

**Department of Community Planning and Economic Development – Planning
Division**

Conditional Use Permits, Variances and Site Plan Review
BZZ-5246

Date: September 19, 2011

Applicant: 7th & Central, LLC, 328 Barry Avenue S, Suite 300, Wayzata, MN 55391, (952) 767-2500

Address of Property: 708 Central Avenue NE and 119-123 7th Street SE

Project Name: 708 Central

Contact Person and Phone: Nolan Properties Group, Attn: Katelyn Murray, 328 Barry Avenue South, Suite 300, Wayzata, MN 55391, (952) 767-2502

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

Date Application Deemed Complete: July 22, 2011

End of 60-Day Decision Period: September 19, 2011

End of 120-Day Decision Period: On September 7, 2011, Staff sent a letter to the applicant extending the decision period to no later than November 18, 2011.

Ward: 3 **Neighborhood Organization:** Marcy Holmes Neighborhood Association & Nicollet Island – East Bank Neighborhood Association

Existing Zoning: C3A (Community Activity Center) District, UA (University Area) Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 14

Lot area: 41,656 square feet or .96 acres

Legal Description: Not applicable for this application

Proposed Use: Renovation of the existing buildings as well as new construction to accommodate a mixed-use development.

Concurrent Review:

- Conditional Use Permit to allow 105 dwelling units.
- Conditional Use Permit to allow an increase in the maximum allowable building height from 4 stories or 56 feet to 10 stories or 120 feet at the tallest portion of the structure.
- Variance of the maximum size of a retail sales and services use to allow a 10,000 square foot commercial space in the C3A (Community Activity Center) district.

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- Variance of the interior side yard setback along the east property line from 15 feet to 5 feet for the proposed parking deck.
- Variance of the interior side yard (originally noticed as a rear yard setback) along the north property line from 15 feet to 4 feet, 6 inches.
- Variance of the minimum off-street parking requirement for the commercial component of the development.
- Variance of the minimum drive-aisle requirement in the parking garage located within the basement of the existing 708 structure.
- Site plan review for renovations to the existing buildings as well as for new construction on the premises for a 105 unit apartment building located in the C3A (Community Activity Center) district and the UA (University Area) 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 proposes to rehabilitate and convert existing 7-story and 4-story warehouse buildings located on the property at 708 Central Avenue NE, into a mixed-use project consisting of a singular 10,000 square foot ground level commercial space fronting on Central Avenue and 7th Street SE as well as 105 residential units. Both structures have been vacant since the late 1990's. The proposal would also include the construction of a 2-level parking deck and surface parking along 7th Street SE, as well as an additional 3 floors atop the 708 building. The property is currently zoned C3A with the UA Overlay. The C3A district permits residential uses over 5 units with a conditional use permit. Based on the proposal, a conditional use permit would also be required to allow an increase in the maximum allowable height from 4 stories or 56 feet to 10 stories or 120 feet at the tallest portion of the structure. Variances are required for both interior side yards as well as a variance of the off-street parking requirement for the commercial component and a variance of the drive aisle requirement in the parking garage located within the basement of the existing 708 structure. Site plan review is also required.

The existing 4-story, 700 building on the corner of Central Avenue NE and 7th Street SE consists of a timber frame and wood floors with exterior brick bearing walls. The first floor of this building would link with the adjacent 708 building and contain one 10,000 square foot commercial space with frontage along Central Avenue and 7th Street SE. The existing 708 building consists of a poured concrete frame and floors with brick exterior walls. A total of 9 off-street parking spaces would be located in the lower level of the building. An additional 3 stories would be constructed on top of the existing 7 story, approximately 76 foot tall structure. The rooftop addition would be setback approximately 8 feet from the floors below along the west property line adjacent to Central Avenue. The exterior materials proposed on the addition would consist of metal panels.

This site received approvals for a large mixed-use project (BZZ-2953) by the Planning Commission in June of 2006, with corresponding approvals by the Zoning and Planning Committee (due to an appeal) in July of 2006, and City Council in August of 2006. The City Council approved the following applications including: a rezoning from the I1 district (with the ILOD) to the C3A district; conditional use permit for 103 dwelling units; a conditional use permit to increase the maximum allowable height from 4 stories or 56 feet to 9 stories or 99 feet; a variance of the interior side yard along the east property line to 3 feet; and site plan review.

