

**STATEMENT OF PROPOSED USE,
PROJECT DESCRIPTION, AND PROPOSED FINDINGS**

**Submitted in Support of Land Use Applications
For a Multiple Family Dwelling
935 S 2nd Street**

Revised 10/1/2014

Sherman Associates, Applicant

The Applicant, Sherman Associates, submits this Statement of Proposed Use, Project Description, and Proposed Findings, in support of its application for the following land use approvals for a proposed 122 unit multiple family project:

- **Conditional use permit:** to amend an existing Planned Unit Development to construct a new 122-unit residential building.
- **Site Plan Review.**

Zoning: C3A, Downtown Height Overlay District, Downtown Parking Overlay District
Ward: **Ward 3;** Council Member Jacob Frey; Downtown Minneapolis Neighborhood Organization

I. GENERAL LAND USE APPLICATION

A. Statement of Proposed Use and Project Description.

Proposed Use. Sherman Associates proposes to develop a multi-family dwelling with 122 dwelling units with below grade parking on Lot 2 of the Zenith Addition. The Project will have outdoor common areas at street level and roof top.

Project Site. The Project site is bounded by South 2nd Street, 9th Avenue S, 10th Avenue S, and Washington Avenue S. Washington Avenue South is a designated Commercial Corridor and the entire block lies within the Mill District Activity Center. Three lots exist on the block and are covered within a PUD that was established in 2007. Two lots were developed with buildings in 2007. The remaining lot is vacant and is the site of the proposed Encore development:

- **Lot 1: 34,377 sf (0.789 ac)**
 - Developed in 2007 as Zenith Condominiums
- **Lot 2: 31,427 sf (0.721 ac)**
 - Vacant; future site of the Encore
- **Lot 3: 37,090 sf (0.851 ac)**
 - Developed in 2007 as the Aloft Hotel

Site History. The Project site is currently vacant. The remainder of the block was developed in 2007 as a PUD. At that time, the site in question was targeted for high density residential development, similar to the current proposed development. Two buildings were developed in 2007 and remain: Zenith Condominiums, a 64-unit multifamily development that includes a clinic at street level and; Aloft Hotel, a 155-room hotel building that includes two small retail spaces. An underground tunnel between Zenith and Aloft gives Zenith residents access to the hotel pool and fitness center. A private drive runs through the site connecting 9th Ave S and 10th Ave S.

Design and Construction. As described in more detail in the description of the project incorporated in the architectural submittals, the project consists of an L-shaped building constructed over three levels of underground parking. The proposed orientation of the building has changed from the original PUD. The original PUD design for the site showed the short leg of the L along 2nd St S, and the long leg along 10th Ave S. The new design moves the short leg of the L to the south of the site in order to open up the site to the north (toward Gold Medal Park and the Mississippi River). The proposed configuration improves views of these features for Encore residents as well as residents of adjacent residential developments. The original PUD anticipated two levels of underground parking at the Encore site that would be accessed through the Zenith garage. Since Encore will now contain three levels of underground parking and will not be part of the Zenith homeowners association, a separate entrance to the underground parking has been designed with access from 10th Avenue S. The main entrance will be on 10th Avenue South with an additional “park” entrance facing S 2nd St. Both entrances are ADA accessible.

Encore will be 12 stories in height and includes significant setbacks at levels nine and 12 that mitigate the building’s bulk and help preserve access to river and park views for some Zenith residents. At each setback, roof space will be captured as private and common terraces. Level 12 will also contain a community room that will afford expansive views of the river and downtown to all residents. The height of the building is comparable to recent residential developments in the area including Zenith, Bridgewater and Stonebridge.

The building will be concrete “Type-1” construction, with an exterior of high quality glass, brick and prefinished metal panels. The lower three levels of parking will be constructed completely below grade. The first two above grade levels of the building will be clad primarily in brick and glass; the levels above will be clad in metal and glass.

Sustainability. The site is the key sustainable element of the Project. Located within ½ mile of the Downtown East LRT station and just steps from several bus lines that run on Washington Avenue, residents will have excellent access to public transit. Numerous off road bicycle trails are also located near the site. Walk Score designates the address as “Paradise” for walkers, transit riders and bicyclists.

