

Department of Community Planning and Economic Development – Planning Division
Three Variances and Site Plan Review
BZZ-2172

Date: April 11, 2005

Applicant: Alex Young with MSP Metro Development Company, LLC

Address of Property: 1016 Marquette Avenue

Project Name: 1016 Marquette Avenue

Contact Person and Phone: Alex Young, (651) 287-8891

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

Date Application Deemed Complete: February 23, 2005

End of 60-Day Decision Period: April 24, 2005

End of 120-Day Decision Period: June 23, 2005, extension letter sent on March 17, 2005

Ward: 7 Neighborhood Organization: Downtown Minneapolis Neighborhood Association

Existing Zoning: B4-1 and Downtown Parking (DP) Overlay Districts

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 19

Legal Description: Not applicable for this application

Proposed Use: 10-story, 8-unit residential development

Concurrent Review:

Variance: to reduce the width of the drive aisle from the required 22 feet to 6 feet.

Variance: to reduce the north interior side yard setback from the required 21 feet (this was originally noticed as 25 feet) to 2 feet for the building with windows facing the interior side property line.

Variance: to reduce the south interior side yard setback from the required 21 feet (this was originally noticed as 25 feet) to 0 feet for the building with windows facing the interior side property line.

Site plan review: for eight dwelling units.

Applicable zoning code provisions: Chapter 525, Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations” and Chapter 530, Site Plan Review.

Background: This application was continued from the meeting of March 28, 2005. The applicant is proposing to construct a 10-story, 8-unit residential development located at 1016 Marquette Avenue. The existing 1-story building on the site is currently vacant. For the past 10 to 15 years the building has been utilized by CBS Broadcasting for storage. The existing building would be demolished and a new building constructed on site. The building would be constructed on grade. On the first floor of the building there would be the residential lobby, 8 parking bays and the mechanical and trash areas. All 8 of the parking bays would be accessible off of the public alley. Two parking bays would share 1 double garage door for a total of 4 garage doors. Floors 2 through 10 would each contain one dwelling unit with the tenth floor also occupying the eleventh floor.

Section 541.440, requires that there be one secure bicycle parking space for every 20 automobile parking spaces provided on the site, but in no case should there be less than four spaces and not more than 30 spaces are required. With a total of 16 parking spaces there needs to be at least 4 bicycle parking spaces provided. Because all of the automobile parking spaces are located within the building the bicycle parking spaces also need to be located within the building.

There are no height limits in the B4-1 zoning district. Heights of buildings are determined by the floor area ratio (FAR). The maximum FAR allowed in the B4-1 zoning district is 8. To calculate FAR, one would divide the total square footage of the building (excluding that portion of the building devoted to accessory off-street parking or loading facilities, including aisles, ramps and maneuvering space) by the total square footage of the site. The lot size is 5,225 square feet. The gross floor area of the proposed building is 38,940 square feet. The resulting FAR is 7.45.

VARIANCE - to reduce the width of the drive aisle from the required 22 feet to 6 feet

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.

Driveway width: The applicant is seeking a variance to reduce the width of the drive aisle from the required 22 feet to 6 feet. The applicant has indicated that the lot is only 47 feet wide. In order to accommodate a 22-foot wide drive aisle the building could only be 25 feet wide. The 6 feet of drive aisle that the applicant is providing on the site in addition to the 16-foot wide public alley that is adjacent to the drive aisle equals 22 feet.

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.

Driveway width: The width of the lot is a unique aspect of this parcel of land and is a condition that was not created by the applicant.

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.

Driveway width: The intent of the ordinance is to provide an adequate maneuvering area for a vehicle without needing to utilize the public right-of-way. Where a public right-of-way is proposed to be used for maneuvering purposes the plan must be approved by the City Engineer. In this case, the Traffic and Parking Division of the Public Works Department has granted permission to the applicant to utilize the public alley for maneuvering purposes. The Public Works Department has informed the applicant that commercial vehicles may park in the public alley for up to 30 minutes without a permit and that the proposed residential development to the north is proposing to utilize the public alley which could have up to as many as 360 dwelling units it in when completed.

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.

Driveway width: 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 driveway width be detrimental to welfare or public safety.

VARIANCE - to reduce the north interior side yard setback from the required 21 feet to 2 feet for the building with windows facing the interior side property line

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.

