

Department of Community Planning and Economic Development – Planning Division
Variances and Site Plan Review
BZZ-5616

Date: July 16, 2012

Applicant: Pete Keely, on behalf of 600 5th Street LLC

Address of Property: 600 5th Street N

Project Name: 600 5th Street N

Contact Person and Phone: Pete Keely, Collage Architects, (612) 766-7005

Planning Staff and Phone: Aly Pennucci, (612) 673-5342

Date Application Deemed Complete: June 18, 2012

End of 60-Day Decision Period: August 17, 2012

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

Existing Zoning: B4S-1 Downtown Service District and the Downtown Parking (DP) Overlay District

Proposed Zoning: Not applicable for this development

Zoning Plate Number: 13

Legal Description: Not applicable for this development

Proposed Use: 6-story mixed use building with 78 dwelling units

Concurrent Review:

Variance: to reduce the north interior side yard setback for a wall with residential windows from the required 15 feet to 2 feet.

Variance: to reduce the south interior side yard setback for a wall with residential windows from 15 feet to 3 feet.

Variance: to reduce the rear yard setback for a wall with residential windows from the required 15 feet to 3 feet.

Site plan review: for a 6-story mixed use building with 78 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;” Chapter 530, Site Plan Review

Background: The development site is located on the north easterly corner of Fifth Street North and Sixth Avenue North in downtown Minneapolis. The site was previously occupied by an automobile repair use (Palmer’s Automotive) that consisted of an approximately 2,200 square foot single story building and an accessory surface parking lot. The applicant is proposing to demolish the existing building and construct a 6-story, mixed-use building. The development will include 78 dwelling units, 4,800 square feet of ground floor commercial space and 74 underground parking spaces.

The principal residential entrance to the building will be located along Fifth Street North. The commercial spaces will be oriented towards Fifth Street North and an additional entrance will be oriented towards Sixth Avenue North. The enclosed and underground parking will be accessed from a curb cut along Fifth Street North. The ground level parking is lined with active uses along the street sides of the building.

The dwelling units are located on floors two through six of the building. The unit mix includes 5 studio units, 64 one bedroom units and 9 two bedroom units. The amenities include a fitness center on the second floor and a community room and a roof terrace on the sixth floor. The building will have a bicycle transit room on the ground level where residents can repair bicycles and post and receive transit and bicycle information. The project will also include 78 secured bicycle parking spaces, 14 outdoor bicycle parking spaces, lighting and additional bike racks. The applicants also intend to incorporate boulevard landscaping and other amenities in the future, however, due to planned streetscape changes and proposed capital improvements along Sixth Avenue North and Fifth Street North by both the City and Hennepin County adjacent to the proposed site, no encroachments for streetscape features will be permitted at this time.

The development site is not located in a historic district nor is the existing building historically designated.

Residential uses in the B4S zoning district have a minimum rear yard and interior side yard setback requirement of 5 feet plus 2 feet for every story above the first floor where the use contains windows facing an interior side yard or rear yard. The north building wall will have windows for the residential uses and will be setback 2 feet from the property line. The applicant is requesting a variance to reduce the interior side yard setback from 15 feet to 2 feet. The south building wall will also have windows for the residential uses. This wall will have a setback of 3 feet from the property line. The applicant is requesting a variance to reduce the required rear yard setback from 15 feet to 3 feet. The rear (east) building walls will also have windows for the residential uses. This wall will have a setback of 3 feet from the property line. The applicant is requesting a variance to reduce the required rear yard setback from 15 feet to 3 feet.

As of the writing of this report staff has not received comments from the North Loop Neighborhood Association. Any comments, if received, will be forwarded to the Commission.

VARIANCE: (to reduce the north interior side yard setback from the required 15 feet to 2 feet for residential windows.)

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

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

In the B4S-1 zoning district, setback requirements do not typically apply. However, when the use is either residential or a hotel and there are windows facing an interior side or rear property line, a setback of $5+2x$ is required, where x equals the number of stories above the first floor with a maximum setback requirement of 15 feet. The proposed six-story building will have residential windows facing the north property line, thus requiring an interior side yard setback variance from 15 feet to 2 feet.