Energy- and Resource-Efficient strategies that will be employed include:

- 50% - 75% recycling of construction waste
- High efficiency central boilers and air handler
- High efficiency cladding with continuous exterior insulation
- High-performance low-E glazing
- Energy Star appliances
- Dedicated space for recycling.
- Landscaped roofs

B. Site Characteristics

Ward:	Ward 3; Council Member Jacob Frey
Neighborhood:	Downtown Minneapolis Neighborhood Organization http://www.thedmna.org
Zoning District:	C3A (Plate 14—Downtown Height, Downtown Parking)
Guidance:	The Comprehensive Plan guides the Property for high-density mixed use development (retail, office and housing).
Lot Area	Project area=31,427 s.f. or 0.721 acres

	PUD area=102,894 s.f. or 2.362 acres
Permitted uses:	Multiple-family dwelling with 5 or more units.
Allowable height	112 feet or 8 stories (130'-4" and 12 stories proposed)
Allowable FAR	4.0
Allowable GSF	4.0 x 31,427 sf = 125,708 GSF (excluding parking)
Allowable parking	0.9 to 1.7 spaces per dwelling unit = 110 to 207 required (182 proposed)
Bicycle Parking	1 space per 2 dwelling units = 61 required (at least 122 proposed)
Setbacks (548-3)	Front yard = 0 (no more than 8 feet) Side yard = 15 feet Rear yard = 15 feet

C. Zoning Analysis

1. **Proposed Zoning.** The Applicant does not propose to rezone the property from the current C3A.

2. **Building Height.** The Downtown Height Overlay District amends C3A height limits to 112 feet or 8 stories, whichever is less. The proposed building is 132'-0" and 12 stories. Amenities are proposed within the PUD in exchange for an increase in height.

3. **Calculations.**

a. **Gross Floor Area.** The Downtown Height Overlay supersedes the C3A zoning for FAR and establishes the maximum FAR as 4.0. The allowable gross floor area is 125,708 gsf. The proposed gross floor area exceeds this limit by 40%. A density bonus of 20% is requested in exchange for amenities within the PUD. A variance is requested for the remaining increase in density.

b. **Parking.** 0.9 to 1.7 stalls per unit required; 1.5 stalls per unit provided (182); 1 enclosed bicycle space per two units required; 1 bicycle per unit provided.

c. **Maximum lot coverage.** Not applicable in Commercial Districts

d. **Impervious surface.** Not applicable in Commercial Districts

e. **Yard requirements.**

<i>Required:</i>	<i>Provided:</i>
Front yard 0 to 8 feet max.	10'-5" to 15'-5" (2 nd Ave S) 10'-10" (10 th Ave S)
Side yard 15 feet min.	<i>Alternative compliance is requested.</i> 1'-7"
Rear yard 15 feet min.	<i>PUD amenities are proposed</i> 25'-6"

f. **Yard obstructions.** The Project includes no obstructions that project into required yards.

g. Off-street loading. One small loading space required for multiple-family dwellings between 100 and 250 units. In the original PUD, one large loading space, south of Zenith, was provided for the entire PUD; no additional loading spaces are proposed.

PROPOSED FINDINGS

A. Conditional Use Permit to amend an existing PUD to allow a 122-unit residential building (525.340)

- 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 site is surrounded by a mix of uses including high-rise, high-density residential, retail and a hotel. A new 122-unit residential building will complement the existing uses, transforming a vacant piece of land into a piece of a vibrant neighborhood. The added residents will provide additional eyes on the street, enhancing the safety of the neighborhood.

- 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 and orderly development and improvement of surrounding property for uses permitted in the district.**

The proposed development is similar to the building that was proposed for this site in the original PUD. The size of the building footprint of the proposed development is nearly identical to the original proposal. The current proposal adds height and density and provides additional setbacks. The orientation of the proposed building improves views toward the Mississippi River for some existing residents of Zenith and Bridgewater, while not diminishing these views for any resident. Additionally, the pet exercise area will be made available to Zenith residents, adding to their use and enjoyment of their property.

