

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variances and Site Plan Review
BZZ-5656

Date: August 27, 2012

Applicant: Brunsfield Place, LLC, Attn: Vincent Lim, 125 Main Street SE, Suite 241, Minneapolis, MN 55414, (612) 360-3010

Address of Property: 915 Washington Avenue North

Project Name: Brunsfield Place

Contact Person and Phone: Julie Snow Architects, Inc., Attn: Kar-Keat Chong, 527 Marquette Avenue, Suite 2400, Minneapolis, MN 55402, (612) 752-0270

Planning Staff and Phone: Becca Farrar, Senior City Planner, (612) 673-3594

Date Application Deemed Complete: July 6, 2012

End of 60-Day Decision Period: September 4, 2012

End of 120-Day Decision Period: On August 14, 2012, Staff sent a letter to the applicant extending the decision period to no later than November 3, 2012.

Ward: 5 & 7

Neighborhood Organization: North Loop Neighborhood Association

Existing Zoning: B4N (Downtown Neighborhood) District and DP (Downtown Parking) Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 13

Lot area: 26,136 square feet or approximately .60 acres

Legal Description: Not applicable for this application.

Proposed Use: Construct a new mixed-use development with 50 apartments and 7,000 square feet of ground level commercial space.

Concurrent Review:

- Conditional Use Permit to allow 6 surface parking stalls in the DP (Downtown Parking) Overlay District.
- Variance of the rear yard setback along the south property line from 15 feet to 5 feet for the building wall, to allow an outdoor dog walk between the building and the property line, and to allow a transformer.
- Variance of the interior side yard setback along the west property line from 15 feet to 5 feet for the building wall.

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- Site Plan Review to allow for the construction of a new 6-story, mixed-use development that includes a total of 50 market-rate apartments, 7,000 square feet of ground floor commercial/retail space, a total of 58 parking spaces within an underground parking garage and 6 surface parking spaces. The property is zoned B4N (Downtown Neighborhood) District and is located in the DP (Downtown Parking) Overlay District.

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits, Article IX, Variances, and Chapter 530 Site Plan Review.

Background: The applicant, Brunfield Place, LLC, proposes to construct a new 6-story, mixed-use development that includes a total of 50 market-rate apartments, 7,000 square feet of ground floor commercial/retail space, a total of 58 parking spaces within an underground parking garage and 6 surface parking spaces on the property located at 915 Washington Avenue North. The L-shaped parcel is located at the corner of Washington Avenue North and 9th Avenue North. The property is zoned B4N (Downtown Neighborhood) District and is located in the DP (Downtown Parking) Overlay District. The DP Overlay District was established to preserve significant buildings and to protect the unique character of downtown and the mixed-use downtown neighborhoods by restricting the establishment or expansion of surface parking lots. A conditional use permit is required due in order to establish a new 6-space surface parking lot on the premises. Variances of the both the interior side yard and rear yard are required due to the fact that residential windows abut both property lines. As such, a variance of the rear yard setback is required along the south property line from 15 feet to 5 feet for the building wall, to allow an outdoor dog walk between the building and the property line, and to allow a transformer; and a variance of the interior side yard setback is also required along the west property line from 15 feet to 5 feet for the building wall. In addition, site plan is required in order to construct the proposed development.

The property and proposed building are “L” shaped. The building as proposed has a two-story glass base, with 3 floors of apartments plus a penthouse level above. An opening in the glass base is proposed from Washington Avenue North into an interior courtyard. Apartments would be located on the 2nd through 6th floors with several two-story penthouse units with pop-ups and private landscaped terraces. The project consists of three primary exterior materials: Viroc panels (a composite cement panel), insulated clear glazing and red powder coated perforated steel accent panels. The residential units would be entirely clad in Viroc panels with red lined metal panels at the balconies. The ground level commercial spaces facing Washington Avenue North have a floor to ceiling curtain wall system. All MagicPak units have been incorporated into the recessed balconies and hidden behind the perforated red metal panels to minimize their appearance.

The project was originally scheduled for the August 13, 2012, City Planning Commission meeting but was continued until the August 27, 2012, City Planning Commission meeting as an interior and rear yard setback variance was identified during the writing of the staff report that required that the project be re-noticed.

