

Department of Community Planning and Economic Development - Planning Division
Site Plan Review, Variance
BZZ-4260

Date: December 8, 2008

Applicant: FTK Properties, Inc.

Address of Property: 900 3rd Street N and 218 9th Ave N

Contact Person and Phone: Troy Goetz, Walsh Bishop (612) 278-3424

Planning Staff and Phone: Kimberly Holien (612) 673-2402

Date Application Deemed Complete: November 4, 2008

End of 60 Day Decision Period: January 3, 2009

Ward: 5 Neighborhood Organization: North Loop

Existing Zoning: I2 Medium Industrial District, Industrial Living Overlay District and Downtown Parking Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 19

Legal Description: Not applicable for this application.

Proposed Use: Office, restaurant

Concurrent Review:

Variance: To reduce the number of required off-street parking stalls from 190 to 45 where 36 are grandfathered.

Site Plan Review: For a building addition.

Applicable zoning code provisions: Chapter 530, Site Plan Review; Chapter 525 Article XI, Variances

Background: The subject site is 21,706 square feet in area and contains a 48,677 square foot building. The existing building has most recently been utilized as office space on the first floor, self-service storage on the second and third floors, and the fourth floor is vacant. Historically the building housed a candy factory. The applicant is proposing to convert the entire building, including a portion of the basement, to office space with one potential restaurant tenant on the first floor. The existing loading dock adjacent to 9th Avenue N will be removed as part of the project and a new sidewalk will be constructed.

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A building addition is proposed on the northwest side of the building. The proposed addition has 898 square feet of gross floor area. However, the addition is 29 feet in height and therefore, for the purposes of site plan review, is considered in excess of two stories and 1,796 square feet in area. The conversion to office/restaurant space results in a more significant parking requirement than the existing uses. As such, a variance from 190 parking stalls to 45 parking stalls has also been requested, where 36 of the parking stalls provided are grandfathered. Nine parking stalls are proposed to be striped on the site.

The site is bordered by industrial uses to the north, south, and east, and a multi-family residential structure to the west.

VARIANCE (to reduce the required parking from 190 spaces to 45 spaces, where 36 of the spaces are grandfathered)

Findings Required by the Minneapolis Zoning Code:

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

The owner of the building is requesting a parking variance to accommodate a conversion from self-storage facilities on the second and third floors to office space, and converting the vacant fourth floor to office space. The basement will be utilized as office space as well. The first floor is proposed to be used as office space with one potential restaurant tenant. While the area behind the building has historically been used for parking and loading, the site currently does not have any striped parking stalls established. The applicant is proposing to stripe nine parking stalls on the site and has grandfather rights to 36 stalls. A total of 26 bicycle parking spaces have been proposed, in lieu of one automobile parking space. Grandfather rights are based on the parking requirement for the existing uses on the first, second and third floors, and the most recent known use of the fourth floor; a candy factory.

The parking requirement for office space is one space for each 300 square feet of floor area after the first 4,000 square feet. The parking requirement for restaurant uses is equal to 30 percent of the capacity of persons. A total of 190 parking stalls are required, as follows:

- Basement office: 4,671 square feet
- First floor office: 1,772 square feet
- Second floor office: 9,552 square feet
- Third floor office: 10,511 square feet
- Fourth floor office: 9,083 square feet
- Total office: 35,589 square feet

35,589 SF -4,000 SF= 31,589 SF. 31,589 SF/300 SF= 105 stalls

- First floor restaurant: 4,306 square feet= 86 parking stalls

The floor areas shown above are estimated by the applicant, as tenants for the site have not been secured. The applicant is proposing a potential restaurant use that is 6,152 square feet in area with 4,671 square feet of public space. However, the maximum gross floor area of restaurants in industrial districts

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is limited to 5,000 square feet. With the proposed revisions to Chapter 541, the parking requirement for a 5,000 square foot restaurant space would be 14 stalls (1 space per 500 sq. ft. of GFA up to 2,000 sq. ft. + 1 space per 300 sq. ft. of GFA in excess of 2,000 sq. ft.). The parking requirement for the office use would also be significantly reduced to 63 parking stalls. In the event that the revisions to Chapter 541 are adopted as proposed, the parking requirement for the site would be 77 stalls; a reduction of 114 required spaces.