The site also received prior approvals for a new 160-room hotel with ground level commercial spaces in 2008 (BZZ-3972). The Planning Commission approved the following applications including a conditional use permit to increase the maximum allowable building height from 4 stories or 56 feet to 7 stories or 86 feet; a conditional use permit for a shopping center; variance to increase the maximum allowable floor area ratio (FAR) on site from 2.7 to 3.35; a variance of the interior side yard along the east property line from 15 feet to 4.9 feet for the proposed development; a variance of the rear yard along the north property line from 15 feet to 7.2 feet for the proposed development; a variance of the off-street parking requirement from 141 to 112; and site plan review.

The project was reviewed at a Planning Commission Committee of the Whole (COW) meeting on August, 18, 2011. As a result of comments made at that meeting, changes were made to the penthouse and stair tower that include adding balconies to the south elevation, adding articulation and signage (although no details have been provided) to the stair tower, modifying the colors to better articulate the industrial nature of the building and increasing the overhang of the parapet cap to provide shadow patterns and shade on the building.

The project was originally scheduled and discussed at the Planning Commission meeting on August 29, 2011. The Planning Commission requested that the applicant continue to investigate alternative design schemes for the penthouse and stair tower in order to lessen its prominence and improve the overall design. It was requested that the applicant specifically look into the possibility of including glazing/fenestration within the stair tower on the south elevation of the building. The Planning Commission continued the applications to the September 19, 2011 meeting. The applicant will present revised plans and additional information at that meeting.

Staff has received official correspondence from the Marcy-Holmes Neighborhood Association which has been attached for reference. Any additional correspondence received will be forwarded on to the Planning Commission for further consideration.

CONDITIONAL USE PERMIT - for 105 dwelling units

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 believes that the rehabilitation and conversion of the existing structures to a mixed-use development that includes 105 dwelling units should not have negative impacts on the area. The proposal complements other uses in the area and the additional residential units would further strengthen the existing commercial base within the broader neighborhood. The proposal would be below the allowable density for the site as a total of 124 units are permitted with a density bonus for mixed-use. Planning Staff does not believe that the project would prove detrimental to public safety, comfort or general welfare.

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 buildings are currently vacant and have been since the late 1990's. The adaptive reuse of the structures and the proposed density of the project would prove compatible with the surrounding uses and should not impede normal and orderly development of the area. Further, utilizing the existing structure for 105 units of apartments would provide additional opportunities for housing within the neighborhood as well as support the existing commercial uses within the general vicinity.

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

The site would continue to be accessed off of 7th Street SE, which is a one-way street via two curb cuts. The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required 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 should the plan be approved. This would be required to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

Chapter 541, Off-Street Parking and Loading would typically require one off-street parking space per dwelling unit or a total of 105 parking spaces for the proposed residential component of the project. However, the subject site is located within the UA Overlay District which requires one-half (1/2) parking space per bedroom but not less than one (1) space per dwelling unit. According to the applicant, a total of 126 bedrooms or 105 dwelling units are proposed on the subject site. Therefore, a total of 105 off-street parking spaces would be required. The project is eligible for a transit incentive per Section 541.200(1) of the Zoning Code for the residential aspect of the project. This allow for a 10% reduction in the minimum parking requirement as the use is located within 300 feet of a transit stop with midday service headways of 30 minutes or less in each direction. With the 10% reduction applied, 95 off-street parking spaces are required for the residential component of the proposed development.

As proposed the commercial component of the development would be 10,000 square feet in size. The applicant proposes to locate a retail sales and service use within the ground level of the structure. Chapter 541 requires 1 per 500 square feet of gross floor area in excess of 4,000 square feet. Therefore a total of 12 off-street parking spaces would be required for the commercial component of the development.

The combined total parking requirement for the proposed mixed-use development is 107 off-street parking spaces. There are a total of 9 enclosed spaces, 73 spaces in the parking deck and 24 surface parking spaces totaling 106 off-street parking spaces. The applicant has applied for a parking variance to reduce the off-street parking requirement for the commercial component of the development.