Staff has received official correspondence from the North Loop Neighborhood Association which has been attached for reference. No additional neighborhood letters/emails were received prior to the printing of this report. Any additional correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

CONDITIONAL USE PERMIT: to allow a surface parking lot in the DP (Downtown Parking) Overlay District

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Planning Division does not believe that approving a conditional use permit to allow a 6-space surface parking lot in the DP Overlay District would be detrimental to or endanger the public health, safety, comfort or general welfare. The applicant is proposing to provide 6 surface parking spaces for the retail/commercial component of the development and for visitors at the interior of the site. Much of the site as it currently exists is utilized as a surface parking lot that fronts on Washington Avenue North. With the redevelopment of the site, the amount of parking will be significantly reduced and located interior to the site.

2. The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The Planning Division does not believe that approving a conditional use permit to allow a 6-space surface parking lot in the DP Overlay District would be injurious to the use and enjoyment of other property in the vicinity nor would it impede the normal or orderly development and improvement of surrounding property for uses permitted in the district. As previously noted the 6 surface spaces would be located to the interior of the site and accessed off of 9th Avenue North. Currently, there are a total of 34 spaces in a surface parking lot on the site directly abutting Washington Avenue North. Unlike its current condition, the parking would be screened from the public street along Washington Avenue North with a building and by landscaping along 9th Avenue North.

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

The applicant will continue to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements. The L-shaped site has frontage on both Washington Avenue North and 9th Avenue North. The 6 space surface parking lot would be accessed from a single curb off of 9th Avenue North. Further, two curb cuts would be eliminated with the redevelopment of the site; one off of Washington Avenue North and one off of 9th Avenue North.

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

A modified Travel Demand Management Plan (TDMP) was completed for this development and is being reviewed by Public Works. Measures have been provided in regard to minimizing traffic congestion from a parking perspective as the applicant would be providing adequate off-street parking for both the residential and commercial components of the project. While there is no parking minimum for the site due to the fact that the property is located in the B4N District, the applicant is proposing to provide a total of 58 parking stalls in the underground parking garage for residents (including 9 tandem), and 6 surface

stalls at the interior of the site for the commercial component of the project and to accommodate visitor parking. Further, there is adequate on-street parking and the site is across the street from a 5-story parking garage open for public use at the corner of Washington Avenue North and 10th Avenue North. A total of 59 bicycle parking spaces are proposed, 49 in a bicycle storage room and 10 visitor spaces at grade. The site is approximately a ½ mile from the Hiawatha LRT stop at Target Field and is in close proximity to several bus lines.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

This site is located on Washington Avenue North in downtown Minneapolis. Washington Avenue North is a designated Commercial Corridor and downtown Minneapolis is a designated Grown Center in *The Minneapolis Plan for Sustainable Growth*. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the site as urban neighborhood. According to the policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

Transportation Policy 2.8 states “Balance the demand for parking with objectives for improving the environment for transit, walking and bicycling, while supporting the city’s business community.” The policy includes the following applicable implementation step: (2.8.5) “Continue to prohibit new commercial surface parking lots and to restrict the size of accessory surface parking lots in Downtown.”

Urban Design Policy 10.18 states “Reduce the visual impact of automobile parking facilities.” The policy includes the following applicable implementation steps: (10.18.1) “Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses”; (10.18.3) “Locate parking lots to the rear of interior of the site”.

The Planning Division believes that the proposed 6-space surface parking lot is in conformance with the above listed policies and implementation steps of *The Minneapolis Plan for Sustainable Growth*.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

With the approval of the conditional use permit, variances and site plan review this development would meet the applicable regulations of the B4N (Downtown Neighborhood) District and the DP (Downtown Parking) Overlay District.

VARIANCES – (1) Variance of the rear yard setback along the south property line from 15 feet to 5 feet for the building wall, to allow an outdoor dog walk between the building and the property line, and to allow a transformer; and (2) Variance of the interior side yard setback along the west property line from 15 feet to 5 feet for the building wall.

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.