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

The development team will be working closely with the Public Works Department and various private utilities during the development of the project to ensure that all procedures are followed in order to comply with city and other applicable requirements. Phase 1 development of the PUD included infrastructure to manage storm water for all future phases of development. The development team intends to utilize this existing on-site infrastructure.

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

Parking for residents and guests will be provided on site conforming to zoning minimums and maximums. All parking stalls will be accessed from a single curb cut. Additionally, the site is well situated in relation to transit and bicycle facilities, affording residents non-auto means of transportation. The development team understands that the city may request an update to the original TDMP.

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

The site falls within the boundaries of the Historic Mills District Master Plan. Last updated in 2001, the plan was written before the transformation of the area into a residential and cultural

neighborhood. As such, the Minneapolis Plan for Sustainable Growth provides more appropriate guidance.

The city block that comprises the PUD is located on Washington Avenue South, a designated Commercial Corridor and falls within the Historic Mills District Activity Center. High density (50-120 du/acre) is recommended for Commercial Corridors while high density or very high density (120-200 du/acre) is recommended for Activity Centers. The proposed development falls within the range of very high density at 169 du/acre. The PUD contains a mix of uses including residential, retail, hotel and neighborhood services. While the proposed development contains residential use exclusively, when taken as a whole with the rest of the PUD, this use contributes to and takes advantage of the mix of uses within the PUD. Specific policies that the proposed development will support include:

- a. 1.8: Preserve the stability of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.
- b. 1.8.1: Promote a range of housing types and residential densities, with the highest density development concentrated in and along appropriate land use features.
- c. 1.10.5: Encourage the development high-density housing on Commercial Corridors
- d. 1.12.1: Encourage a variety of commercial and residential uses that generate activity all day long and into the evening.
- e. 1.12.3: Encourage active uses on the ground floor of buildings in Activity Centers
- f. 1.12.5: Encourage the development of high- to very-high density housing within the boundaries of Activity Centers.
- g. 1.12.9: Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces in Activity Centers.

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 and site plan review, the proposed development will meet all applicable regulations of the C3A zoning district, Downtown Height Overlay district and Downtown Parking Overlay district.

B. Conformance with Required Findings for Planned Unit Developments:

That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration (527.260):

- 1. The character of the uses in the proposed planned unit development, including in the case of residential uses, the variety of housing types and their relationship to other site elements and to surrounding development.**

A multiple-family residential development with 122 dwelling units is proposed on Lot 2 to complete the Planned Unit Development established in 2007. The mix of units includes studios, one-, two- and three-bedroom apartments. Lining the lower two levels of the buildings will be two-story townhome-style units, with direct access to the street. Existing adjacent uses within the PUD include residential, hotel, retail and a medical clinic. The proposed development will complement the surrounding development. The uses adjacent to the PUD include a large public

park, additional residential developments, several cultural facilities and a wide variety of retail and restaurants. The proposed residential building will complement the adjacent uses.

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

A TDMP was written for the original PUD. The street capacity was found to be sufficient for the development proposed at that time. In the TDMP, Lot 2, the future site of The Encore, was anticipated to consist of 103 large condominium units and 120 below grade parking stalls accessed through the Zenith underground garage and a curb cut on 9th Avenue South. The current, revised proposal for Lot 2 includes 122 apartments and 182 underground parking stalls accessed from a new curb cut on 10th Avenue South. Should the City determine that the increase in density and relocation of the parking entrance warrants an updating of the original TDMP, the development team will comply.

3. The site amenities of the proposed planned unit development, including the location and functions of open space, the preservation or restoration of the natural environment or historic features, sustainability and urban design.

The site amenities of the PUD include active uses on all street frontages. The PUD includes a large plaza, accessible to the public, in the center of the block; and a private drive running east-west through the site connecting 9th Ave S and 10th Ave S. All storm water is captured and retained on site. The proposed new residential building on Lot 2 will include active uses on all sides of the building; private terraces and green space adjacent to each street level unit; multiple building entrances distributed along each side of the building; a large outdoor common amenity terrace facing Gold Medal Park; a large pet exercise area, available to Zenith residents as well as Encore residents; a rooftop club room including a common rooftop terrace with superior views; high-efficiency central cooling and heating systems; generous, high-performance windows distributed evenly across the facades; durable, high-quality materials; proximity to numerous transit routes; proximity to public parks and open space.

