

Department of Community Planning and Economic Development
Conditional Use Permit, Variance, and Site Plan Review
BZZ – 6179

Date: September 16, 2013

Applicant: Creamette Building, LLC

Address of Property: 756 4th Street North

Project Name: The Cameron

Contact Person and Phone: Sara Joy Proppe, Schafer Richardson (612) 359-5856

CPED Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: July 26, 2013

End of 60-Day Decision Period: September 24, 2013

End of 120-Day Decision Period: On September 6, 2013, staff sent a letter to the applicant extending the 60-day decision period to November 23, 2013.

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

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

Proposed Zoning: Not applicable

Zoning Plate Number: 13

Legal Description: Not applicable.

Proposed Use: Multiple-family dwelling with 44 units.

Concurrent Review:

- Conditional use permit amendment for a parking lot in the DP Downtown Parking Overlay District.
- Variance to increase the maximum number of allowed spaces in a parking lot in the DP overlay district from 20 to 33.
- Site plan review.

Applicable zoning code and subdivision provisions: Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, Section 525.520 (20) “To vary the standards of any overlay district, other than the SH Shoreland Overlay District or the FP Floodplain Overlay District.”; and Chapter 530, Site Plan Review.

Background: The applicant proposes to convert a vacant building located at the property of 756 4th Street North into a multiple-family residence with 44 dwelling units. The building will be renovated and

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brought into compliance with life safety code requirements. An accessible entrance on the north side of the building will also be created and a rear stair addition is proposed. An unimproved parking area exists to the north of the building. The proposal includes upgrading the parking area and defining 33 parking spaces. In the DP overlay district, an accessory parking lot is a conditional use. A maximum of 20 surface parking spaces are allowed. Because the existing parking lot is unimproved and no spaces are delineated, an amendment to the conditional use permit and a variance to allow more than 20 spaces is required. Upon approval of a conditional use permit, the action must be recorded with Hennepin County as required by state law. Site plan review is required for any new use with 5 or more dwelling units.

In 2011, land use and subdivision approvals were obtained for this proposal. A copy of those approvals is attached for reference. The conditional use permit, variance, and site plan review approvals will expire before building permits can be obtained for the project. Therefore the applicant has submitted an application now to ensure these approvals do not lapse. In addition to the applications that are requested above, the previous application included a rezoning and a minor subdivision. To provide adequate room for emergency egress and other site functions needed to reuse the building for residential purposes, portions of 739 3rd Street North and 747 3rd Street North were subdivided and added to the site. The property of 756 4th St N is zoned B4S-1 and the properties of 739 and 747 3rd St N are zoned B4N. A petition to rezone those portions of the properties of 739 3rd St N and 747 3rd St N from B4N to B4S-1 was approved along with the subdivision to prevent the creation of split zoning. A rezoning does not expire and the subdivision was recorded with Hennepin County.

The existing building is historically known as the Cameron Transfer and Storage Company Building, and more recently, as the Dial Building. This building is not locally designated; however, it is a potential historic resource based on its association with internationally renowned Minneapolis engineer Claude Allen Porter “C.A.P.” Turner. Its significance lies in how the building is constructed with a reinforced concrete structural system that is comprised of mushroom cap columns that Turner designed and patented in 1906. The applicant is intending to utilize preservation tax credits. Those applications go through the National Park Service (NPS) and State Historic Preservation office (SHPO), but do not require Heritage Preservation Commission review. A Historic Preservation Certification Application—Part 1 was reviewed by the NPS. They determined that the property appears to meet the National Register Criteria for Evaluation and will likely be listed in the National Register of Historic Places if nominated by the SHPO. In order to qualify for the credits, the developer will have to comply with the Secretary of Interior’s Standards for the Treatment of Historic Properties for the rehabilitation of the building. If the tax credits are not obtained, staff will work with the applicant to ensure that the work on the building will still meet the Secretary’s Standards.