North interior side yard setback: The applicant is seeking a variance to reduce the north interior side yard setback from the required 21 feet to 2 feet for the building with windows facing the interior side property line. In the downtown zoning districts, properties are not subject to any setbacks unless a property is adjacent to a property that is zoned residentially or has a residential use on it. However, residential uses are required to provide a setback of 5 feet plus 2 additional feet for every floor above the first floor that contains windows facing an interior side or rear property line.

In this development, it is not until the second floor where there are residential units with windows facing the interior side property line. From the second floor up, there are 9 floors of residential units with windows facing the interior side property line, so the required setback is 21 feet ($2 \times 8 = 16 + 5 = 21$). The first floor of the building is not subject to this setback as it does not contain residential units with windows facing the interior side property line.

The site is not a full block. The lot has 47 feet of frontage along Marquette Avenue. Given the height of the building the buildable area that would be left after the setbacks are taken into consideration would be an area 2 feet wide. If the applicant were constructing a non-residential building on the site there

would not be an interior side yard setback requirement. Requiring that the building meet the 21-foot setback could be a hardship. The north side of the building abuts a public alley which is 16 feet wide. The width of the alley should be adequate to provide light and air for the units.

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.

North interior side yard setback: The size of the lot is a condition that was not created by the applicant. The building has a setback because there are residential units with windows facing the interior side property line in it. If the windows were eliminated the building could be built up to the property line as is the first floor of the building. While the height of the building is responsible for the need for the variance, the proposed height is not inappropriate given its location in the downtown core where no height limitation exists.

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.

North interior side yard setback: The intent of the ordinance is to provide a setback for residential buildings with windows facing an interior side or rear yard where a building could be built along the property line on an adjacent parcel. This is to meet building code requirements for fire protection and to prevent a situation where a building would be built on an adjacent parcel blocking the windows. The north side of the building abuts a public alley which is 16 feet wide. The width of the alley should be adequate to provide light and air for the units and therefore should not circumvent the intent of the ordinance even if a tall building is constructed at the lot line on the adjacent property. If the alley were to be vacated at some point in the future, half of the alley would accrue to the property in question, which would also ensure access to light and air.

The Planning Division believes that the granting of this variance would not alter the essential character of the area given that the site is located in Downtown where the majority of buildings are built with 0-foot setbacks from their property lines. In addition, the building immediately to the north of the alley is the Handicraft Guild building, which is both locally and nationally designated and theoretically should remain on the site forever.

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.

North interior side yard setback: 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 setback be detrimental to welfare or public safety.

VARIANCE - to reduce the south interior side yard setback from the required 21 feet to 0 feet for the building with windows facing the interior side property line

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.

South interior side yard setback: The applicant is seeking a variance to reduce the south interior side yard setback from the required 21 feet to 0 feet for the building with windows facing the interior side property line. In the downtown zoning districts, properties are not subject to any setbacks unless a property is adjacent to a property that is zoned residentially or has a residential use on it. However, residential uses are required to provide a setback of 5 feet plus 2 additional feet for every floor above the first floor that contains windows facing an interior side or rear property line.

In this development, it is not until the second floor where there are residential units with windows facing the interior side property line. From the second floor up, there are 9 floors of residential units with windows facing the interior side property line, so the required setback is 21 feet ($2 \times 8 = 16 + 5 = 21$). The first floor of the building is not subject to this setback as it does not contain residential units with windows facing the interior side property line.

The site is not a full block. The lot has 47 feet of frontage along Marquette Avenue. Given the height of the building the buildable area that would be left after the setbacks are taken into consideration would be an area 2 feet wide. If the applicant were constructing a non-residential building on the site there would not be an interior side yard setback requirement. Requiring that the building meet the 21-foot setback could be a hardship. The habitable portion of the building is setback 10 feet from the south interior property line. The balconies and stair towers are what extend all the way to the property line. This setback should be adequate to provide light and air for the units.

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.

South interior side yard setback: The size of the lot is a condition that was not created by the applicant. The building has a setback because there are residential units with windows facing the interior side property line in it. If the windows were eliminated the building could be built up to the property line as are the first 2 floors of the building. While the height of the building is responsible for the need for the variance, the proposed height is not inappropriate given its location in the downtown core where no height limitation exists.

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.