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

The Encore has been located on the site, like the other two existing buildings, in order to maximize light, air and views within and through the site. The massing and materiality of the building will complement the adjacent buildings on the block; masonry, metal panels and large windows comprise the exterior palette. All parking will be underground, similar to the adjacent buildings within the PUD. A large outdoor terrace will be located adjacent to the existing outdoor terrace on Lot 1, creating a single, large, unified outdoor space providing ample light, air and views to the center of the block.

5. An appropriate transition area shall be provided between the planned unit development and adjacent residential uses or residential zoning that considers landscaping, screening, access to light and air, building massing, and applicable policies of the comprehensive plan and adopted small area plans.

The proposed Encore building is oriented toward S 2nd St and 10th Ave S in order to reinforce the street wall. The building will complete a consistent street wall along 2nd Street South that will frame the southern edge of Gold Medal Park. Between the building and the streets will be generously-landscaped semi-private spaces, elevated slightly above street level; these spaces are designed to be large enough and well-appointed enough to comfortably be used as outdoor rooms, helping to provide natural surveillance of the street by residents. These spaces will, in turn, provide visual interest, helping enliven the streets.

6. The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for storm water runoff and storage, and temporary and permanent erosion control.

The proposed development is well-situated to take advantage of nearby cultural and recreational facilities. All necessary public utilities are available under S 2nd St. All storm water will be handled on-site in existing tanks installed in 2007 designed to handle storm water capacity for the entire site. Temporary erosion control measures can be referenced on the civil engineering drawings.

7. The consideration, where possible, of sustainable building practices during the construction phases and the use of deconstruction services and recycling of materials for the demolition phase.

Lot 2 has already been cleared of buildings; no deconstruction will be required. During construction, waste will be recycled off-site to the greatest extent feasible. Based on recent project experience, the development team anticipates recycling between 50% and 75% of construction waste.

8. That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.

The preliminary and final plats were completed in phase 1.

C. Authorized Alternatives and Amenities Provided:

Because the PUD has already been established, the (10) points required for establishment of the PUD is not required.

Alternatives Requested and Points Required:

- **Bulk Regulations: building height:** 5 points
- **Bulk Regulations: density** 5 points
- **Yards:** 5 points

- **Total** 15 Points

Amenities Provided:

- **Underground Parking:** 10 points
- **Outdoor Open Space** 5 points
- **Pet Exercise Area:** 1 point
- **Decorative Fencing:** 1 point
- **Enhanced Landscape** 1 point
- **Enhanced Lighting** 1 point
- **Recycling Area** 1 point

- **Total** 20 points

Amenity Narratives:

- **Underground parking:**
All parking for the project is below grade.
- **Outdoor Open Space:**
The project provides both a single, contiguous area occupying the northwest of the site and, ringed around the building, private outdoor terraces directly accessible from the townhome units and from the street. The outdoor resident lounge will feature a gas-fired fire pit to help extend the usability of the space into the shoulder seasons. Pathways will be delineated from gathering areas by means of paving; pathways will be paved with colored, stamped concrete while gathering areas will be paved with plain, saw-cut concrete. In addition to paved areas, extensive planted areas are distributed throughout the outdoor spaces and are designed for year-round interest. In addition to these at-grade spaces, a roof terrace adjacent to the rooftop club room will afford residents panoramic views of the river and downtown skyline and will feature an outdoor kitchen with a grill, sink and counter space.
- **Pet Exercise Area:** A pet exercise area will be enclosed with decorative fencing and perimeter plantings. An artificial turf surface will hold up well to abuse and will be easy to clean. The area will be lit with bollards at the perimeter.
- **Decorative Fencing:** A total of 347 linear feet of decorative metal picket fencing will be employed around the pet exercise area and around each private terrace.