Correspondence from the North Loop Neighborhood was received and is attached to this report. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT: To allow a 33 space accessory parking lot in the DP overlay district.

Findings as required by the Minneapolis Zoning Code for the conditional use permit:

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

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The establishment of a 33 space parking lot would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

2. 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.

There is a mix of uses in the surrounding area, including residential, commercial and industrial. The applicant is proposing to improve the parking area with surfacing, landscaping, and screening. Generally, reducing and/or limiting the size of surface parking increases the land area available for higher intensity development that is appropriate in the downtown area. The Cameron building exists and the Bassett Creek tunnel runs through the north corner of the site making structured parking difficult with additional expense to establish than other downtown properties. The applicant is proposing improvements to the parking area including paving, landscaping and on-site retention of stormwater runoff from the parking area. For the site plan review, staff is recommending that the planning commission require the applicant to provide enhanced landscaping between the parking area and the street to minimize any adverse effects on the pedestrian realm. With the implementation of the proposed improvements and the staff recommendation for landscaping, the use should have little effect on surrounding properties.

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

The site would be served by existing infrastructure. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way. The main vehicle access to the parking lot would be from 4th Street North.

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

The parking lot would be limited to 33 spaces and would provide parking for a multiple-family dwelling with 44 units. It would have direct access to 4th Street. Vehicles also have the option to exit to 10th Avenue North through the vacated alley. Bicycle parking would be located within the building. Adequate measures will be provided to prevent congestion in the streets.

5. Is consistent with the applicable policies of the comprehensive plan.

In *The Minneapolis Plan for Sustainable Growth*, the following principles and policies apply to parking lots:

Urban Design Policy 10.18: Reduce the visual impact of automobile parking facilities.

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 or interior of the site.

Urban Design Policy 10.22: Use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land.

10.22.3 Design the site, landscaping, and buildings to promote natural observation and maximize the opportunities for people to observe adjacent spaces and public sidewalks.

In the *North Loop Small Area Plan*, structured parking built below, or embedded within, development projects is preferred and surface parking is strongly discouraged. However, the plan also recognizes that it is challenging to build over the Bassett Creek tunnel due to the need for continued subterranean maintenance of the infrastructure. Where the tunnel is located, the plan identifies the area as an appropriate place to add green space. The plan also envisions establishing new segments of 8th Avenue North between 3rd Street North and 5th Street North to “better connect the neighborhood to the river through a combination of a pedestrian, bicycle, and automobile connection[s]... A public/private partnership should be developed to make this opportunity a reality.” The plan also encourages the design and delivery of high quality public spaces and streetscapes, such as improving greening and landscaping along public sidewalks.

Staff comment: The existing parking area is located at the interior of the site, but is unimproved. The Bassett Creek tunnel crosses under the northern quadrant of the site. If 8th Avenue North is extended in the future, it would likely extend through the northerly row of parking spaces. A parking structure would likely encroach into this area as well in order for it to be built on this site, which would conflict with the 8th Avenue vision. The applicant has indicated that they would be willing to work with the City and surrounding property owners when 8th Avenue can be constructed. For this proposal, landscaping would be provided between the parking lot and the 4th Street North sidewalk and north of the parking area to allow for on-site retention of stormwater. The proposed landscaping would also allow views at eye level to and from the 4th Street sidewalk. To the extent practical and feasible at this time, the use would be consistent with these policies of the comprehensive plan upon the implementation of the proposed improvements.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

The proposed use will conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permit, variance, and site plan review.

VARIANCE: To increase the maximum number of spaces allowed in an accessory parking lot in the DP Overlay District from 20 to 33.

Findings as required by the Minneapolis Zoning Code:

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.