South interior side yard setback: The intent of the ordinance is to provide a setback for residential

buildings with windows facing an interior side or rear yard where a building could be built along the property line on an adjacent parcel. This is to meet building code requirements for fire protection and to prevent a situation where a building would be built on an adjacent parcel blocking the windows. The habitable portion of the building is setback 10 feet from the south interior property line. The balconies and stair towers are what extend all the way to the property line. This setback should be adequate to provide light and air for the units and therefore should not circumvent the intent of the ordinance even if a tall building is constructed at the lot line on the adjacent property.

The Planning Division believes that the granting of this variance would not alter the essential character of the area given that the site is located in Downtown where the majority of buildings are built with 0-foot setbacks from their property lines.

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.

South interior side yard setback: 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 setback 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. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FACADE

- The placement of buildings shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- The first floor of buildings shall be located not more than eight (8) feet from the front lot line, except where a greater yard is required by this zoning ordinance or where the building is separated from the front lot line by outdoor open space that conforms to the standards for the urban open space premium in Chapter 549.**
- The area between the building and the lot line, and all other areas not occupied by buildings or used for parking and loading purposes, shall include amenities.**
- Buildings shall be oriented so that at least one (1) principal entrance faces the public street.**
- The main lobby of the building and main elevator access shall be located at street level.**

- **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.**
- **Building facades shall provide architectural detail and shall contain windows at the ground level or first floor.**
- **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.**
- **Principal entrances shall be clearly defined and emphasized through the use of architectural features that express the importance of the entrance. Multiple entrances are encouraged.**
- **At least thirty (30) percent of the first floor façade that faces a public street, sidewalk or parking lot shall be windows or doors of clear or lightly tinted glass that allows views into and out of the building at eye level.**
- **Windows shall be distributed in a more or less even manner.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

**DEPARTMENT OF COMMUNITY PLANNING & ECONOMIC DEVELOPMENT –
PLANNING DIVISION RESPONSE**

- The building has been designed to reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation. The building is located three feet from the front property line along Marquette Avenue. The entrance to the building faces Marquette Avenue and is emphasized by a canopy. The windows located along the first floor of the building extend from the floor to the ceiling and are distributed in an even manner. The residential lobby is located on the first floor of the building as well as the elevator.
- The building is proposed to be made out of stone, corrugated metal, metal, copper and aluminum window systems. All four sides of the building are similar to one another. The percentage of windows and/or doors required on the Marquette Avenue side of the building is 20 percent. According to the submitted drawings, approximately 57 percent of the first floor facade that faces Marquette Avenue is windows/and or doors.
- There are 8 parking bays located on the first floor of the building. All 8 of the parking bays would be accessible off of the public alley. Two parking bays would share 1 double garage door for a total of 4 garage doors.

ACCESS AND CIRCULATION

- **Clear and well-lighted walkways shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted and weather protected, and shall be placed in locations that promote security through natural surveillance and visibility.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and with surrounding residential uses. Curb cuts shall be consolidated wherever possible.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.330(b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**

- **In areas of vehicular access, site plans shall minimize the use of impervious surfaces to the extent possible.**

**DEPARTMENT OF COMMUNITY PLANNING & ECONOMIC DEVELOPMENT –
PLANNING DIVISION RESPONSE**

- The entrance leading into and out of the building is directly connected to the public sidewalk.
- The Traffic and Parking Division of the Public Works Department has reviewed and approved the vehicular access and circulation plan. The Public Works Department has informed the applicant that commercial vehicles may park in the public alley for up to 30 minutes without a permit and that the proposed residential development to the north is proposing to utilize the public alley which could have up to as many as 360 dwelling units it in when completed. Utilizing the public alley for access to the site, rather than creating a new curb cut, minimizes conflicts with pedestrians on the public sidewalk.
- The applicant has indicated that snow will be removed from the site.

PARKING LOTS AND LOADING AREAS

- **Parking lots and loading areas shall be landscaped, screened and defined as specified in Chapter 530, Article IV.**

**DEPARTMENT OF COMMUNITY PLANNING & ECONOMIC DEVELOPMENT –
PLANNING DIVISION RESPONSE**

- There are no outdoor parking lots proposed for the site. The trash area is located on the first floor of the building. On the north side of the building there is a garage door that accesses the trash area directly from the alley.

