans, the following apply to this proposal:

- Promote street-level design of buildings that contribute to downtown’s vitality and security encouraging individual entrances to street-level building tenants, windows and architectural detailing (Downtown Physical Setting Policy 1).
- Promote retail and other interesting uses at street level in order to reinforce the linking function of streets and to create vitality. These uses should be encouraged at the street level throughout downtown and required where the continuity of retail is important (Downtown Physical Setting Policy 2).

The applicant is proposing to construct a mixed-use development containing 116 dwelling units and approximately 24,650 square feet of commercial space. The first floor of the building will contain the residential lobby and the commercial space. The 116 dwelling units will be located on the upper four floors of the building. All of the commercial spaces are directly connected to the public sidewalk and they all have their own individual entrances.

The Update to the Historic Mills District Master Plan was adopted by the City Council on September 14, 2001. The design guidelines within the plan indicate that buildings along Chicago Avenue South should be setback between 10 and 15 feet from the property line. Also, the setback area should remain open in order to create a visual corridor to the Mississippi River and the riverfront park. As proposed, this development is in conformance with these guidelines.

ALTERNATIVE COMPLIANCE:

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

PLANNING DEPARTMENT RESPONSE:

- The Planning Division is recommending that the Planning Commission grant alternative compliance to allow the building to be located more than 8 feet from the front property line along Chicago Avenue South. The Update to the Historic Mills District Master Plan indicates that the building should be setback between 10 and 15 feet from the property line along Chicago Avenue South. This setback is intended to pull the riverfront park into downtown. In addition, Chicago Avenue South is intended to be a major pedestrian street connecting the Historic Mills District to the Metrodome and the area around it.
- The Planning Division is recommending that the Planning Commission grant alternative compliance to allow the applicant to not plant any canopy trees on the property. Ornamental trees will be planted on the property instead. The 9.5-foot area between the building wall and the property line along Chicago Avenue South is supposed to remain open in order to create a visual corridor to the Mississippi River and the riverfront park. The landscape area between the building and the property line is densely planted. Please note that the applicant will be planting canopy trees along Washington Avenue South and the City of Minneapolis will be planting canopy trees along Chicago Avenue South.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for 116 dwelling units located at 800 Washington Avenue South.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the required number of off-street parking spaces for the commercial tenants in the building from 196 to 0 located at 800 Washington Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for the property located at 800 Washington Avenue South subject to the following conditions:

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1. 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 as required by Section 530.120 of the zoning code.
2. There shall be windows located in the link portion of the building that sufficiently allows residents to view both the east and west sides of the public drive from all four levels.
3. The applicant shall submit a lighting plan so staff can verify that the lighting levels comply with the requirements of Chapter 535.
4. Approval of the final site, landscaping and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
5. All site improvements shall be completed by September 19, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Project narrative
2. Conditional use permit and variance findings
3. Excerpt from the Update to the Historic Mills District Master Plan
4. PDR comments
5. July 29, 2005, letters to Council Member Zerby and the Downtown Minneapolis Neighborhood Association
6. Zoning Map
7. Site plan, floor plans, elevations and sign information
8. Photographs of the site and surrounding area