The parking lot exists, but spaces are not defined. A nonresidential building exists on the site and is proposed to be converted to a multi-family dwelling. The building has historic significance. To be

able to provide parking for the residents, options are limited. The Bassett Creek tunnel crosses under the northern quadrant of the site. If 8th Avenue North is extended in the future as envisioned by the *North Loop Small Area Plan*, it would likely extend through the northerly row of parking spaces. A parking structure would likely encroach into this area as well in order for it to be built on this site, which would conflict with the 8th Avenue vision. These practical difficulties exist and the unique circumstances were not created by the applicant.

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 purpose of the DP overlay district is to preserve significant and useful buildings, to protect the unique character of the downtown area and the mixed-use downtown neighborhoods, and to encourage higher density development in the downtown area by restricting the establishment or expansion of surface parking lots. The comprehensive plan also discourages surface parking lot downtown, but recognizes the challenges associated with building over the Bassett Creek tunnel. A parking structure would also likely overlap the area where 8th Avenue North is envisioned to extend through the site. The applicant is proposing to rehabilitate and repurpose a building with historic significance. To address the anticipated parking needs of the proposed use, the existing parking area would be improved including defining parking spaces. The request is reasonable. To the extent practical, the use would be consistent with the intent of the ordinance and comprehensive plan.

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.**

To minimize any adverse effects, improvements are proposed to the parking area. Landscaping would be provided between the parking lot and the 4th Street North sidewalk to minimize the adverse effects of surface parking. With the implementation of the proposed parking lot improvements, the use should have little effect on surrounding properties. Granting the variance would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the site plan review:

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

Section A: Conformance with Chapter 530 of the 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.

- **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.

Conformance with above requirements:

- The building is built up to the front line.
- A principal entrance would not face the street. Alternative compliance is requested.
- The accessory parking would be located at the interior of the site.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length exist. On the side and rear walls of the building, the applicant is proposing to incorporate additional window openings that will eliminate most of blank walls exceeding 25 feet in width.
- The primary exterior materials of the building are stone, brick and glass. Other than the addition of window and door openings, no changes are proposed to the facades.
- The principal entrance would be defined and emphasized by a canopy and windows.
- The walls facing the parking area (northwest) and the street (southwest) are subject to the window requirements. On the first floor 4th Street North building elevation, the amount of windows located between 2 and 10 feet above grade will increase from 9 percent to 21 percent. No changes to the amount of windows are proposed on the upper floors of the wall facing 4th Street North. The amount of windows on each floor facing the parking area will increase from 3.2 percent to 12.5 percent. New windows would be vertical in proportion and distributed in a more or less even manner.
- Active functions would occupy 100 percent of the 4th Street building frontage.
- The roof is flat, consistent with nearby buildings.

ACCESS AND CIRCULATION:

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

Conformance with above requirements:

- The building entrance would connect to the public sidewalk and parking facility with a walkway that exceeds four feet in width.
- No transit shelters are proposed.
- Vehicle access would primarily be from 4th Street North through one curb cut. The proposed curb cut is approximately 8 feet narrower than the existing curb cut. Vehicles also have the option to exit

to 10th Avenue North through the vacated alley. The proposed access should have little effect on the surrounding residential properties and minimal impact on pedestrians.

- The amount of landscaping around the parking area would increase and minimizes the use of impervious surfaces.

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.**

Conformance with above requirements:

- The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 29,999 square feet. The building footprint is approximately 7,596 square feet. The lot area minus the building footprint therefore consists of approximately 22,403 square feet. At least 20 percent of the net site area (4,480.6 square feet) must be landscaped. Approximately 8,450 square feet of the site would be landscaped. That is equal to 37.7 percent of the net lot area.
- The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 9 and 45 respectively. The applicant would provide 13 canopy trees and 55 shrubs on-site. The remainder of the landscaped area would be covered with plants including ornamental trees, perennials, sod, vines and wood mulch. Another 4 canopy trees and 29 shrubs are proposed in the 4th Street North boulevard.
- A 7-foot wide landscaped yard (on-site) and screening that is 3 feet in height and 60 percent opaque is required between 4th Street North and the parking area. In the landscaped yard at least 2 canopy

trees and 6 shrubs are required. A 7-foot wide, on-site landscaped yard with the required screening is proposed. Thirteen shrubs would be provided, but no trees. The applicant is requesting alternative requirement for the tree requirement.