Practical difficulties exist in complying with the ordinance. If the windows were eliminated, the building could be built up to the property line. However, eliminating the windows would diminish the livability of any dwelling units proposed on this side of the building. While the height of the building is responsible, in part, for the degree of variance requested, the proposed height is not inappropriate given its location in a downtown district where no height limitation exists. In addition, the site is L-shaped and at some points quite narrow; eliminating the setback variance would make it difficult to accommodate residential units on this site.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The request to allow a reduced setback along the north property line for residential windows is reasonable. The applicant is proposing a setback of 2 feet along the north property line. The first floor of the building, which would directly abut the adjacent two-story structure to the north, will not contain any windows. Windows proposed on the upper floors will be recessed a minimum of three feet from the property line.

Granting this setback variance would be in keeping with the spirit and intent of the ordinance and comprehensive plan. In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The urban design policies of the comprehensive plan also address this issue in calling for building placement to allow light and air into the site and surrounding properties. The building is designed in a manner that would allow for adequate access to light and air for the subject site and the existing adjacent property and

would provide an adequate separation of uses. The portions of the building that would contain windows on this elevation would be recessed a minimum of three feet from the property line. The majority of this elevation does not contain windows.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

The surrounding area contains a mix of industrial and commercial uses. Several other buildings in the immediate area are built from lot line to lot line with no setbacks. As such, the proposed setback would not alter the character of the locality or be injurious to the use and enjoyment of adjacent properties. The proposed setback would not be detrimental to the health, safety or welfare of the general public or those utilizing nearby properties. However, it should be noted that if the adjacent property were redeveloped to include a non-residential building, or a residential building or hotel without windows, said building could be constructed right up to the shared property line which would impact those windows that are located closest to the property line.

VARIANCE: (to reduce the south interior side yard setback from 15 feet to 3 feet for residential windows.)

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

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

As stated above, uses in the B4S-1 zoning district are typically not subject to setback requirements except when the use is either residential or a hotel and there are windows facing an interior side or rear property line. Windows are not proposed on the first floor but are proposed on floors 2-6. The windows are recessed a minimum of 6 feet from the shared property line.

Practical difficulties exist in complying with the ordinance. If the windows were eliminated, the building could be built up to the property line. However, eliminating the windows would diminish the livability of any dwelling units proposed on the south side of the building, which is where a majority of the sunlight will enter the building. While the height of the building is responsible, in part, for the degree of variance requested, the proposed height is not inappropriate given its location in a downtown district where no height limitation exists. The portions of the building that would contain windows on this elevation would be recessed a minimum of six feet from the property line.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The request to allow a reduced setback along the south property line for residential windows is reasonable. The applicant is proposing a setback of 3 feet along the south property line. The subject site is L-shaped and therefore a portion of the south elevation fronts Sixth Avenue North and a portion abuts an adjacent single-story industrial building. Windows are not proposed on the first floor but are proposed on floors 2-6. The portion of the building wall that requires a setback variance is 87.25 feet in length. The windows are recessed a minimum of 6 feet from the shared property line.

Granting this setback variance would be in keeping with the spirit and intent of the ordinance and comprehensive plan. In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The urban design policies of the comprehensive plan also address this issue in calling for building placement to allow light and air into the site and surrounding properties. The building is designed in a manner that would allow for adequate access to light and air for the subject site due to the fact that the adjacent site is a one-story industrial building.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

The surrounding area contains a mix of industrial and commercial uses. Several other buildings in the immediate area are built from lot line to lot line with no setbacks. As such, the proposed setback would not alter the character of the locality or be injurious to the use and enjoyment of adjacent properties. However, it should be noted that if the adjacent property were redeveloped to include a non-residential building, or a residential building or hotel without windows, said building could be constructed right up to the shared property line which would impact those windows that are located closest to the property line. The proposed setback would not be detrimental to the health, safety or welfare of the general public or those utilizing nearby properties.

VARIANCE: (to reduce the rear yard setbacks from the required 15 feet to 3 feet for residential windows.)

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

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

As stated above, uses in the B4S-1 zoning district are typically not subject to setback requirements except when the use is either residential or a hotel and there are windows facing an interior side or rear property line. The proposed six-story building would have residential windows facing the rear (east) property line, thus requiring a rear yard setback variance from 15 feet to 3 feet. A portion of the rear (east) wall abuts land owned by the City where a walkway will be constructed to provide egress for this development. The building will be setback 3 feet from this property line. Due to this lot being L-shaped, another portion of this wall abuts an adjacent industrial building and will be setback 3 feet from this shared property line.