- **Enhanced Landscaping:** The plantings have been chosen to provide year-round interest. The walkway from 2nd Street will be lined with fragrant, spring-flowering Japanese Lilac trees; evergreen Yew and tall ornamental grasses will provide visual interest in winter. Summer-flowering Hydrangea is employed in the southern portion of the plaza where sufficient sunlight exists and Hostas are specified in areas with limited sunlight. Spring-flowering Serviceberry trees, hostas and bush honeysuckle line the southern portion of the building. The main entrance on 10th St will be planted seasonally with flowering annuals. The retaining walls along 2nd St and 10th Ave will be planted with a mix of evergreen Arborvitae, deciduous shrubs, Hosta and ornamental grasses. All plantings will be subtly lit to maximize enjoyment in summer evenings and the shorter days of winter. Finally, townhome residents will be able to enjoy their own private patch of lawn.
- **Enhanced Exterior Lighting:** All lighting will be pedestrian-scaled; no pole-mounted fixtures will be used. Outdoor paths and gathering spaces will be lit with a combination of decorative bollards and feature lighting of the plantings. Sconces will be distributed around the perimeter of the building in order to light the private terraces and highlight the brick piers between windows.
- **Recycling Area:** Dedicated areas for recycling will be located within the trash rooms on each floor, adjacent to elevator lobbies. Recyclables will be collected periodically by building staff and stored in the main trash/recycling room at street level to await collection.

D. Increase in Allowable Height:

The height limitations of principal structures located in the commercial districts, except single and two-family dwellings, may be increased by conditional use permit, as provided in Chapter 525, Administration and Enforcement. In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the maximum height (548.110):

1. Access to light and air of surrounding properties.

The allowable height is 112 feet. The proposed height of The Encore is 132'-0". Any potential negative effects on neighboring properties due to the additional 20'-0" of height, is mitigated due to the location of the Encore relative to adjacent properties, and the reduction in the building's bulk at its upper floors. The Zenith Condominiums' access to light and air is not affected by the additional height of the Encore due to the fact The Encore's bulk is oriented toward the east and south of the site, in a direction away from Zenith, mitigating shadowing. The shadowing of the proposed building will be less than a fictional 112-foot building located closer to the north and west of the site. Furthermore, a significant setback from the north at Level 9 and setbacks on all sides of the building at Level 12 further reduce the effects of shadowing. Access to light and air for The Bridgewater, across 10th Avenue South, is not affected by the extra 20'-0" of height. Due to the skew in the urban grid, The Bridgewater is located significantly south of the Encore, minimizing the effect of shadowing. Furthermore, the building setbacks described above further mitigate the effect of shadowing.

2. Shadowing of residential properties, significant public spaces, or existing solar energy systems.

Shadowing of residential properties is described above. The significant public space to the north of The Encore, Gold Medal Park, is not affected by The Encore's additional height due to the significant building setback at Level 9. The accompanying shadow studies demonstrate that the shadow cast by The Encore does not extend as far as the shadows created by Zenith or Bridgewater. No existing solar energy systems exist adjacent to the site.

3. The scale and character of surrounding uses.

The additional height of the Project is consistent with the scale and character of surrounding uses. The additional height is mitigated by setbacks at Levels 9 and 12. It is also mitigated by the fact that the mechanical penthouse is located at the highest level, not on the roof above the highest level. Both Zenith and Bridgewater include significant mechanical penthouses that are not counted as contributing to the building height. Because the upper-most level of The Encore is substantially set back on all sides, mechanical spaces are able to be accommodate on that uppermost level, not on the roof. The recently completed Stonebridge development was approved for a height of 12 stories and 132 feet (BZZ-4917 & PL-246), though the maximum allowable zoning height for that site is six stories or 84 feet, whichever is less.

4. Preservation of views of landmark buildings, significant open spaces or water bodies

The extra height of the building is mitigated by setbacks. The location of the building was chosen expressly to create more open space and better views between Zenith and The Encore, affording improved views toward Gold Medal Park and the Mississippi River for Zenith residents. The resulting building affords better views through and around the site than a less sensitively-sited building of 112 feet might have.