Due to the size of the existing building footprint, there is a very limited amount of area on the site for additional parking facilities. Any conversion of the fourth floor to an active use other than limited production and processing would require a parking variance to some degree. In addition to the parking provided, 26 bicycle parking spaces are proposed in the basement of the structure. On-street parking is available along 3rd Street N and 9th Avenue N. A public parking ramp is located one block northeast of the site, on Washington Avenue. Requiring that the office use provide the full parking requirement in an area with public parking facilities available may not allow a reasonable use of the property. However, the proposed restaurant use is very large and would likely generate a great deal of traffic. A restaurant of this size is not necessary for the applicant to have reasonable use of the site.

- 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.**

The site is not large enough to provide adequate parking for adaptive reuse of the existing building. The applicant is proposing to stripe nine parking stalls as part of the application, taking advantage of nearly all space accessible for parking. There is no room for additional surface parking on the site. The site is located in the Downtown Parking Overlay District, which discourages the establishment or expansion of surface parking lots.

The current building has existed on the site since 1893. The building was used as a candy factory until approximately 1974, when it was converted to a pharmaceutical lab. The current parking scenario has been in existence since approximately 1951, when the ground floor building addition was constructed. This site is located near a large public parking ramp and on-street parking is available 3rd Street N and 9th Avenue N, mitigating the potential impact of the requested variance.

- 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.**

The intent of the parking requirement is to provide adequate parking spaces to meet the parking demands of a use. The site is one block away from a sizable public parking ramp, bicycle parking is provided, and on-street parking is available along 3rd Street N and 9th Avenue N. The parking requirement under the potential revisions to Chapter 541 is significantly reduced from the current parking requirement.

As stated above, staff is concerned about the size of the proposed restaurant tenant and the parking required for said use. Under the existing Chapter 541 regulations, 190 parking stalls would be required

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for the proposed office and restaurant uses. However, if the first floor were to be utilized as office or retail space in lieu of a restaurant, 120 parking stalls would be required. Under the proposed revisions to Chapter 541, a 5,000 square foot restaurant (the maximum size allowed in the I1 District) would require 14 parking stalls and the office use would require 63 parking stalls, for a total requirement of 77 stalls.

In keeping with the intent of the ordinance, staff finds that the maximum variance appropriate for the site would be a variance from 120 stalls (the required number of stalls if the entire building were office or retail) to 45 where 36 are grandfathered. Traffic generated by a large restaurant tenant is expected to have a greater impact on the surrounding area than office or retail uses. In the event that a food and beverage use of 5,000 square feet is established, the applicant shall be required to secure off-site parking equivalent to the required number of stalls for said use under the revisions to Chapter 541. For a 5,000 square foot restaurant, the number of off-site parking stalls required would be 14. Securing off-site stalls in the event of a restaurant user would mitigate the impact of a large parking variance on adjacent properties and bring the site near compliance with the proposed revisions to Chapter 541.

- 4. The proposed variance may 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.**

The proposed variance should not increase the danger of fire or endanger public safety. The nine parking stalls proposed are intended to be for customer or guest parking only. Employees will be expected to utilize public parking facilities or public transit. The applicant is also proposing 26 bicycle parking spaces within the building to mitigate any impact from the lack of off-street parking, and on-street parking is available. Business to the site is also expected to take advantage of the nearby public parking facility. While vehicles are expected to frequent the site, the proposed variance should not cause congestion in the street with the staff recommendation above.

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 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.

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- 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.
 - 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.
- Minimum window area shall be measured as indicated in section 530.20 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.

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Conformance with above requirements:

The building is located in corner of the site, fronting along 3rd Street N and 9th Avenue N. The primary entrance to the building faces 9th Avenue N. This entrance is emphasized with an awning and significant glass coverage. A secondary entrance is located on the southwest side of the building, facing 3rd Street N. Along 3rd Street N and 9th Avenue N the building has a zero setback. The building is setback 13 feet from the northwest side lot line, adjacent to the residential structure.