Practical difficulties exist in complying with the ordinance. If the windows were eliminated, the building could be built up to the property line. However, eliminating the windows would diminish the livability of any dwelling units proposed on the east (rear) side of the building. While the height of the building is responsible, in part, for the degree of variance requested, the proposed height is not inappropriate given its location in a downtown district where no height limitation exists. The portion of the building that would contain windows on the elevation abutting the City owned land would be recessed a minimum of 3 feet 6.5 inches from the property line. The portion of the building that abuts the adjacent industrial building would be recessed a minimum of 5 feet .5 inches from the property line.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The request to allow a reduced setback along the rear property line for residential windows is reasonable. The applicant is proposing a setback of 3 feet along the rear property line. Granting this setback variance would be in keeping with the spirit and intent of the ordinance and comprehensive plan. In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The urban design policies of the comprehensive plan also address this issue in calling for building placement to allow light and air into the site and surrounding properties. The building is designed in a manner that would allow for adequate access to light and air for the subject site.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

The surrounding area contains a mix of industrial and commercial uses. Several other buildings in the immediate area are built from lot line to lot line with no setbacks. As such, the proposed setback would not alter the character of the locality or be injurious to the use and enjoyment of adjacent properties. This elevation abuts land controlled by the City and a parking lot owned by the Minnesota Department of Transportation. The proposed setback would not be detrimental to the health, safety or welfare of the general public or those utilizing nearby properties.

SITE PLAN REVIEW

Required Findings for 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.
- 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 531.20 of the zoning code.

- **Ground floor active functions:**

Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. 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:

- The placement of the building reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access. The majority of the building is set close to the property lines along both Fifth Street North and Sixth Avenue North. The residential entrance to the building will be located along Fifth Street North. The commercial spaces will be oriented towards and accessed from Fifth Street North and one will have an entrance for an outdoor

seating area accessed from Sixth Avenue North. There are large windows on all sides of the building facing a public street that maximize the opportunities for people to observe adjacent spaces and the public sidewalks.

- The site is located on a corner lot which requires that both walls abutting the streets be located within eight feet of the property line. The majority of the building is located within 0 to 2 feet from the property lines, but steps back at the corner. The southwest corner of the building at the intersection of Fifth Street North and Sixth Avenue North step backs 18 feet 9 inches from Fifth Avenue north and approximately 21 feet 8 inches from Sixth Avenue North. Along Sixth Avenue North, the southeast corner steps back 29 feet 9 inches to allow for an outdoor seating area. Alternative compliance is required for these corners.
- There are separate entrances for the residential portion of the development and the commercial portion of the development. The residential entrance to the building will be located along Fifth Street North. Each of the commercial spaces will have their own entrance.
- All of the parking associated with the development is fully enclosed within the building or underground. There are 14 spaces at grade and the rest of the parking will be underground.
- The building walls provide architecture detail, including recesses, windows, multiple entrances and exterior materials.
- Along the first floor, the south, east and north elevations have exterior walls that are blank and do not include any windows, entries, recesses or projections, or other architectural elements. These elevations are masked by adjacent structures built up to the shared property lines. Alternative compliance is required for these blank walls.
- The exterior materials of the building are durable and include face brick, metal panels, cement board panels and glass. The sides and rear of the building are similar to and compatible with the front of the building. Plain faced concrete is not proposed as an exterior material.
- At least 30 percent of the first floor and at least 10 percent of the upper floors of the building walls facing Fifth Street North and Sixth Avenue North are required to be windows. The project's compliance with these requirements is as follows:
 - Fifth Street North: the percentage of windows on the first floor is 35 percent and the percentage of windows on the second through sixth floors of the building is greater than 10 percent. Additional windows are provided on the first floor that do not count toward the minimum requirement because they are located in doors.
 - Sixth Avenue North: the percentage of windows on the first floor is 39 percent and the percentage of windows on the second through sixth floors of the building is greater than 10 percent.
- First floor windows are required to be clear or have lightly tinted glass with a visible light transmittance ratio of 0.6 or higher. New and replacement windows are subject to this requirement.
- For non-residential uses, the zoning code requires that at least 30 percent of the windows allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views. Tenants are unknown at this time. Windows used to satisfy the ground floor requirement will not be more than four feet above the adjacent grade.

- Along Fifth Street North, active functions are provided for 85 percent of the building frontage. The first floor of the building contains active functions for 100 percent of the building frontage along Sixth Avenue North.
- The proposed roofline is flat, consistent with other buildings 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:

- All of the principal entrances leading into and out of the building along Fifth Street North open directly to the public sidewalk. The public entrance located along Sixth Avenue North opens onto the outdoor seating space. The sidewalk adjacent to Sixth Avenue North will be reconstructed at a width 13.5 feet as part of the project, per the direction of the Public Works Department – Street Division.
- No transit shelters are proposed as part of this development.
- Vehicle access has been designed to minimize conflicts with pedestrian traffic. There will be one curb cut along Fifth Street North which will provide access to the parking
- There is no maximum impervious surface requirement in the B4S-1 zoning district. The building and associated outdoor seating areas would occupy almost the entire lot.