Variance of the rear yard setback along the south property line: A 15-foot setback is required along the south property line due to the fact that residential windows face the rear lot line. The applicant is proposing to construct the building wall 5 feet from the property line, to allow an outdoor dog walk

between the building and the property line, and to allow a transformer in the required yard. The property is L-shaped with frontage on Washington Avenue North and 9th Avenue North. The subject area is currently utilized as a loading dock and abuts a surface parking lot on the property to the south. The building on the abutting property is approximately 47 feet from the property line. The applicant proposes to locate approximately 64 feet of the building wall at a 5 foot separation with a dog walk located between the building wall and the property line. The remainder of the property line, approximately 68 feet to the east would be screened but a building wall would not abut the property line in this location. The transformer is located on the east end of the site approximately 10 feet from the south property line and would be adequately screened. Given the proposed separation of 5 feet and the fact that the setback accommodates window openings in the building, Staff believes that practical difficulties existing in complying with the ordinance and allowing a reduction in the setback along this property line for the building and to allow the noted encroachments is a reasonable use of the subject site given the context. The property is located downtown, in a warehouse district that has a mixture of commercial, industrial and residential uses. Further, many properties in this area are constructed up to or close to the property lines throughout the broader vicinity.

Variance of the interior side yard setback along the west property line: A 15-foot setback is required along the west property line due to the fact that residential windows face the interior side yard lot line. The applicant is proposing to construct the building wall 5 feet from the property line. The existing building on the premises is currently constructed up to the property line in this location and abuts a surface parking lot on the adjacent property to the west (Club Jaeger). The building on the abutting property is approximately 30 feet from the property line. Given the proposed separation of 5 feet and the fact that the setback accommodates window openings in the building, Staff believes that practical difficulties existing in complying with the ordinance and allowing a reduction in the setback along this property line for the building is a reasonable use of the subject site given the context. The property is located downtown, in a warehouse district that has a mixture of commercial, industrial and residential uses. Further, many properties in this area are constructed up to or close to the property lines throughout the broader vicinity.

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.

Variance of the rear yard setback along the south property line: The proposal to reduce the rear yard setback for the residential floors of the building from 15 to 5 feet for the building wall and to allow a dog walk and transformer as encroachments is reasonable given the context and would be keeping with the spirit and intent of the ordinance and comprehensive plan. The proposed building incorporates window openings on this elevation and as previously noted, due to the location of the building in downtown and within a warehouse district that accommodates a mixture of building forms and uses, the development as proposed is appropriate for the area.

Variance of the interior side yard setback along the west property line: The proposal to reduce the interior side yard setback for the residential floors of the building from 15 to 5 feet for the building wall is reasonable given the context and would be keeping with the spirit and intent of the ordinance and comprehensive plan. The proposed building incorporates window openings on this elevation and as previously noted, due to the location of the building in downtown and within a warehouse district that accommodates a mixture of building forms and uses, the development as proposed is appropriate for the area.

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.

Variance of the rear yard setback along the south property line: The granting of the variance to allow a reduction in the rear yard setback requirement due to residential windows that face the rear lot line would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The building does not span the entire length of the property line in this location; approximately half of the property line would have a building within 5 feet. The proposal to allow a dog walk and a transformer in the required yard would not result in adverse impacts either. Planning Staff believes that the proposal to reduce the setback along the south property line is reasonable given the context and surrounding uses.

Variance of the interior side yard setback along the west property line: The granting of the variance to allow a reduction in the interior side yard setback requirement due to residential windows that face the interior lot line would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. Planning Staff believes that the proposal to reduce the setback along the south property line is reasonable given the context and surrounding uses.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND 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, windows, and active functions:
 - 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.
 - g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.
Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
Minimum window area shall be measured as indicated in section 530.120 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. In addition to compliance with minimum window

requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

The development is not subject to required yards along either Washington Avenue North or 9th Avenue North; there is an interior side yard and rear yard requirement that is being varied as part of the development proposal. All portions of the first floor of the building facing each of the street frontages are located within 8 feet of the front lot lines as they are essentially constructed up to the property line. A total of 50 residential units are proposed for the site along with approximately 7,000 square feet of ground level commercial/retail space accommodated within two tenant spaces along Washington Avenue North. The residential lobby is oriented towards the northwest side of the site with a principal entry off of Washington Avenue North in that location as well as a secondary entrance at the interior of the site. The commercial tenant spaces are oriented towards Washington Avenue North but the entrances are located towards the interior of the site. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission require compliance with this provision to include entrances to both commercial tenant spaces off of the public sidewalk along Washington Avenue North. The design of the site maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation along both street frontages. The area between the building and the public streets would have new tree plantings.

The north elevation of the building along Washington Avenue North incorporates windows that exceed the 30% window requirement as approximately 75% are provided according to the submitted elevations. The windows on this elevation are evenly distributed and vertical in proportion.