- All surface parking spaces would be within 50 feet of an on-site tree.
- Installation and maintenance of all landscape materials must comply with the standards outlined in section 530.210.

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.

Conformance with above requirements:

- The parking area would be defined by 6-inch by 6-inch concrete curbing except along the north side of the parking area where the curbing is designed to allow infiltration of the stormwater runoff in the proposed rain garden.
- No changes are proposed to the building that would impede any views of important elements of the city, significantly shadow the adjacent streets or properties, or generate wind currents.
- The site will include crime prevention design elements. Additional windows will be added on the building to increase natural surveillance. Adequate lighting would be provided around the site. Landscaping and fencing would distinguish between public and private spaces. Landscaping would also be at an appropriate height to allow views into and out of the parking area at ground level.
- The existing building would be rehabilitated as part of the development.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE: The property of 756 4th Street North is zoned B4S-1 with the DP overlay district. A multifamily dwelling with 5 or more units in the B4S district is a permitted use. In the DP overlay district, an accessory parking lot is a conditional use. The parking lot must be located on the same zoning lot as the principal use served and the number of spaces can not exceed 20. The proposed parking lot would be on the same zoning lot as the use served and would have 33 spaces. Although a parking lot exists on the site, it is unimproved and no spaces are delineated. Therefore an amendment to the conditional use permit and a variance to allow more than 20 spaces is required.

Parking and Loading:

Minimum automobile parking requirement: No parking is required for residential uses in the downtown districts. Multiple-family dwellings of less than 50 units are also not required to provide visitor parking. Thirty-three spaces are proposed. Of the spaces provided, at least one must be accessible. Two accessible spaces would be provided. All other spaces would be standard sized except for one compact space.

Maximum automobile parking requirement: The maximum parking requirement for residential uses in the B4S district is 1.6 spaces per dwelling unit. The applicant is proposing 0.75 spaces per unit.

Bicycle parking requirement: The minimum bicycle parking requirement is equal to one space per two dwelling units. Not less than 90 percent of the required bicycle parking must meet the standards for long term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, required long-term bicycle parking spaces must 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. The total minimum requirement is 22 spaces, of which at least 20 must meet the long-term parking requirements. Although the plans show only 21 bicycle spaces, the applicant has indicated that 22 long-term spaces will be provided.

Loading: A loading space is not required for multiple family dwellings with less than 100 units.

Maximum Floor Area: The proposed lot area is 29,999 square feet. The maximum FAR allowed in the B4S-1 District is 8.0. The existing building has 30,384 square feet not including the basement (basement floor area is not included when ½ or less of the basement height is above natural grade for more than 50 percent of the total perimeter). Therefore, the FAR is 1.01.

Minimum Floor Area: The proposed lot area is 29,999 square feet. The minimum FAR required in the B4S-1 District is 2.0. The existing building has 30,384 square feet. Therefore, the FAR is 1.01. When the zoning changed on this site from I2 to B4S-1 with the adoption of the North Loop rezoning study by the City Council in July of 2011, the existing building became legally nonconforming to this requirement.

The minimum gross floor area required for a dwelling unit is 500 square feet. The minimum gross floor area required for an efficiency unit is 350 square feet. There are 23 efficiency units and 21 dwelling units proposed. The floor plans show that the studios adjacent to the elevator would be 349 square feet. The applicant has indicated that the minimum floor area requirement will be met.

Minimum Lot Area: Not applicable.

Dwelling Units per Acre: The applicant proposes a density of 63.9 dwelling units per acre.

Lot Coverage: Not applicable.