The existing building is constructed almost entirely of brick. The northwest wall of the existing building is constructed of plain face CMU. A third and fourth floor building addition is proposed in the southwest corner of the building, to match the height of the rest of the structure. This addition is proposed to be one floor, but in excess of two stories in height. The total height of the addition is 29 feet. The building addition is primarily on the northwest side of the structure, with a portion of the addition, approximately 13.5 feet in width, also visible from 3rd Street N. The building addition is proposed to be constructed of pre-finished, insulated metal wall panels. The addition will contain skylights.

The applicant is requesting alternative compliance for the requirement prohibiting blank, uninterrupted walls that do not include windows, entries, recesses, or projections, or other architectural elements in excess of 25 feet. Specifically, alternative compliance is requested for the new addition portion of the northwest elevation. The addition is 66 feet in length and contains no windows or other elements to break up the wall. Staff does not recommend granting alternative compliance. Instead, windows or architectural elements that are compatible with the remainder of the structure shall be incorporated into the metal panel to add visual interest to the blank wall.

The applicant is complying with the window requirements of the site plan chapter; 30 percent on the first floors facing the street and 10 percent on the upper floors facing the street. For the northwest elevation, facing the side lot line, a total of 9.3 percent window coverage is proposed for the first floor. This is an existing condition. The applicant is proposing to remove existing brick infill and install windows on the second, third, and fourth floors of this elevation. The minimum window requirements have been exceeded for these floors. On the southeast elevation, the minimum window requirements have been met. However, the applicant is proposing two scenarios for the second and third floors. Staff recommends the design proposed in "Alternative #1", in which the windows are vertical in proportion and in a more or less even manner. The applicant is proposing 25.6 percent glass coverage on first floor of the northeast elevation, instead of the 30 percent required. However, this is an existing condition and two windows are being added to existing bricked openings, increasing the existing glass coverage on this floor as part of the project. Window requirements on the remainder of the northeast elevation and the entire southwest elevation are satisfied.

First floor or ground floor windows shall be required to have clear or lightly tinted glass and 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

The structure has a flat roof similar to other structures in the area.

No parking garages are proposed for the site.

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ACCESS AND CIRCULATION:

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

Conformance with above requirements:

The entrances to the building open onto the existing public sidewalks along 9th Avenue N and 3rd Street N. The sidewalk along 9th Avenue N connects to the parking lot and is a minimum of seven feet in width. A partially landscaped boulevard exists between the sidewalk and the public street. The applicant is proposing to add additional plantings to the landscaped areas and preserve the existing trees.

Access to the site is possible from 9th Avenue N into the parking lot, and from 3rd Street N on to a drive that circulates around the site into the parking area. Public Works has reviewed the site plan for access and circulation and recommended that one access point be closed (see attached report). In the event that an access is removed, staff recommends that the applicant remove the curb cut on 3rd Street N to minimize the impact any traffic may have on the adjacent residential use.

There are no public alleys or transit shelters adjacent to the site.

The site has been designed to minimize impervious surfaces and all areas that are not covered by buildings, pedestrian access, and paved areas necessary for parking, loading, and the associated maneuvering are pervious surfaces used for landscaping.

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.

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- 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 lot area is 21,706 square feet and the footprint of the building is approximately 12,417 square feet. Therefore, the net lot area is 9,289 square feet, of which 20 percent (1,858 square feet) is required to be landscaped. The site requires 4 overstory trees and 19 shrubs to satisfy the minimum planting requirement.

The applicant is proposing a total landscaped area of approximately 1,168 square feet (12.6 percent of the unoccupied area) with 9 deciduous canopy trees, 52 shrubs on the site and 68 shrubs within the right-of-way. All of the proposed overstory trees are located within the right-of-way, surrounded by rock mulch. As noted in the PDR report, rock mulch and shrubs are not permitted in the right-of-way, and the landscape plan shall be modified accordingly. Alternative compliance is requested to allow a deviation from the minimum landscape area requirement and to allow overstory trees within the right-of-way adjacent to the site. Staff recommends alternative compliance for both of these requirements. The overstory trees are existing and the proposed landscaped areas on the site are not large enough to support additional overstory trees. The existing trees are directly adjacent to the site, and provide the same benefit as if they were located outside of the right-of-way. The proposed landscaped area, while deficient of the minimum requirement, may be appropriate due to the existing conditions of the site.