The east elevation of the building along 9th Avenue North incorporates windows that exceed the 30% window requirement as approximately 61% are provided according to the submitted elevations. The windows on this elevation are evenly distributed for the most part and vertical in proportion.

The interior south elevation facing the on-site parking lot incorporates windows that exceed the 30% window requirement as approximately 33% are provided according to the submitted elevations. The windows on this elevation are not evenly distributed but are vertical in proportion. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance. Due to the configuration of the site and the design of the building, this area is considered the rear of the commercial tenant space. The applicant is meeting the overall window requirement, however, the distribution of the windows are wrapped at the corner of the building, not at the interior of the elevation. Planning Staff believes that the placement and distribution is appropriate given the overall compliance with the required window opening percentage.

The interior east elevation of the building facing the on-site parking lot incorporates windows that exceed the 30% window requirement for the commercial component of the ground floor as approximately 60% are provided in that location according to the submitted elevations. The windows are evenly distributed in vertical in proportion. For the remainder of the interior east elevation of the building facing the on-site parking lot, the building is subject to a 20% window requirement for the residential component of the ground floor. The building in this location does not meet the 20% window requirement as 12% are provided. The windows are not evenly distributed but are vertical in proportion. Alternative compliance would be necessary for overall percentage and distribution. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance as the functions behind a portion of the wall are for service and maintenance. When reviewed in a combined fashion, the elevation in full would exceed both the 20% and 30% requirements, and overall the distribution would generally be even.

Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. The proposal is meeting the intent of this requirement by integrating active uses along all public street frontages. The proposed development meets the 10% window requirement on each floor above the first floor that faces the public street, public sidewalk and on-site parking lot.

There are blank, uninterrupted walls greater than 25 feet in length that do not include windows, entries, recesses or projections, or other architectural elements on the west elevation of the building. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission require compliance with this provision as there are 3 locations on this elevation that do not comply and slight adjustments would bring the elevation into full compliance without impacting the overall design of the structure.

The development complies with the active functions provision as noted above.

The exterior materials would be compatible on all sides of the proposed building. The project consists of three primary exterior materials: Viroc panels (a composite cement panel), insulated clear glazing and red powder coated perforated steel accent panels. The residential units would be entirely clad in Viroc panels with red lined metal panels at the balconies. The ground level commercial spaces facing Washington Avenue North have a floor to ceiling curtain wall system. All MagicPak units have been incorporated into the recessed balconies and hidden behind the perforated red metal panels to minimize their appearance. The proposed building form and flat roof would be considered compatible with other buildings in the area.

A single-level underground parking garage accommodating a total of 58 off-street parking spaces for the residents (includes 9 tandem), and a 6-space surface parking lot serving commercial users and visitors are proposed for the development. The parking is accessed off of 9th Avenue North. The parking garage is not exposed.

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.**

The principal entry to the lobby of the residential portion of the structure would be located on the northwest side of the site with a principal entry located directly off of the public sidewalk adjacent to Washington Avenue North and a secondary entrance located at the interior of the site. The entrances to the commercial spaces, although interior to the site are also connected to the public sidewalk via walkways that are greater than 4 feet in width along Washington Avenue North. Planning Staff is recommending that the Planning Commission require that principal entrances to the commercial spaces be incorporated along Washington Avenue North.

There are no transit shelters within the development, however the site is located within close proximity to

several bus lines and within a ½ mile of the Hiawatha LRT stop at Target Field.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. The number of curb cuts to the site has been reduced as two curb cuts to the site, one off of Washington Avenue North and one off of 9th Avenue North would be eliminated with one remaining curb cut off of 9th Avenue North that provides access to the surface and underground parking proposed for the site.

There is no public alley adjacent to the site.

Currently, the entire site is impervious. As proposed, the applicant is proposing to incorporate a total of 1,711 square feet of landscaping on site not including roof gardens. The perimeter of the site would be landscaped with shrubs and trees, as would the area abutting the surface parking area and within the interior courtyard. A total of 20% of the site not occupied by buildings would be landscaped based on the proposal.

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.**

Buildings with 50,000 square feet or more of gross floor area located in the Downtown districts are exempt from the general landscaping and screening requirements.

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.