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:

- Any building containing 50,000 square feet or more of gross floor area located in the Downtown districts is exempt from the general landscaping and screening requirements of the site plan review chapter. The building is 78,495 square feet in area (excluding parking) and therefore exempt. Furthermore, all parking will be provided underground or on the interior of the building and no additional landscaping standards apply. The applicants also intend to incorporate boulevard landscaping and other amenities in the future, however, due to planned streetscape changes and proposed capital improvements along Sixth Avenue North and Fifth Street North by both the City and Hennepin County adjacent to the proposed site, no encroachments for streetscape features will be permitted at this time.

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 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:

- All of the parking associated with the development will be underground or fully enclosed within the building.

- There are no height limits in the B4S-1 zoning district because it is in the downtown zoning districts where it is expected that taller buildings will be built. The building is not expected to block views of any important elements in the City.
- Although this development will cast shadows on surrounding properties, staff believes that the effects will be minimal.
- The building is not expected to generate wind currents at ground level.
- The site plan complies with crime prevention design elements as the entrances are clearly visible and accessed directly from the public sidewalks, there are windows where people can see in and out along sides of the building and the site is well lit. As a condition of approval, the areas between the buildings that are approximately 3 feet in width will be gated.
- The development site is not located in a historic district nor is the existing building historically designated.

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 - Dwelling units and a wide variety of commercial uses are permitted uses in the B4S-1 zoning district. Tenants for the ground floor commercial spaces have not been identified at this time.

Off-Street Parking and Loading:

Minimum automobile parking requirement: There is no minimum requirement for commercial uses in the B4S-1 zoning district. There is no minimum vehicle parking requirement for residential uses in the downtown districts, except that multiple-family dwellings of 50 or more units that provide off-street parking for residents shall also provide visitor parking at a ratio of not less than one visitor space per 50 dwelling units. The applicant is proposing 78 dwelling units, which would require a minimum of two visitor spaces. Two visitor spaces will need to be designated within the parking area as a condition of approval. A total of 74 parking spaces are provided.

Maximum automobile parking requirement: The maximum parking requirement for residential uses in the B4S-1 zoning district is 1.6 spaces per dwelling unit or 125 spaces in this case. The maximum vehicle parking requirement for retail sales and service uses is one space per 500 square feet of gross floor area and the maximum for food and beverage uses is one space per 200 square feet of gross floor area. There is 4,800 square feet of ground floor commercial space in the building. If all of this space was occupied by retail sales and services uses the maximum parking requirement would be 10 spaces and if all of this space was occupied by food and beverage uses the maximum parking requirement would be 24 spaces. A total of 74 automobile parking spaces are proposed.

Bicycle parking requirement: The minimum bicycle parking requirement for a multiple-family dwelling is equal to one long-term space per two dwelling units. In the downtown districts, non-residential uses are subject to a requirement of one bicycle parking space for

every 20 automobile parking spaces provided, but in no case shall fewer than 4 spaces or more than 30 spaces be required. There are 78 residential units proposed, requiring 39 long-term bicycle parking spaces. The applicant is proposing 78 enclosed bicycle parking stalls within the underground parking garage. A total of 74 vehicle parking spaces are provided, resulting in a requirement of four bicycle parking spaces for the commercial uses. Fourteen short-term spaces are proposed in the right-of-way adjacent to Fifth Street North.

Loading: There is not a minimum loading requirement for dwellings with less than 100 units. For general retail sales and services uses and food and beverage uses with less than 20,000 square feet of gross floor area, adequate shipping and receiving facilities, accessible by motor vehicle off any adjacent alley, service drive or open space on the same zoning lot is required. The parking garage would provide adequate area for shipping and receiving as needed.

Dumpster screening: Section 535.80. Refuse storage containers shall 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. A trash room with recycling is included within the proposed structure.