Further, a Travel Demand Management Plan (TDMP) has been submitted for the development and has been reviewed by both Public Works and Planning Staff. The TDMP concludes that the proposed mixed-use development is not anticipated to have significant impacts on area traffic operations.

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is located within an area designated as urban neighborhood and within the boundaries of an Activity Center. Further, Central Avenue is a designated Commercial Corridor within the boundaries of the Activity Center, transitioning to a Community Corridor just north of the subject site. The properties surrounding the site are predominantly zoned industrial to the north, east and west of the site. To the south, the properties are commercially zoned. The uses within the area are varied and include industrial, commercial and residential uses. The proposal to renovate the existing structure on the property for 105 apartments as part of a mixed-use development is consistent with the relevant provisions of *The Minneapolis Plan for Sustainable Growth*, as follows:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* 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 of *The Minneapolis Plan for Sustainable Growth* 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 of *The Minneapolis Plan for Sustainable Growth* 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 step: (1.4.4) “Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street””.

Land Use Policy 1.5 of *The Minneapolis Plan for Sustainable Growth* states “Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.”

Land Use Policy 1.10 of *The Minneapolis Plan for Sustainable Growth* states: “Support development along Commercial Corridors that enhances the street’s character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.” This policy includes the following applicable implementation

steps: (1.10.1) “Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character”; (1.10.5) “Encourage the development of high-density housing on Commercial Corridors.”

Land Use Policy 1.12 of *The Minneapolis Plan for Sustainable Growth* states: “Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character. This policy includes the following applicable implementation steps: (1.12.2) “Encourage mixed use buildings, with commercial uses located on the ground floor and secure entrances for residential uses”; (1.12.3) “Encourage active uses on the ground floor of buildings in Activity Centers”; (1.12.4) “Discourage uses that diminish the transit and pedestrian character of Activity Centers, such as automobile services, surface parking lots, and drive-through facilities”; (1.12.6) “Encourage the development of high- to very-high density housing within the boundaries of Activity Centers.”

Housing Policy 3.1 of *The Minneapolis Plan for Sustainable Growth* 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 of *The Minneapolis Plan for Sustainable Growth* 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 3.3 of *The Minneapolis Plan for Sustainable Growth* states, “Increase housing that is affordable to low and moderate income households.” This policy includes the following applicable implementation step: (3.3.3) “Work to provide affordable housing for both rental and ownership markets at a broad range of income levels.”

Housing Policy 3.6 of *The Minneapolis Plan for Sustainable Growth* states, “Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.”

Historic Preservation Policy 8.1 of *The Minneapolis Plan for Sustainable Growth* states, “Preserve, maintain, and designate districts, landmarks, and historic resources which serve as reminders of the city's architecture, history, and culture.”

The proposal is in conformance with the above noted policies and implementation steps of the Comprehensive Plan.

There is one additional plan that must be considered when evaluating the proposal. The *Marcy Holmes Neighborhood Master Plan* was approved in 2003. Since that time, the neighborhood has done additional planning work regarding specific redevelopment sites. The *Marcy Holmes Neighborhood Master Plan Supplement* was adopted into the master plan document and approved by the City Council in 2007. One of the supplemental documents includes the “Triangle Redevelopment or Study Area”; this subject site is included within this area. As identified in the

original master plan, the future land use is identified or slated for multi-family residential on a portion of the subject parcel as well as for open space. The plan identifies the following issues/opportunities for the triangle: “Underutilized land, potential to extend character and revitalization of East Hennepin Ave northward, higher intensity development possible with enclosed parking, high traffic visibility area, one-way streets make property access challenging, poor pedestrian street environment, neighborhood need for auto-related uses.” The plan further has the following recommendations: redevelop eastern half of block north of 7th St to multi-family residential buildings that complement character and scale of adjacent warehouse buildings; promote reuse and restoration of existing warehouse buildings on western half of block north of 7th Street for multi-family residential uses; promote multi-story buildings that are up to 4 stories on the southern block and range from 5 to 10 stories on the northern block; and create urban streetscapes using street trees and pedestrian amenities.”