The site has fewer than ten parking stalls; therefore no tree islands are required within the parking area. However, three landscaped islands have been provided within the parking lot. A landscaped yard at least seven feet wide with plantings at least three feet in height and 60 percent opaque is required between the parking lot and 9th Avenue N. The applicant is requesting alternative compliance for this provision to allow for a landscaped yard four feet in width between the parking area and the public street, containing three blue chip juniper shrubs. Staff recommends granting alternative compliance for this requirement. Requiring the applicant to provide a larger landscaped yard would result in a further reduction of parking and three exterior pipe bollards are located in the landscaped area, limiting the number of shrubs. Modifying the site plan to provide additional landscaping would not result in a significant benefit in this location.

ADDITIONAL STANDARDS:

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at

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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:

Curbing is shown around the surface parking area. Pervious pavers are proposed on the northwest side of the site to replace the existing bituminous. No on-site stormwater retention is proposed. Due to the size and existing layout of the site, on-site retention may not be practical.

The building does not block important views of the city, shadow public spaces or adjacent properties, and will not significantly generate wind currents at ground level.

The plan meets the CPTED guidelines. The site is well lit and designed with opportunities for people to observe adjacent spaces and public sidewalks. Landscaping, sidewalks and building features are designed to clearly direct pedestrian movements.

The site is located within the National Minneapolis Warehouse Historic District, but is outside the boundary of the local historic district. The structure is considered a contributing structure to the National Minneapolis Warehouse Historic District. However, the structure has had numerous additions that have modified the original visions of the architects. The structure had a penthouse added in 1940, a 26 foot by 106 foot addition added in 1941, two additions constructed in 1949, and additions in 1951, 1955, and 1959.

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 proposed uses are permitted uses in the I2 Medium Industrial District.

Off-Street Parking and Loading: As stated above, the zoning code requires one parking space for each 300 square feet of office area and parking equivalent to 30 percent of the capacity of persons for the restaurant use. As such, the parking requirement is 190 stalls, or 77 stalls under the proposed revisions to Chapter 541. A variance has been requested to reduce the parking to 45 stalls, where 36 of said stalls are grandfathered.

The site plan show an on-street loading zone, 30 feet long and 9 feet wide. The applicant must obtain approval through Public Works for the on-street loading area.

Maximum Floor Area: The maximum FAR in the I2 District is 2.7. The subject site is 21,706 square feet in area. With the proposed building addition, there would be 50,473 square feet of gross floor area on the lot. Therefore, the total square footage is equal to an FAR of 2.3 and within the parameters allowed.

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Building Height: Building height in the I2 District is limited to 4 stories or 56 feet, whichever is less. The proposed building is four floors, four stories, within the parameters allowed.

Minimum Lot Area: There is no minimum lot size for this use in the I2 District.

Dwelling Units per Acre: There are no residential units proposed.

Yard Requirements: No setbacks are required for this use in the I2 District.

Specific Development Standards: Specific development standards for the potential restaurant use are as follows:

- (1) Where alcoholic beverages are served, not less than 60 percent of the total gross sales revenue shall be from the sale of food and beverages not containing alcohol, and the use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.
- (2) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet shall be inspected regularly for purposes of removing any litter found thereon.

Hours of Open to the Public: In the I2 District, uses may be open to the public during the following hours: Sunday through Thursday from 6:00 a.m. to 10:00 p.m. and Friday and Saturday from 6:00 a.m. to 11:00 p.m. The proposed use will comply with the required hours open to the public.

Signs: Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. No signage has been proposed as part of the application.

Refuse storage: Section 535.80. Refuse storage containers are required to be enclosed on all four (4) sides by screening compatible with the principal structure, not less than two (2) feet higher than the refuse container, or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The refuse containers are screened from the street as required by code. No residential uses are adjacent to the site.