Signs: Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the B4S-1 zoning district one can have two-and-a-half square feet of signage for every one foot of primary building wall. Wall signs are limited to 120 square feet in size. Projecting signs are limited to 48 square feet in size. The height limitation for both wall signs and projecting signs is 28 feet. Freestanding signs are limited to 32 square feet and can be no taller than eight feet. The zoning code also limits the number of freestanding signs on a zoning lot to one. The applicant is not proposing any specific signage at this time. Any new signage will require Zoning Office review, approval, and permits.

Lighting: A photometric plan was not submitted as part of the application. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

Maximum Floor Area: The maximum floor area ratio for residential and hotel uses in the B4S-1 zoning district is 8.0. The applicant is proposing 78,495 square feet of gross floor area, exclusive of parking facilities, on a lot that is 16,549 square feet in area. The proposed floor area ratio is 4.7.

Minimum Lot Area: The minimum lot area for dwellings in the B4S-1 zoning district is 5,000 square feet. The lot is 16,549 square feet in area.

Dwelling Units per Acre: The applicant is proposing 78 dwelling units on a .38 acre site for a density of 205 dwelling units per acre. This level of density is considered very high density per the comprehensive plan. The site is located in downtown Minneapolis which is identified as a Growth Center in *The Minneapolis Plan for Sustainable Growth*. Very high density is appropriate for the subject site based on the adopted policies for these land use features.

Height: There are no height limits in the B4S-1 zoning district. Heights of buildings are limited by the maximum floor area ratio (FAR).

Yard Requirements: Residential uses in the B4S-1 zoning district containing windows facing an interior side yard or rear yard shall provide a setback of at least 5 feet plus 2 feet for every story located above the first floor provided that the setback shall not be greater than 15 feet. The setback requirement along both the interior side yards and the rear yards is 15 feet. The applicant has applied for variances to reduce these setbacks.

Building coverage: Not applicable for this development.

Impervious surface area: Not applicable for this development.

MINNEAPOLIS PLAN

The site is designated as mixed use on the future land use map in *The Minneapolis Plan for Sustainable Growth*. The mixed use designation allows for mixed use development, including mixed use with residential. Mixed use may include either a mix of retail, office or residential uses within a building or within a district. The site is also within the Downtown Growth Center. The following policies of the Comprehensive Plan apply to this project and this site:

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Land Use Policy 1.3: Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.

1.3.1 Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings.

- 1.3.2 Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.

Land Use Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

- 1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

Housing Policy 3.1: Grow by increasing the supply of housing.

- 3.1.1 Support the development of new medium- and high-density housing in appropriate locations throughout the city.

Housing Policy 3.2: Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.

- 3.2.1 Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.

Urban Design Policy 10.1: Promote building designs and heights that enhance and complement the image and form of the Downtown skyline, provide transition to the edges of Downtown and protect the scale and quality in areas of distinctive physical or historical character.

- 10.1.2 Building placement should preserve and enhance public view corridors that focus attention on natural or built features, such as landmark buildings, significant open spaces or water bodies.

- 10.1.3 Building placement should allow light and air into the site and surrounding properties.

Urban Design Policy 10.2: Integrate pedestrian scale design features into Downtown site and building designs and infrastructure improvements.

- 10.2.1 The ground floor of buildings should be occupied by active uses with direct connections to the sidewalk.
- 10.2.2 The street level of buildings should have windows to allow for clear views into and out of the building.

- 10.2.3 Ensure that buildings incorporate design elements that eliminate long stretches of blank, inactive building walls such as windows, green walls, architectural details, and murals.
- 10.2.4 Integrate components in building designs that offer protection to pedestrians, such as awnings and canopies, as a means to encourage pedestrian activity along the street.
- 10.2.5 Locate access to and egress from parking ramps mid-block and at right angles to minimize disruptions to pedestrian flow at the street level.
- 10.2.6 Arrange buildings within a site in order to minimize the generation of wind currents at ground level.
- 10.2.7 Locate buildings so that shadowing on public spaces and adjacent properties is minimized.
- 10.2.8 Coordinate site designs and public right-of-way improvements to provide adequate sidewalk space for pedestrian movement, street trees, landscaping, street furniture, sidewalk cafes and other elements of active pedestrian areas.

Urban Design Policy 10.6: New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level.

- 10.6.4 Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces.
- 10.6.5 Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level.
- 10.6.6 Integrate transit facilities and bicycle parking amenities into the site design.

A new mixed use building with 78 dwelling units is consistent with the above policies of the Comprehensive Plan. The density proposed is appropriate for this site.