It is Planning Staff’s position that the proposal to renovate and adaptively reuse the existing structures for a 105-unit residential, mixed-use development is in conformance with the adopted *Marcy Holmes Neighborhood Master Plan* and *Marcy Holmes Neighborhood Master Plan Supplement*.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

With the approval of the conditional use permits, variances and the site plan review this development would be in conformance with the applicable regulations of the zoning code.

CONDITIONAL USE PERMIT - to increase the maximum permitted height from 4 stories or 56 feet to 10 stories or 120 feet at the tallest portion of the structure.

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 the establishment, maintenance, or operation of the proposed conditional use:

1. Will be detrimental to or endanger the public health, safety, comfort or general welfare.

Planning Staff does not believe that allowing a 3-story rooftop addition atop the 708 building would be detrimental to or endanger the public health, safety, comfort or general welfare. The existing structures on site include a 4-story structure that is 58 feet tall as well as a 7 story structure that is 76 feet tall. Although both buildings currently exceed the height limitations in the C3A district, the proposal to further increase the height of the 7 story structure an additional 3 floors triggers the need for the conditional use permit. Contextually, the building would be the tallest structure in the general area; however, the adopted *Marcy Holmes Neighborhood Master Plan* and *Marcy Holmes Neighborhood Master Plan Supplement* encourage buildings up to 10 stories in height north of 7th Street SE. Provided the building addition provides desired articulation, window openings and meets the additional design criteria outlined in Chapter 530, Site Plan Review, the proposal should not have any detrimental effects.

2. Will be injurious to the use and enjoyment of other property in the vicinity and will impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

This property is located in a fully developed area and allowing additional height would not be expected to be injurious to the use and enjoyment of other property in the vicinity nor should it impede on possible future development. The existing structures currently exceed the proposed underlying district allowance of 4 stories or 56 feet. Added height for a high density mixed-use development in a designated Activity Center and along a Commercial Corridor is consistent with adopted policy. Further, the proposed addition is setback approximately 8 feet from the floors below along the west property line (Central Avenue), 5 feet from the north property line (adjacent to the industrial building and approximately 4 feet, 6 inches from the west building wall (at the interior of the site).

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

Increasing the height of the building would have no impact on utilities, access roads or drainage.

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

The additional height of the development should have no effect on the traffic congestion in the area. 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 the proposed development as further explored below in the variance section of the staff report.

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

See the above listed response to finding #5 in the conditional use permit application for 105 dwelling units.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

With the approval of the conditional use permits, variances and the site plan review this development would be in conformance with the applicable regulations of the zoning code.

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

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:

1. Access to light and air of surrounding properties.

This development would not be expected to have any additional impacts on the amount of light and air that surrounding properties receive. The development as it currently exists, exceeds the maximum allowable threshold for height in the C3A district. The proposed addition to the

existing structure is oriented in a manner that would be expected to have minimal impacts as the majority of the bulk is located along Central Avenue.

2. Shadowing of residential properties or significant public spaces.

There are some smaller, nonconforming residential properties located immediately east of the site, however, there are no significant adjacent public spaces. Staff would expect that the shadowing impacts on the properties to the east would be negligible as the proposed addition would not be expected to further shadow the residential properties significantly more than the existing structures. Further, the massing of the addition should limit the impacts of shadowing. The shadow studies have been attached for reference.

3. The scale and character of surrounding uses.

The scale and character of the buildings as well as the architectural styles of the surrounding properties in this area are varied. Relative to similar developments within the general vicinity, Staff believes that the proposal is compatible with the scale and character of other buildings in the area despite the fact that it would be the tallest building in the vicinity. In general, the design and allocation or distribution of height on site would be compatible with the surrounding uses and consistent with adopted policy. Planning Staff remains concerned with the appearance and prominence of the stair tower on the south elevation of the addition. While the appearance of that feature has improved slightly with the material alterations and proposed signage (as indicated in the rendering), it still appears a bit bulky and massive. Planning Staff would recommend that the Planning Commission direct the applicant to develop additional design schemes to help soften the appearance and to integrate it better into the overall design of the addition.

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

There are no landmark buildings, significant open spaces or water bodies near the development site that would be affected by significant shadows.