All parking for the proposed project is being provided in a below grade parking garage accessed off of 9th Avenue North and within a 6-space surface parking lot, also accessed off of 9th Avenue North. The water drainage on site has been designed so as not to drain onto any adjacent lots. The applicant is incorporating on-site retention and filtration.

Staff would expect the proposal to have some impacts on views as the proposed structure, which is 6-stories tall, is taller than the existing single-story building located on the premises. However, other buildings on the block range from 2-4 stories, thus having relatively comparable height. The proposed structure would also be expected to have some minor shadowing impacts on adjacent properties but not on any significant public spaces. The proposed structure would also be expected to have some minimal impacts on light, wind and air in relation to the surrounding area as well.

The site appears to incorporate the applicable CPTED principles. The active uses proposed within the ground level of the building provide natural surveillance, there are windows on all sides of the building that allow people to observe adjacent public spaces and the entrances are connected to the public sidewalk. Planning Staff has no additional comments or concerns at this time regarding site safety. A detailed lighting plan will be required with the final plan submission.

There are no historic structures or structures eligible for designation on the subject site.

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 -

With the approval of the conditional use permit, variances and site plan review application this development would meet the requirements of the B4N (Downtown Neighborhood) District and the DP (Downtown Parking) Overlay District standards.

Parking and Loading:

Minimum automobile parking requirement: In the Downtown Districts, Chapter 541, Off-Street Parking and Loading does not have a minimum off-street parking requirement for residential or commercial uses. A total of 64 off-street parking spaces are being proposed for the development; 58 underground and 6 surface parking stalls.

Maximum automobile parking requirement: The maximum automobile parking requirement for residential uses in the B4N district is 1.6 spaces per dwelling unit. Therefore the maximum off-street parking requirement based on 50 units would be 80 spaces. The commercial spaces are preliminarily proposed to be retail sales and services uses. The maximum parking allowed for retail sales and services uses is 1 space per 500 square feet of gross floor area. Two tenant spaces are proposed that total approximately 7,000 square feet, one at approximately 1,800 square feet and the other at approximately 5,200 square feet. Based on these square footages, the maximum parking requirement would total 14 off-street parking spaces. The applicant is providing 6 parking spaces for the commercial component of the development. The development is in compliance with this provision.

Bicycle parking requirement: Residential uses in the Downtown Districts are subject to the requirements of Table 541-3. Multiple-family dwellings with 5 or more units would have a minimum bicycle parking requirement of 1 space per 2 dwelling units. Based on the proposed 50 dwelling units, a total of 25 bicycle parking spaces would be required for the residential component of which, not less than 90% of the required bicycle parking must meet the standards for long-term bicycle parking which are as follows:

- *“Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. With permission of the zoning administrator, long-term bicycle parking spaces for non-residential uses may be located off-site within three hundred (300) feet of the site.”*

The applicant is in compliance with the requirement as a bicycle storage area is located in the ground floor level of the building that accommodates a total of 49 bicycle parking spaces.

In the Downtown Districts, when the gross floor area is less than 500,000 square feet of new or additional gross floor area, 1 secure bicycle parking space shall be provided for every 20 automobile parking spaces provided, but in no case shall fewer than 4 or more than 30 bicycle parking spaces be required. A total of 64 off-street parking spaces are provided, therefore, the minimum of 4 spaces applies of which not less than 50 percent of the required bicycle parking shall meet the standards for short-term bicycle parking which are as follows:

- *“Required short-term bicycle parking spaces shall be located in a convenient and visible area within fifty (50) feet of a principal entrance and shall permit the locking of the bicycle frame and one (1) wheel to the rack and shall support a bicycle in a stable position without damage to the wheels, frame or components. With the permission of the city engineer, required bicycle parking may be located in the public right-of-way. Public bicycle parking spaces may contribute to compliance with required bicycle parking when located adjacent to the property in question.”*

The applicant is proposing to locate 10 bicycle parking spaces to meet the requirement in the public right-of-way.

Loading: There is no loading requirement for either component of the development.

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 and recycling room is located within the existing structure in the ground level of the building.