SMALL AREA PLANS

The site is within the study area of the *North Loop Master Plan*, which is a supplement to the *Downtown East/North Loop Master Plan*. The site is within the Freeway West area, as defined in the plan, which highlights opportunities for increased housing density and/or improved opportunities for employment in this area. In terms of density, the plan states that, because the North Loop neighborhood is served heavily by multiple modes of transit, increased density is supportable throughout the neighborhood. The site is within

Development Intensity District C. Appropriate building types include a mix of uses with commercial businesses on the ground floor, are greater than ten stories and are geared toward a nearby transit station. The proposed building would be six stories in height and the proposed density is equivalent to 205 dwelling units per acre.

Staff comment: Although smaller than what is envisioned for this area, the proposed building would establish very high residential density on an existing underutilized site. Further, the size and odd shape of the site present challenges to constructing a taller building.

In addition, the following recommendations of the *North Loop Master Plan* apply:

- Build structured parking below, or embedded within development projects.

Staff comment: All parking will be incorporated within the building with two levels of below grade parking and enclosed parking on the ground floor.

- Promote an overall increase in neighborhood housing density that includes a continuum of housing choices.

Staff comment: The site will be redeveloped into a mixed use building with 78 dwelling units. The unit mix includes 5 studio units, 64 one bedroom units and 9 two bedroom units.

- New development should be geared toward the removal of surface parking lots and other under-developed sites.

Staff comment: The project will replace a small, single-story building and a surface parking lot with a 6-story mixed use building with a floor area ratio of 4.7.

- Service-oriented retail uses continue to be appropriate in areas of the neighborhood off the designated Commercial Corridors.

Staff comment: Commercial spaces are proposed on the ground floor of the building that are meant to provide smaller scale neighborhood serving retail and restaurant uses.

- Promote vertical mixed-use “complete communities”

Staff comment: The proposed mixed use building will have a wide array of amenities for residents and ground level commercial spaces.

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

Alternative compliance is requested by the applicant to meet the following standards:

Placement of a building not more than 8 feet from a lot line adjacent to a street

- Alternative compliance is requested to allow the southwest corner of the building at the intersection of Fifth Street North and Sixth Avenue North to be setback further than eight feet from the front and corner side property line to enhance the building entrance and provide space for a sidewalk café. The majority of the building is within one foot of the front property line. Staff recommends granting alternative compliance.
- Alternative compliance is requested to allow the southeast corner of the building along Sixth Street North to be setback further than eight feet from the property line. The applicant proposes to activate this space with an outdoor seating area to serve a future restaurant tenant. The majority of the building is within one foot of the front property line. Staff recommends granting alternative compliance.

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

- Alternative compliance is requested to allow blank walls greater than 25 feet in length along the first floor of the east, north and a portion of the south elevation. These elevations are masked by adjacent structures built up to the shared property lines. The adjacent sites are likely to be redeveloped in the future; any future development will likely obscure any views of these walls. Staff recommends granting alternative compliance.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce the north interior side yard setback for a wall with residential windows from the required 15 feet to 2 feet:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the north interior side yard setback for a wall with residential windows from the required 15 feet to 2 feet for the property located at 600 Fifth Street North subject to the following conditions:

1. The building setbacks, as shown on the plans submitted as part of the application, shall be provided.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce the south interior side yard setback for a wall with residential windows from 15 feet to 3 feet:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the south interior side yard setback for a wall with residential windows from 15 feet to 3 feet for the property located at 600 Fifth Street North subject to the following conditions:

1. The building setbacks, as shown on the plans submitted as part of the application, shall be provided.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce the rear yard setback for a wall with residential windows from 15 feet to 3 feet:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the rear yard setback for a wall with residential windows from 15 feet to 3 feet for the property located at 600 Fifth Street North subject to the following conditions:

1. The building setbacks, as shown on the plans submitted as part of the application, shall be provided.

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 **approve** the site plan review application for

a mixed-use development with 78 residential dwelling units for the property located at 600 Fifth Street North, subject to the following conditions:

1. All site improvements shall be completed by July 16, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. Planning Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. No shelving, signage, merchandise, newspaper racks or other mechanisms shall be placed in front of the required ground level transparent windows as required by section 530.120 of the zoning code.
4. As a crime prevention design element, gates shall be installed to restrict access between the proposed building and the adjacent buildings.
5. A minimum of two visitor parking spaces for the residential portion of the building shall be designated within the parking area, in compliance with §541.170 of the zoning code.

Attachments:

1. Statement of findings and project description
2. PDR Report
3. Correspondence
4. Zoning map
5. Site plan, floor plans and elevations
6. Photos