VARIANCE – (1) Variance of the maximum size of a retail sales and services use to allow a 10,000 square foot commercial space in the C3A (Community Activity Center) district; (2) Variance of the interior side yard setback along the east property line; (3) Variance of the interior side yard setback along the north property line; (4) Variance of the minimum off-street parking requirement for the commercial component of the development; (5) Variance of the minimum drive-aisle requirement in the parking garage located within the basement of the existing 708 structure.

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.

Maximum size of a retail sales and services use: The circumstances are unique as the applicant is proposing to adaptively reuse two adjoining structures; as a result, practical difficulties exist in

complying with the ordinance. Allowing a larger retail space which in turn facilitates the adaptive reuse of the structure is a circumstance not created by persons presently having an interest in the property. Provided the tenant space meets all applicable window requirements, there are no foreseeable adverse impacts of allowing the increase in size in this specific location.

Interior side yard setback along the east property line: The applicant proposes to reduce the interior side yard setback from 15 feet to 5 feet along the length of the east property line to accommodate a two-level parking deck. The first level of the parking deck is located 7 feet below grade and the upper surface of the parking deck is located 4 feet above grade. The surface parking lot is subject to a 5-foot yard which is being provided. The two-level parking deck is subject to a 15 foot yard requirement as it is connected to the 708 building. The setback is established as a result of the height of the 708 building (5+2x with a maximum of 15 feet). If the parking deck was not physically connected to the 708 building, it would be subject to a 5 foot yard requirement; the connection subjects the parking deck to a greater yard requirement. Practical difficulties exist in complying with the ordinance. Planning Staff believes that the circumstances requiring the setback variance are unique as the applicant is attempting to retrofit a partially built out site to accommodate a new mixed-use development. In order to accommodate as much required off-street parking as possible, the applicant is requesting a variance from 15 feet to 5 feet at the closest point.

Interior side yard setback along the north property line: The applicant proposes to reduce the interior side yard setback adjacent to the north property line from 15 feet to 4 feet, 6 inches at the closest point for the parking deck and to 5 feet for the proposed addition located on top of the 708 building; practical difficulties exist in complying with the ordinance. Planning Staff believes that the circumstances requiring the setback variance are unique as the applicant is attempting to retrofit a partially built out site to accommodate a new mixed-use development.

Off-street parking requirement for the commercial component: The applicant is proposing to reduce the off-street parking requirement for the commercial component by one space. The circumstances are unique due to the fact that the applicant is proposing to adaptively reuse two existing structures as well as accommodate off-street parking for the mixed-use development. Practical difficulties exist in complying with the ordinance as a result of the fact that a portion of the site is already developed. The applicant has accommodated as much parking as possible within one of the buildings, in a two-level parking deck as well as within a surface parking lot.

Minimum drive-aisle requirement in the parking garage: The applicant is proposing to reduce the minimum drive-aisle requirement in the parking garage located within the basement of the existing 708 structure. The circumstances are unique as the applicant is proposing to adaptively reuse two adjoining structures and provide as much off-street parking as possible on the site for the proposed uses. As a result practical difficulties exist in complying with the ordinance. The applicant is proposing to locate 9 spaces within the lower level of the 708 building. As a result of the existing column configuration and spacing within the basement, the layout of the one-way drive aisle in conjunction with the 90 degree and 45 degree parking spaces is less than the 12 and 20 foot minimum requirements. At the narrowest point, the drive-aisle is 11 feet wide; the applicant has stated that only residential occupants shall utilize the enclosed parking area.

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.

Maximum size of a retail sales and services use: The proposal to adaptively reuse the structures for a new mixed-use development that accommodates a 10,000 square foot ground level commercial space is reasonable and would be in keeping with the spirit and intent of the ordinance and the comprehensive plan as noted in the above conditional use permit findings. As a tradeoff for allowing a larger retail space within the ground level of the building Planning Staff will recommend that the Planning Commission enforce a greater window requirement for the tenant space of a minimum of 50%, even distribution, as well as require that no shelving, signage, merchandise, newspaper racks or other mechanisms be placed in front of the transparent windows along Central Avenue NE and 7th Street SE. Planning Staff believes that this will off-set the impact of having a larger-scale retail use fronting along the public sidewalks.