E. Increase in Building Bulk

The following findings pertain to both the variance and the requested alternative within the PUD:

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 proposed development is phase 2 of a PUD. At the time the PUD was established, the properties were replatted into three sites for three separate buildings. The location of the property lines between the three parcels was designed to accommodate the construction of an interconnected underground parking facility on lots 1 and 2, and a shared private drive occupying portions of all three lots. Though the interior courtyard, interior drive and turnaround serve all three sites, they are located disproportionately on Lot 1 and Lot 3, effectively decreasing the lot size of Lot 2. With respect to allowable gross floor area within the zoning district, when taken as a whole, the completed two-phase development has a FAR of 3.78. The original PUD was submitted with a total FAR of 3.6. This represents a modest increase in density from the original PUD and falls within the district zoning limit FAR of 4.0:

- Lot 1 (Zenith): 34,377 sf lot area 126,100 sf gross floor area
- Lot 2 (Encore): 31,427 sf lot area 175,991 sf gross floor area
- Lot 3 (Aloft): 37,090 sf lot area 86,400 sf gross floor area

- Total: 102,894 sf lot area 388,491 sf gross floor area

- FAR = $388,491 / 102,894 = 3.78$

- 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 intent of the ordinance is to protect surrounding properties from the ill effects of excessive building bulk. Due to the orientation of the building on its site and its massing including setbacks at levels 9 and 12, the effects of its bulk are greatly mitigated. For conformance with the comprehensive plan, see finding 5 under the required findings for the conditional use permit to modify a PUD.

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

The proposed increase in development density will not alter the character of the locality. The site is surrounded by buildings of similar height and bulk. The Bridgewater PUD, occupying the entire city block to the east has an FAR of 5.7 (BZZ-2837), in excess of the proposed 5.6 FAR of Encore, and far in excess of the proposed Zenith/Aloft/Encore block-wide PUD FAR of 3.78. Furthermore, the building bulk of Encore is designed to maximize access to light, air and views and includes significant setbacks on levels 9 and 12.

F. Decrease in Interior yard Setback:

A variance may be granted from the regulations of the zoning code only when the applicable board, commission, or council makes each of the following findings based upon the evidence presented to it in each specific case (525.500):

- 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.**

At the time of the creation of the PUD, a series of reciprocal easements were created between the three properties on the block in order to establish permanent building limits and permanent reciprocal access. While the above-grade structures for Zenith and the future Lot 2 residential development (now being developed as The Encore) are spaced well apart from each other, the original PUD provided for their below-grade parking structures to abut one-another in a zero lot line arrangement. The western boundary of the above-grade portion of the future Lot 2 development was anticipated to abut the property line. To allow for windows on this façade, a 30-foot-wide “No build” easement (provided as an attachment to this application) was created on the eastern edge of the Zenith property. The original Lot 2 design featured one leg of the L-shaped residential structure adjacent to the property line at the north end of the site; the revised Encore proposal reorients the building with a similarly-sized leg of the building against the western property line along the south of the site. The proposed change is not based on economic considerations but on the practical desire to shift the building bulk to the south of the site, thereby opening up the northern part of the site for views toward the Mississippi River.

- 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.**

As stated above, the property line between Lots 1 and 2 was established based on the size of the underground parking structure of Lot 1. A no-build easement was created on Lot 1 specifically to allow the above-grade portion of the Lot 2 structure to abut the property line. The intended practical result of the 30-foot “No-build” easement (which is irrevocable without consent of the local building official) was to establish a public way, similar to a street or alley. For the purposes of code analysis, this public way establishes an imaginary property line 15 feet to west of the legal property line, thus allowing for windows in that face of the building, with respect to analysis of the prevailing building code. For conformance with the comprehensive plan, see finding 5 under the required findings for the conditional use permit to modify a PUD.

- 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.**

Following the build-out of Lot 2, the completed PUD will feature three buildings with appropriately generous spaces between them. The northern, above-grade portions of the Lot 1 and Lot 2 buildings will be separated by approximately 140 feet; the southern, above-grade portions of the Lot 1 and Lot 2 buildings will be separated by approximately 110 feet. Such separations between buildings provide ample light and air between the buildings. The 30-foot “No-build” easement allows windows to be placed on the western façade of The Encore where it abuts the property line by guaranteeing that any future structure on Lot 1 will be located at least 30 feet from the property line.

SITE PLAN REVIEW

The Applicant respectfully requests approval of Site Plan Review on the basis of the following findings, as required by Section 530.70:

(1) Conformance to all applicable standards of chapter 530.

