

**Department of Community Planning and Economic Development—Planning Division
Amendment of the Planned Residential Development (conditional use permit) and Final
Registered Land Survey (RLS-28)
BZZ-2177**

Hearing Date: February 7, 2005

Address of Property:

519 and 521 3rd St. N: Bookman Lofts (2202924130089 and 2202924130013 respectively)
526 4th St. N.: Bookman Stacks (2202924130096)

Date Application Deemed Complete: 1/14/05

End of 60-Day Decision Period: 3/15/05

Applicant: Rex II LLC, Steve Frenz, 1 E. 19th St., Mpls., MN 55403 (612-872-4444, email: sfrenz@jasapartments.com)

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Ward: 5 **Neighborhood Organization:** North Loop Warehouse District Association

Existing Zoning: I2, Medium Industrial District, with the following Overlay Districts:

- Downtown Parking
- Industrial Living
- **Proposed Use:** The Bookman Project (Project) is a three-phase, mixed-use project being developed as a Planned Residential Development.¹ The subject application ~~is~~ amends the existing Planned Unit development (PUD) with a new master sign plan that applies to the Bookman Lofts building and the Bookman Stacks building. The applicant will amend the master sign permit in the future for the third building in the project, the restaurant that was approved as a part of Phase III. This application also includes the final Registered Land Survey for the project.

Prior approvals:

- **Bookmen Lofts, Phase I (BZZ-1179 approved 6/2/03):** Rehabilitate the existing Bookmen Building into 57 market rate condominiums (completed). The site included 98 existing surface

¹ A Planned Residential Development is a form of a Planned Unit Development (PUD)

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Minneapolis Planning Division at 612-673-2597.**

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stalls and 9 stalls that flanked the east side of the building. The application included the following:

- Conditional Use Permits for the dwelling units, building height, and a surface parking lot in the Downtown Parking Overlay District.
- Major Site Plan Review.
- **Bookman Stacks, Phase II (BZZ-1369 approved by the Planning Commission 11/3/03):** Construct a new eight-story residential building for 43 market-rate condominiums and an underground parking ramp for 144 vehicles (under construction) as a Planned Residential Development. The original application included a single-story, 10,000 sq. ft. commercial building to be built on 4th St. in the middle of the block, and 14 surface stalls at the corner of 4th St. and 5th Ave. N. Applicant replaced the building and surface parking with a plaza. The application included the following:
 - **Rezoning petition:** To change the zoning classification of 526 4th St N to the Industrial Living Overlay District (ILOD), in order to allow Phase II of a Planned Unit Development (approved by the City Council on 11/21/03).
 - **Conditional Use Permit:** To allow a Planned Residential Development for a new structure with 43 dwelling units and a 144-stall underground ramp.
 - **Major Site Plan Review:** To allow a Planned Residential Development with 43 dwelling units and a 144-stall underground ramp.
 - **Storm Water Management Plan:** Public Works has approved a stormwater management plan for the entire site.
- **Bookman Stacks Restaurant Phase III (BZZ-1941):** Denied by the Planning Commission on 9/27/04, appealed by the applicant. The City Council approved the appeal on 11/5/04 with the exception of the master sign plan, which the Council denied.
 - A. **Conditional Use Permit:** To amend the existing Planned Residential Development as follows:
 1. Allow a 9,300 sq. ft. sit-down restaurant and bar with a commercial kitchen, and a new landscaped restaurant garden that will provide access to and outdoor seating for the restaurant where surface parking was originally approved.
 2. Allow revisions to the already approved landscaped terrace that will provide green space for and pedestrian access to the completed first phase Bookmen Lofts and the second phase Bookmen Stacks buildings.
 3. Amend the prior approval for the Bookman Lofts project to allow 45 units instead of the already approved 43 units.
 4. Seek the approval of the following exceptions to the Zoning Code:
 - a. Allow two residential buildings and a separate restaurant building on the same lot.
 - b. Allow a sign for the Bookman Stacks building. The Code restricts the sign to 80 sq. ft. The proposal is for a projecting two-sided sign with an effective area of 92 sq. ft. on each side. (The sign will also need an encroachment permit.)
 - c. Approve an exception to the requirements in the Zoning Code to allow the elimination of the required parking for the restaurant. With 122 seats, the Code requires the provision of 23 stalls while none will be provided.

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- B. Site Plan Review:** To amend the existing site plan review approval as follows:
1. Allow a 9,300 sq. ft. sit-down restaurant and bar with a commercial kitchen.
 2. Allow a new landscaped restaurant garden that will provide access to and outdoor seating for the restaurant where surface parking was originally approved.
 3. Allow revisions to the already approved landscaped terrace that will provide green space for and pedestrian access to the completed first phase Bookmen Lofts and the second phase Bookmen Stacks buildings.
- C. Variance for fence height:** The Code at 535.420 (1) limits fences to 3 ft. in height and allows an increase to 4 ft. if the fence is less than 60% opaque. The proposal includes an opaque wall that ranges from 6-10 ft. in height on 4th St. and 5th Ave. respectively.
- D. Preliminary Registered Land Survey**

Concurrent review and applicable zoning code provisions:

- **Amendment of Conditional Use Permit for the Planned Residential Unit:** Per Article II of Chapter 527, Planned Residential Units are conditional uses.
- **Final Registered Land Survey:** Chapter 598.

Review by the Preliminary Plan Review Committee of City Staff: 7/14/04

Neighborhood review: The applicant sent a letter of notification on August 19, 2004, to the North Loop Warehouse District Association; however, Planning staff have yet to receive any comments from the group.