Interior side yard setback along the east property line: The proposal to reduce the interior side yard setback along the east property line for the proposed parking deck is reasonable and would be in keeping with the spirit and intent of the ordinance and the comprehensive plan. As a result of the connection of the parking deck to the 708 building, it is subject to a greater yard requirement of 15 feet. If it were not for the connection, the parking deck would be subject to a 5-foot yard requirement which it currently meets.

Interior side yard setback along the north property line: The proposal to reduce the interior side yard setback along the north property line for both the parking deck and proposed rooftop addition would be reasonable and would be in keeping with the spirit and intent of the ordinance. The location of the parking deck approximately 4 feet, 6 inches from the property line and the proposed rooftop additions setback 5 feet from the property line provide adequate spacing from the adjacent property and should not result in any adverse impacts.

Off-street parking requirement for the commercial component: Allowing a reduction of one off-street parking space for the commercial component of the development would be reasonable and would be in keeping with the spirit and the intent of the ordinance. The area is well-served by multiple bus routes and is within walking distance of residences and other businesses within the larger Activity Center.

Minimum drive-aisle requirement in the parking garage: The proposal to accommodate enclosed parking within the lower level of the 708 building that does not meet the minimum drive aisle requirements is reasonable given the fact that the applicant is attempting to maximize the amount of off-street parking provided on the premises. Reducing the one-way drive aisle requirement for an internal parking area is in keeping with the spirit and intent of the ordinance and the 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.

Maximum size of a retail sales and services use: The proposal to incorporate a 10,000 square foot retail sales and services use within the ground level of the buildings should have no adverse

impacts on the essential character of the locality or be injurious to the use and 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 proposal to adaptively reuse the existing structure for a mixed-use development that incorporates a large ground level space would likely further stabilize the area by providing needed services to area residents.

Interior side yard setback along the east property line: The proposal to reduce the required setback from 15 feet to 5 feet at the closest point to accommodate a parking deck would not adversely 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 proposal is contextually appropriate and there are site limitations due to the fact that a portion of the site is already developed.

Interior side yard setback along the north property line: The proposal to reduce the required setback from 15 feet to 4 feet 6 inches at the closest point to accommodate a parking deck and a rooftop addition would not adversely 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 proposal is contextually appropriate and there are site limitations due to the fact that a portion of the site is already developed.

Off-street parking requirement for the commercial component: The Planning Division believes that the granting of this variance would not adversely 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. As previously mentioned, allowing a single space reduction for the commercial component of the development from 12 spaces to 11 spaces should not have any adverse impacts. Presumably, many customers will travel to and from the building by foot, bus or via other alternative means of transportation.

Minimum drive-aisle requirement in the parking garage: The Planning Division believes that the granting of this variance would not adversely 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 proposed drive-aisle reduction impacts 9 spaces located within the lower level of the 708 building.

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.**

A total of 105 dwelling units are proposed for the site in addition to a singular 10,000 square foot commercial space on the ground floor of the buildings. The buildings are existing and located up to the property lines along Central Avenue NE and 7th Street SE. The existing structures would be linked internally, resulting in one unified principal structure. The existing buildings are oriented towards both of the public streets and the use of progressive design and street-oriented building alignments is reinforced. The design also maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation along the Central Avenue NE frontage and along 7th Street SE. Planning Staff will condition that the merchandising plan for the first floor tenant be provided to Staff for review and approval prior to sign-off on the final plans. As tradeoff for allowing a larger retail space within the ground level of the building Planning Staff will recommend that the Planning Commission enforce a greater window requirement for the tenant space of a minimum of 50%, even distribution, as well as require that no shelving, signage, merchandise, newspaper racks or other mechanisms be placed in front of the transparent windows along Central Avenue NE and 7th Street SE. Planning Staff believes that this will off-set the impact of having a larger-scale retail use fronting along the public sidewalks.

The buildings are existing and the elevations of the buildings and the associated window openings are existing. Because the building is existing, the window opening areas will not be evaluated; however, the commercial portion of the project located on the first floor would be subject to a 30% window requirement and a 10% window requirement on upper floors. 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 development would appear to comply with the above-listed window requirements except on ground floor of the building facing the on-site parking areas. There are arched bricked-in areas that once provided openings into the ground level of the building. Planning Staff would recommend that the Planning Commission require that a portion of these areas be opened up on the east elevation of the building in order to provide natural

surveillance towards the parking areas on site. The existing windows are distributed in a more or less even manner and are also vertical in proportion.