Impervious Surface Coverage: Not applicable.

Building Height: Not applicable.

Yard Requirements: Uses located in the downtown districts are not subject to yard requirements unless they are adjacent to residential or office residential districts or the use is a residential use with windows facing an interior or rear lot line. The subject site is not adjacent to a residence or office residence district. The building would have windows on each floor facing the interior side and rear lot lines. The minimum yard requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor, but not to exceed 15 feet. The existing building is 4 stories in height; therefore the minimum yard requirement is 11 feet. All walls with windows would be at least 11 feet from the interior and rear lot lines.

Specific Development Standards: Not applicable.

Refuse screening: Refuse storage containers are required to be screened from the street and adjacent residential uses as required by section 535.80. A 7-foot high, solid wood fence would screen the refuse containers.

Screening of mechanical equipment: All mechanical equipment is required to be arranged so as to minimize visual impact by using screening and must comply with Chapter 535 and district requirements including:

535.70. Screening of mechanical equipment. (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

- (1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
 - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
 - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
 - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

Lighting: Existing and proposed lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

535.590. Lighting. (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

Signs: A monument sign¹, 24.4 square feet in area and 8.5 feet tall, is proposed. The B4S district allows one monument sign up to 32 square feet in area and 8 feet in height on this site. The base of a freestanding sign is also required to be screened. The applicant has indicated that the height of the sign will be reduced to comply with the height requirement. Any new signage will require Zoning Office review, approval, and permits.

MINNEAPOLIS PLAN: The proposed project would be consistent with the applicable policies of the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*. Downtown is designated as a growth center. The future land use of the subject site is designated as mixed use. Specific to the Downtown growth center, the plan states:

As the physical and economic center of the city, Downtown is a logical place for a concentration of employment, housing, and other complementary uses....The land use pattern strengthens the concentrated office core with surrounding entertainment, cultural, and residential development. High intensity uses are encouraged to make the best use of the premium location and to strengthen the city's core.

In addition to the policies in the conditional use permit section of this report, the following apply to this proposal:

¹ *Monument sign.* A freestanding sign with its sign face mounted on the ground, on a solid base at least as wide as the sign, or on one (1) or more poles or beams with not more than one (1) foot of open area between the sign face and the ground or base.

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.

Land Use Policy 1.15: Support development of Growth Centers as locations for concentration of jobs and housing, and supporting services.

- 1.15.1 Support development of Growth Centers through planning efforts to guide decisions and prioritize investments in these areas.
- 1.15.3 Encourage the development of high- to very high-density housing within Growth Centers.

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 10.6: 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.

Urban Design Policy 10.19: Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces, buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.

- 10.19.1 In general, larger, well-placed, contiguous planting areas that create and define public and private spaces shall be preferred to smaller, disconnected areas.
- 10.19.2 Plant and tree types should complement the surrounding area and should include a variety of species throughout the site that include seasonal interest. Species should be indigenous or proven adaptable to the local climate and should not be invasive on native species.
- 10.19.7 Boulevard landscaping and improvements, in accordance with applicable city polices, are encouraged.

The property is also located within the boundaries of the *North Loop Small Area Plan* that was adopted by the City Council into the comprehensive plan. The recommended land use for the site is high density mixed use in the area referred to as Warehouse West. According to the principles and polices outlined in the plan, the following guidance applies to this proposal:

- Land uses in the North Loop that support the strength and character of the Downtown Core instead of competing with it.
- Preference for mid- to high-density mixed-use developments that combine residential, commercial, and retail (where appropriate) uses.

- Service-oriented commercial uses are appropriate in areas off the designated Commercial Corridors.
- Promotion of an overall increase in neighborhood housing density that includes a continuum of housing choices.
- Land uses organized to encourage and support public transit, cycling, and walking as viable alternatives to the private automobile.
- Development in this district should continue to protect and preserve the historic warehouse structures with an emphasis on adaptive re-use.
- Design new and rehabbed buildings to have an urban street frontage with direct access to the public sidewalk.
- Include prominent front entrances and abundant window glass on building facades.
- Face principal entrances of buildings – commercial, industrial, residential – to the street and public sidewalk.