The placement of the building will reinforce the street wall. The building is set back from the street more than 8 feet in order to provide a nominal landscaped buffer between the sidewalk and the 7’ to 8’ deep private yards and terraces, enhancing privacy and usability of the terraces. In addition, low concrete retaining walls located from 3’ to 4’ from the lot line help define the street wall while giving elevation to the private terraces, enhancing privacy and surveillance. The area between the building and the lot line includes amenities such as landscaping, planters and private terraces, enhancing surveillance and visibility. The building is oriented so the principal entrance faces 10th Avenue S. A second building entrance opens to an exterior courtyard adjacent to 2nd Ave S. The courtyard can be readily accessed from the street and includes a pet exercise area adjacent to the street, enhancing surveillance.

The facades on all sides of the building are articulated with balconies, entry trellises and ground level patios with private entrances to the residential units. Entrances are clearly defined. Each façade meets or exceeds the minimum requirements for clear glazing. Lighting in the open space, courtyards and along the street front will provide a safe and comfortable environment for pedestrians.

The proposed exterior materials are durable, including brick, and metal panels. Windows are vertical in proportion and are distributed evenly across the facades.

Window quantities exceed the required minimums with the exception of the south elevation at Level 1 adjacent to the sloping ramp to the parking garage, where windows would not provide much benefit; alternative compliance is requested in the form of closely spaced trees that form a hedge.

The parking garage entrance and exit is located on 10th Avenue S, approximately at mid-block. While this entrance is close to the existing curb cut for the private drive through the block, the location of the entrance at the far south of the building allows the primary building wall along 10th Avenue S to be uninterrupted with curb cuts.

One hundred percent of the site that is not covered by buildings will be developed as landscaped open space. The courtyard and rooftop patios will also be developed with green roof planting materials and larger plants in planters. The parking will be one hundred percent enclosed, so there will be no required screening. The Project will have decorative fences around the private terraces to provide privacy and safety while allowing for surveillance of the street.

The electrical transformer facing 2nd Ave S is screened from view behind concrete walls and a decorative metal fence. No other screening is required.

(2) Conformance to all applicable regulations of this zoning ordinance and is consistent with the applicable policies of the comprehensive plan and applicable small area plans adopted by the city council.

The proposed use (multifamily residential) is permitted in the C3A zoning district. The Site Plan is designed in accordance with all requirements of the Minneapolis Code of Ordinances, the Minnesota State Building Code and other applicable law. See Finding A for a discussion of consistency with the comprehensive plan.

PLANNED UNIT DEVELOPMENT APPLICATION

**Submitted in Support of Land Use Applications
For a Multiple Family Dwelling
935 S 2nd Street**

Sherman Associates, Applicant

Statement of Proposed Use of all Portions of Land:

The PUD consists of three lots within a phased development. Lots 1 and 3 were developed as part of phase 1 and completed in 2007. Lot 2 is proposed to be developed as phase 2 with construction commencing in Spring 2015. Lot 2 was cleared of existing structures as part of phase 1. Following the completion of phase 1, Lot 2 was graded level and covered with turf, the condition in which it remains to this day.

- Lot 1 was developed as a 9-story mixed use building with multifamily residential as the primary use. The development is called Zenith Condominiums. The street level contains a retail/commercial space currently occupied by a medical clinic. Two underground levels contain parking for condominium residents and guests of the adjacent hotel. Levels 2 through 9 contain 64 residential condominiums.
- Lot 3 was developed as a 5-story, 155-room hotel and also includes two small retail spaces on the street level. The development includes a small surface parking lot on the interior of the block, serving the retail uses, and a private drive connecting 9th Ave S and 10th Ave S.
- Lot 2 will be developed as a 12-story multifamily residential with 122 apartments. Parking for residents will be provided in a three-level underground garage.

Master sign plan:

The architectural site plan A1.0 indicates locations and dimensions of all existing signs installed on Lots 1 and 3 as part of phase 1, and two proposed signs on Lot 2 as part of phase 2. A table of these signs can also be found on the architectural site plan. It appears that some approved signs for phase 1 were never installed; the site plan includes only signs currently existing on Lots 1 & 3 and proposed on Lot 2.