LIGHTING AND GLARE

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**

**DEPARTMENT OF COMMUNITY PLANNING & ECONOMIC DEVELOPMENT –
PLANNING DIVISION RESPONSE**

- The applicant did not submit a lighting plan showing foot-candles as part of this application. The Planning Division is recommending that a lighting plan showing foot-candles be submitted as part of the final plans.

SITE CONTEXT

- **Site plans shall minimize the blocking of views of important elements of the city such as parks and greenways, significant buildings and water bodies.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties and to minimize the generation of wind currents at ground level.**

**DEPARTMENT OF COMMUNITY PLANNING & ECONOMIC DEVELOPMENT –
PLANNING DIVISION RESPONSE**

- The development site is located in the B4-1 zoning district. In this zoning district there are no height limitations because this is the area in the city where it is expected that tall buildings will be built.

The footprint of the building is small. Therefore, the blocking of views of prominent buildings from various vantage points should be minimized.

- Although this development will most likely cast shadows on surrounding properties, staff believes that the affects will be minimal.
- The building has been designed with a canopy made out of stone that projects three feet out from the front of the building and is approximately 18 feet above the sidewalk. Given this, ground level winds should be reduced along Marquette Avenue.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- **Site plans shall include crime prevention design elements as specified in section 530.370.**

DEPARTMENT OF COMMUNITY PLANNING & ECONOMIC DEVELOPMENT – PLANNING DIVISION RESPONSE

- The Police Department has reviewed the plans for the proposed development. In order to be in compliance with the CPTED standards, access to the residential floors of the building need to be controlled and if a camera system is installed the Police Department would like to review it.

HISTORIC PRESERVATION

- **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 as historic structures.**

DEPARTMENT OF COMMUNITY PLANNING & ECONOMIC DEVELOPMENT – PLANNING DIVISION RESPONSE

- The existing building is not designated as historic, nor is the site.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE

With the approval of the three variances and the site plan review this development will be in conformance with the applicable regulations of the zoning code.

THE MINNEAPOLIS PLAN

According to the *Minneapolis Downtown 2010 Plan*, this property is located in the downtown core as found on the concept plan map. More specifically, the site is located within both the secondary office area and the retail area. According to the Principles and Policies outlined in *Downtown 2010 Plan*, 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 (Physical Setting Policy 1).
- Promote building heights and designs that protect the image and form of the downtown skyline, that provide transition to the edges of downtown and that protect the scale and qualities in areas of distinctive physical or historic character (Physical Setting Policy 7).

- Encourage street-level retail in the office districts in order to provide services and street-level vitality (Office Policy 5).
- Expand housing opportunities in downtown for all income levels, with an emphasis on providing additional moderate to high income, owner-occupied units (Residential Policy 1).

The Planning Division believes that overall this development does meet the above policies of the *Downtown 2010 Plan*. The proposed development incorporates pedestrian-scaled design elements such as windows, an entrance and canopies along Marquette Avenue. The building will be 10 stories tall and will only add to the skyline view of Downtown Minneapolis when looking from the south. Although the applicant is not proposing to incorporate any retail into the building, adding 8 dwelling units will help support the existing retail that is already located Downtown.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

There are no small area plans adopted by the city for this particular location.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any major 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, 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.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- Alternative compliance is not warranted for this development.

RECOMMENDATIONS

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the

width of the drive aisle from the required 22 feet to 6 feet for the property located at 1016 Marquette Avenue.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the north interior side yard setback from the required 21 feet to 2 feet for the building with windows facing the interior side property line for the property located at 1016 Marquette Avenue.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the south interior side yard setback from the required 21 feet to 0 feet for the building with windows facing the interior side property line for the property located at 1016 Marquette Avenue.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for the property located at 1016 Marquette Avenue subject to the following conditions:

1. At least 4 secure bicycle parking spaces shall be provided within the building.
2. A lighting plan showing foot-candles shall be submitted as part of the final plans.
3. Approval of the final site and elevation plans by the Community Planning and Economic Development Department – Planning Division.
4. All site improvements shall be completed by April 11, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Project description
2. Variance findings
3. February 22, 2005 letter to Council Member Goodman’s office and the Downtown Minneapolis Neighborhood Association
4. Zoning Map

Department of Community Planning and Economic Development – Planning Division
BZZ-2172

5. Survey
6. Site plan, floor plans and elevations
7. Photographs of the site and surrounding area