Staff comments: A multi-family residential use is appropriately located in the Downtown growth center. Substantial landscaping improvements are proposed on the site. With the implementation of the staff recommendations for additional landscaping improvements to address the potential adverse impacts of a 33 space parking lot and a main entrance oriented to the parking lot instead of the street, the site plan would consistent with these policies of the comprehensive plan.

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 entrance facing the street

The main entrance of the building would face the parking lot. The applicant is requesting alternative compliance because strict adherence is impractical. Historically, an entrance has been located on the front façade. Currently, the entrance opening sits above grade. Originally, the opening was at grade. SHPO staff would like the opening to be returned to its original grade location. The opening for that entrance will remain; however, it will not be functional. Internal circulation is most efficient with the entrance in the middle of the building. Providing access from the front entrance is further complicated by the fact that the first floor elevation is located approximately 4 feet above the adjacent grade. Stairs and landings needed to get up to the first floor level would occupy a significant amount of space within the dwelling unit proposed at that corner of the building. Because the main entrance would be set back a significant distance from the 4th Street North sidewalk, it would not have a prominent presence on the street as called for in the *North Loop Small Area Plan*. As an alternative, staff is recommending that the planning commission require enhanced landscaping, including increased seasonal interest and number

and variety of plants, in the landscaped areas that border the walkway to the main entrance and between the parking area and the street. With the previous approval, the planning commission granted alternative compliance with this as a condition of approval.

Canopy trees in required landscaped yard between the parking area and the street

In the landscaped yard between 4th Street North and the parking area, at least 2 canopy trees are required. No trees are shown on the landscaping plan, but the applicant has indicated that they would provide 2 ornamental trees in lieu of the canopy trees. There are currently no boulevard trees in front of the site and they are proposing to plant boulevard trees. On-site ornamental trees in lieu of the canopy trees would compete less for space with the boulevard canopy trees. For these reasons, staff is recommending that the planning commission grant alternative compliance with the condition that ornamental trees are provided in the required landscaped yard.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development Department recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a 33 space accessory parking lot in the DP Downtown Parking Overlay District for the property located at 756 4th Street North, subject to the following condition:

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 two years of approval.

Recommendation of the Department of Community Planning and Economic Development for the Variance:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the variance to increase the maximum number of spaces allowed in an accessory parking lot in the DP Downtown Parking Overlay District from 20 to 33 for the property located at 756 4th Street North.

Recommendation of the Department of Community Planning and Economic Development for the Site Plan Review:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review to allow a multiple-family dwelling with 44 units for the property located at 756 4th Street North, subject to the following conditions:

1. As an alternative to providing a principal entrance facing 4th Street North required by section 530.110 of the zoning code, the applicant shall install enhanced landscaping, including increased seasonal interest, number and variety of plants, in the areas adjacent to the walkway leading to the main entrance and between the parking area and the street.

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2. Two ornamental trees shall be provided in the required landscaped yards between the parking area and the street to meet the tree requirement in section 530.170 of the zoning code
3. Bicycle parking shall be provided as required by section 541.180 of the zoning code.
4. The size of the units shall comply with the requirements of section 535.90 of the zoning code.
5. The freestanding sign shall comply with the applicable requirements of Chapter 543, On-Premise Signs.
6. Department of Community Planning and Economic Development staff review and approval of the final building elevations, floor, site, lighting, and landscape plans.
7. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by September 16, 2015, or the permit may be revoked for non-compliance.

Attachments:

1. Previous land use and subdivision approvals
2. PDR comments
3. Applicants statement of use and findings
4. Correspondence
5. Zoning map
6. Plans
7. Photos