Signs: The applicant is proposing two new signs on the premises. (1) One would be a wall-mounted sign located along Washington Avenue North that is 16 square feet in size (8 feet by 2 feet) located 5 feet above grade. In the B4N district 2.5 square feet of signage per 1 foot of building primary building wall is allowed with a maximum height of 28 feet. The primary building wall is approximately 188 feet in length. This sign conforms to the Chapter 543 standards. (2) The second proposed sign would be a freestanding sign located 9th Avenue North that is actually integrated into the fresh air intake shaft. The sign would be 8 feet tall and approximately 21 square feet in size. For freestanding signs in the B4N district, one square foot of signage is allowed per one foot of street frontage. Only one is allowed per zoning lot at a maximum area of 32 square feet per sign and at a maximum height of 8 feet. The site has approximately 92 feet of street frontage along 9th Avenue North. This sign conforms to the Chapter 543 standards.

Any additional signage is required to meet the requirements as outlined in Chapter 543 of the Zoning Code. A separate permit will need to be attained through the Zoning Office for all signage installed on the premises.

Lighting: Fixture details were provided, however, a detailed lighting plan identifying all exterior lighting and fixture types shall be submitted for review and approval. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapter 535.

Minimum Floor Area: The minimum floor area in the B4N district is 2.0. The gross floor area of the building is 99,475 and the area of the lot is 26,136 square feet. The outcome is 3.8 which is greater than the minimum of 2.0 that is permitted in the B4N District.

Maximum Floor Area: There is no maximum floor area in the B4N district. Not applicable for this development.

Minimum Lot Area and Lot Width: Parcels with residential uses in the downtown districts must have at least 5,000 sq. ft. of lot area and a lot width greater than 40 feet. The lot has 26,136 square feet of area and is wider than 40 feet.

Dwelling Units per Acre: Based on the lot area of 26,136 square feet or approximately .60 acres and a total of 50 units proposed on the site, 20 dwelling units per acre is being provided based on the proposal.

Height: The maximum height of buildings in the B4N district is 10 stories or 140 feet in height, whichever is less. The building as proposed is 6 stories or approximately 70 feet, 7 inches tall which meets the requirement.

Yard Requirements: The required yards are as follows:

Front – (adjacent to Washington Avenue North and 9th Avenue North): 0 feet
Interior side yard along the west property line - (5+2x): 15 feet
Rear yard along the south property line – (5+2x): 15 feet

The applicant has submitted variance applications to reduce the west interior side yard setback and rear yard setback along the south property line. See the variance findings as noted above.

Building coverage: Not applicable for this development.

Impervious surface area: Not applicable for this development.

MINNEAPOLIS PLAN:

This site is located on Washington Avenue North in downtown Minneapolis. Washington Avenue North is a designated Commercial Corridor and downtown Minneapolis is a designated Grown Center in *The Minneapolis Plan for Sustainable Growth*. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the site as urban neighborhood. According to the policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

Land Use Policy 1.1 states, “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.” This policy includes the following applicable implementation step: (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 states, “Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.” This policy includes the following applicable implementation step: (1.3.2) “Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.”

Land Use Policy 1.4 states, “Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.” This policy includes the following applicable implementation steps: (1.4.1) “Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served”; (1.4.2) “Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.”

Land Use Policy 1.5 states, “Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts. This policy includes the following applicable implementation step: (1.5.1) “Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.”

Land Use Policy 1.8 states, “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.” This policy includes the following applicable implementation step: (1.8.1) “Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.”

Land Use Policy 1.15.1 states, “Support development of Growth Centers as locations for concentration of jobs and housing, and supporting services. This policy includes the following applicable implementation step: (1.15.3) “Encourage the development of high- to very high-density housing within Growth Centers.”

Housing Policy 3.1 states, “Grow by increasing the supply of housing.” This policy includes the following applicable implementation step: (3.1.1) “Support the development of new medium- and high-density housing in appropriate locations throughout the city.”

Housing Policy 3.2 states, “Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.” This policy includes the following applicable implementation step: (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.”

Housing Policy 3.6 states, “Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.”

The proposal to develop a 6-story mixed-use development with 50 dwelling units and approximately 7,000 square feet of ground level commercial uses is in conformance with the above noted policies and implementation steps of the Comprehensive Plan.

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

The subject site is located outside of the area covered by the Downtown East/North Loop Master Plan and the Minneapolis Warehouse Historic District; however, the site is referenced in the North Loop Small Area Plan which was adopted by the City Council in April of 2010. The North Loop Small Area Plan is considered a supplement to the Downtown East/North Loop Master Plan which was adopted by the City Council in 2003 and builds upon the policy direction of *The Minneapolis Plan for Sustainable Growth*, the City’s Comprehensive Plan. The purpose of the North Loop Small Area Plan is to encapsulate the remainder of the North Loop neighborhood that has not been the beneficiary of small area planning in the past. The land use proposed on the property is consistent with the mixed-use category however, the intensity level is recommended to be the higher than what is proposed for the site.