Background: The site occupies three quarters of the block bounded by 3rd St N, 5th Ave N, 4th St N, and 6th Ave N. The Caribou Building, which is not a part of the project, occupies the corner site at 3rd. and 5th Ave. N. The Bookmen Lofts building (Phase I of the project) occupies the north corner of the block, and the Phase II Bookman Stacks building and underground parking ramp is under construction on the remainder of the block (Attachment 4).

Historic review:

- **Historic districts:** The northern half of the site with the existing Bookmen Lofts building is within the nationally designated Minneapolis Warehouse Historic District. The rest of the site is adjacent to this district. The entire site is outside of the locally designated Minneapolis Warehouse Historic District.
- **Bookmen Lofts:** The Minneapolis Heritage Preservation Commission (HPC) staff reviewed the Bookmen Lofts project and concluded that, since the project involves no change to the existing building, no review of Phase I was needed.
- **Bookmen Stacks and restaurant buildings:** Since the block is outside of the locally designated Minneapolis Warehouse Historic District, review by the staff of the Minneapolis Heritage Preservation Commission (HPC) is not warranted.

A. Findings as Required By the Minneapolis Zoning Code for the Conditional Use Permit for the Planned Residential Development to allow the proposed master sign plan

The Minneapolis City Planning Department has analyzed the application and from the findings below concludes that the establishment, maintenance, or operation of the proposed conditional use:

Exception to Zoning Ordinance Standards: Chapter 527, Planned Unit Development authorizes the City Planning Commission to approve exceptions to the zoning regulations that are applicable to the zoning district in which the development is located. This may be done only upon finding that the Planned Unit Development includes adequate site amenities to address any adverse effects of the exception.

Sign for the Bookman Stacks building: The master sign plan includes four signs (Attachment 3). Three of the signs meet the applicable Code restrictions; however, the primary sign of the Bookman Stacks building exceeds the limits in the Code in terms of size and height. It is comprised of six individual steel letters each approximately 3-2 by 2-0 feet. They project out 5 feet from the Stacks residential building to a height of 58 feet. The Code at Table 543-1 limits identification signs for residential buildings to 32 sq. ft. and a maximum height of 12 feet or the top of the wall, whichever is less. The prescribed method of calculating the size of the proposed sign is to measure the area of an imaginary box within which the individual letters would fit. In this case, the sign measures at 2-11 by 21-6 = 62 sq. ft. per side for a total of 124 sq. ft. For back-to-back signs, the sign face area shall be determined on the basis of only one side of such sign. The sign is 46 ft. higher than allowed by the Code and it will also need an encroachment permit from Public Works because it projects out beyond the property line and over the sidewalk.

The formerly proposed sign, which had an effective surface of 92 sq. ft., was almost 50% larger than the current sign. Planning staff have reviewed the proposed sign and conclude that its steel construction, smaller size, open letter design, vertical placement, minimal projection, and appropriate height and scale establish a reasonable basis for the Planning Commission to approve this exception to the Zoning Code per 537.170.

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

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

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Site amenities include the following (Attachment 4):

- Innovative stormwater management plan including a green roof and retention tanks.
- The landscaping of 81% of the net site.
- Underground parking.
- Garden area for the users of the restaurant.
- Rehabilitation of a building with possible historic significance.

Planning staff agree that the above site amenities adequately mitigate any potential adverse impacts of having a sign that does not comply with the restrictions in the Zoning Code.

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

Public Works and Planning staff have reviewed the project for traffic impacts and agree that there will be no significant adverse impacts associated with the project or the proposed sign.

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

There are no remaining natural features on the site and this third phase does not include any historic preservation.

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

As stated above, Planning staff have reviewed the proposed sign and conclude that its construction out of steel, smaller size, open letter design, vertical placement, minimal projection, and appropriate height and scale will be compatible with the project and the surrounding neighborhood.

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

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The project is within the jurisdiction of the Middle Mississippi River Watershed Management Organization. The project has an approved Stormwater Management Plan.

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

The analysis for the final Registered Land Survey precedes the Recommendations section of this report.

B. Final Registered Land Survey

Findings as Required by the Minneapolis Zoning Code:

- 1. Subdivision is in conformance with the land subdivision regulations including the requirements of section 598.80 relating to protection of natural resources, applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.**

There are no surviving natural features on the site. The final Registered Land Survey (RLS) conforms to all applicable land subdivision regulations. The Public Works Department and the City Attorney's Office have reviewed and approved the documents (Attachment 5 and 6).

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

The RLS itself will not be injurious to the use and enjoyment of other project.

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

The RLS poses no hazards as regards floods, erosion, high water table, severe soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.

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

The RLS creates lots that would allow the issuance of building permits, curb cuts, and any needed encroachment permits.

- 5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The storm water drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.**

As stated above, the City Engineer has approved the stormwater management plan for the entire project. All of the stormwater on the site will be treated prior to release to the City system.

RECOMMENDATIONS

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

The Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application to amend the conditional use permit for the Planned Residential Development for the Bookman Project located at 519-521 3rd Street North and 526 4th Street North and to approve the master sign plan.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Final Registered Land Survey:

The Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for final Registered Land Survey for the Planned Residential Development for the Bookman Project located at 519-521 3rd Street North and 526 4th Street North.

ATTACHMENTS

- 1) Site and zoning map
- 2) Information from the applicant
- 3) Master sign plan
- 4) Photos of the model, site, and surrounding area
- 5) Final Registered Land Survey
- 6) Letter from the City Attorney