Lighting: The applicant has submitted a lighting plan that complies with Chapters 535 and 541 including the following standards:

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 shielded and arranged so as not to shine directly on any

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residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).

(2) No exterior light source located on a nonresidential property shall be visible from 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 from any permitted or conditional residential use.

(4) Lighting shall not 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.

(5) Lighting shall not create a hazard for vehicular or pedestrian traffic.

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

MINNEAPOLIS PLAN:

In the *Minneapolis Plan for Sustainable Growth*, the future land use of the subject site is designated as mixed use. The proposed office and restaurant uses are compatible with the intent of the comprehensive plan.

SMALL AREA PLANS ADOPTED BY COUNCIL:

The site is located within the boundaries of the Minneapolis Warehouse Preservation Action Plan. According to plan, the site is located in the west sub-area, which is recognized as remaining predominantly mixed-use. The proposed uses for the site are compatible with the intent of the small area plan.

Alternative Compliance. The Planning Commission 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.**

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- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Staff does not recommend granting alternative compliance for the new addition portion of the northwest elevation to have façades with blank walls greater than 25 feet in length. The addition is proposed to be constructed of pre-fabricated metal panels with no windows or aesthetic details. The design is out of character with the remainder of the structure. Staff recommends that the applicant add windows or other architectural elements to the addition to break up the blank wall.

With regard to landscaping, staff recommends granting alternative compliance to allow a landscaped yard less than seven feet in width between the parking lot and 9th Avenue N, as well as alternative compliance to allow a total landscaped area of 12.6 percent instead of 20 percent and to allow all of the overstory trees within the adjacent public right-of-way. The conditions on the site are existing and the applicant is providing some additional green space as part of the project. The overstory trees are existing and the proposed landscaped areas on the site are not large enough to support additional overstory trees. The existing trees are directly adjacent to the site, and provide the same benefit as if they were located on the subject property instead of in the right-of-way. The proposed landscaped area, while deficient of the minimum requirement, may be appropriate due to the existing conditions of the site

RECOMMENDATIONS:

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

The CPED Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to reduce the required number of off-street parking stalls from 190 to 45, where 36 are grandfathered, for property located at 900 3rd Street N.

In lieu of the requested variance, The CPED Planning Division recommends that the City Planning Commission adopt the above findings and **approve** a variance to reduce the required number of off-street parking stalls from 120 to 45, where 36 are grandfathered, subject to the following condition:

1. In the event that a food and beverage use is established on site, the applicant must secure a lease agreement for off-site parking equivalent to the required number of stalls for said use under the revisions to Chapter 541 upon adoption of the revised regulations. All off-site parking shall comply with Chapter 541 of the zoning code.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the site plan review for a building addition for property located at 900 3rd Street N, subject to the following conditions:

- 1) CPED planning staff review and approval of the final site plan, lighting plan, landscaping plan, and elevations before permits may be issued.

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- 2) All site improvements shall be completed by December 8, 2009 (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 3) Windows or architectural elements that are compatible with the remainder of the structure shall be incorporated into the metal panel on the proposed building addition to break up the blank wall, in accordance with section 530.120 of the zoning code.
- 4) The design proposed as “Alternative #1” shall be utilized on the southeast building elevation to ensure that all windows are vertical in proportion and distributed in a more or less even manner, as required in section 530.120 of the zoning code.
- 5) In the event that an existing access is removed to satisfy the recommendation in the PDR report, staff recommends that the applicant remove the curb cut on 3rd Street N.
- 6) Approval for the proposed on-street loading space shall be obtained through Public Works.
- 7) No fewer than 26 bicycle parking spaces shall be provided on the site. The bicycle parking may be located in the public right-of-way with permission of the city engineer.
- 8) The maximum gross floor area of a restaurant use shall not exceed 5,000 square feet, in compliance with section 550.245 of the zoning code.

Attachments:

1. PDR Report.
2. Statement from applicant.
3. Zoning map.
4. Site plans and elevations.
5. Proposed floor areas.
6. Photos.