There are also two older adopted small area plans for this portion of the North Loop. One is the Downtown 2010 Plan adopted in 1995 by the City Council and the other is the Northside Jobs Park Design Guidelines adopted in 1997 by the City Council. Neither plan has current applicability to the proposed development.

ALTERNATIVE COMPLIANCE:

- **The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:**
- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers,**

ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.

- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

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

Principal entrances: The residential lobby is oriented towards the northwest side of the site with a principal entry off of Washington Avenue North in that location. The commercial tenant spaces are oriented towards Washington Avenue North but the entrances are located towards the interior of the site. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission require compliance with this provision to include entrances to both commercial tenant spaces off of the public sidewalk along Washington Avenue North.

Distribution of windows: The interior south elevation facing the on-site parking lot incorporates windows that exceed the 30% window requirement as approximately 33% are provided accorded to the submitted elevations. The windows on this elevation are not evenly distributed but are vertical in proportion. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance. Due to the configuration of the site and the design of the building, this area is considered the rear of the commercial tenant space. The applicant is meeting the overall window requirement, however, the distribution of the windows are wrapped at the corner of the building, not at the interior of the elevation. Planning Staff believes that the placement and distribution is appropriate give the overall compliance with the required window opening percentage.

Window percentage and distribution: The interior east elevation of the building facing the on-site parking lot incorporates windows that exceed the 30% window requirement for the commercial component of the ground floor as approximately 60% are provided in that location according to the submitted elevations. The windows are evenly distributed in vertical in proportion. For the remainder of the interior east elevation of the building facing the on-site parking lot, the building is subject to a 20% window requirement for the residential component of the ground floor. The building in this location does not meet the 20% window requirement as 12% are provided. The windows are not evenly distributed but are vertical in proportion. Alternative compliance would be necessary for overall percentage and distribution. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance as the functions behind a portion of the wall are for service and maintenance. When reviewed in a combined fashion, the elevation in full would exceed both the 20% and 30% requirements, and overall the distribution would generally be even.

Blank walls: There are blank, uninterrupted walls greater than 25 feet in length that do not include windows, entries, recesses or projections, or other architectural elements on the west elevation of the building. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission require compliance with this provision as there are 3 locations on this elevation that do not comply and slight adjustments would bring the elevation into full compliance without impacting the overall design of the structure.

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow 6 surface parking stalls on the premises for a new mixed-use development located in the B4N (Downtown Neighborhood) District and DP (Downtown Parking) Overlay District, on the property located at 915 Washington Avenue North subject to the following condition of approval:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. There shall be no more than 6 surface parking stalls on the premises.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the rear yard setback along the south property line from 15 feet to 5 feet for the building wall, to allow an outdoor dog walk between the building and the property line, and to allow a transformer for the property located at located at 915 Washington Avenue North.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the interior side yard setback along the west property line from 15 feet to 5 feet for the building wall for property located at 915 Washington Avenue North.

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 to allow for a new 6-story, mixed-use development that includes a total of 50 market-rate apartments, 7,000 square feet of ground floor commercial/retail space, a total of 58 parking spaces within an underground parking garage and 6 surface parking spaces on the property located at 915 Washington Avenue North subject to the following conditions of approval:

1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans.
2. All site improvements shall be completed by August 13, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Entrances shall be incorporated into the ground-level commercial tenant spaces off of the public sidewalk along Washington Avenue North.

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4. No shelving, signage, merchandise, newspaper racks or other mechanisms shall be placed in front of the required ground level transparent windows in each commercial tenant space.
5. Incorporation of windows, entries, recesses, projections or other architectural elements along the west elevation of the proposed building to break up the blank uninterrupted walls that exceed 25 feet in width per Section 530.120 of the Zoning Code.
6. All fencing proposed on site shall be decorative metal. No chain-link fencing/mesh shall be permitted on the premises.

Attachments:

1. Statement of use and description of the project
2. Findings for the CUP & Variances
3. General correspondence
4. Zoning map
5. Plans - site, landscape, floor, elevations, color elevations, civils, renderings
6. Shadow Studies
7. Context and photos
8. PDR notes