As proposed, the building complies with the active functions provision as outlined above.

The structure is existing so the 25 foot blank wall provision does not apply except on the proposed rooftop addition. There are no proposed blank, uninterrupted walls greater than 25 feet in width that do not include windows, entries, recesses or projections, or other architectural elements on the proposed addition. However, Planning Staff remains concerned with the appearance and prominence of the stair tower on the south elevation of the addition. While the appearance of that feature has improved slightly with the material alterations and proposed signage (as indicated in the rendering), it still appears a bit bulky and massive. Planning Staff would recommend that the Planning Commission direct the applicant to develop additional design schemes to help soften the appearance and to integrate it better into the overall design of the addition.

The exterior materials would be compatible on all sides of the existing buildings as the buildings are both composed of brick. The proposed rooftop addition is composed of metal panels meant to create a more industrial type appearance. The proposed building form and pitch of the roof lines within the development would be considered compatible with other buildings in the area as most of the roof lines in the vicinity are flat.

A partially below-grade two-level parking deck is proposed that extends 4 feet above grade and contains a total of 73 spaces. There is also a 24-space surface parking lot that fronts on 7th Street SE as well as 9 spaces located within the lower level of the 708 building totaling 106 spaces for the proposed development. All parking is accessed via two curb cuts located off of 7th Street SE. Sloped floors do not dominate the appearance. The applicant proposes to screen these areas from view by incorporating shrubs along the south and east property lines. Along the north property line, Planning Staff will recommend that the Planning Commission require that shrubs be provided along the perimeter of the property line in lieu of the unvegetated rock mulch area.

ACCESS AND CIRCULATION:

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

The principal entries to the retail space lining both Central Avenue NE and 7th Street SE would be located directly off the public sidewalk. There are two entrances to the residential component that lead to a shared lobby. The principal entrance is located off of Central Avenue, also connected directly to the public sidewalk and another secondary entrance would be located at the interior of the site adjacent to the parking areas. This entrance is not connected via a walkway. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance as a result of the configuration of the site and the proposed layout of the associated parking.

There are no transit shelters located within the development, however, the site is located along and in close proximity to several Metro Transit bus lines.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. The addition of landscaping along the north, south and east property lines should further mitigate any potential impacts.

There is no public alley adjacent to the site. The site would be accessed off of 7th Street SE via two curb cut.

The site has been somewhat designed to minimize the use of impervious surfaces though the proposal does not meet the 20% landscaping requirement. The majority of the site is covered by proposed and existing buildings as well as an interior surface parking lot and proposed parking deck. Staff believes that there are additional opportunities to improve the overall greening on site but likely not decrease the impervious surfaces due to site constraints. Planning Staff will condition that the project include plantings along the entire north property line to further buffer the development from the adjacent uses. A rooftop patio is proposed atop the 700 building. Details including proposed plantings shall be required prior to final sign-off on plans.

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.**

According to the applicant, once the project is complete, approximately 2,500 square feet or 16% of the site not occupied by buildings would be landscaped, which would not meet the 20% landscaping requirement. Alternative compliance would be necessary. The site is approximately 41,656 square feet in size with buildings occupying a footprint of 26,769 square feet. Based on the site information, approximately 2,978 square feet of landscaping would be required. Planning Staff does not believe that it would be practical, based on the site circumstances to require that the project meet the 20% requirement, however, Staff would recommend that the Planning Commission require that instead of the non-vegetated rock mulch area indicated on the north side of the site, that the applicant install arborvitae/evergreen shrub plantings along the entire property line to screen the parking deck from view. Additionally, Planning Staff would encourage the applicant to include plantings on the proposed outdoor rooftop area located on the 700 building. The zoning code requires that there be at least 6 trees and 30 shrubs planted on the site. The applicant is proposing to preserve 4 on-site trees and install one addition tree and 66 shrubs on the site. The proposal is not meeting the minimum landscape quantity requirements, therefore alternative compliance would be necessary. Staff believes that there are practical locations for additional greenery and landscaping and therefore, will recommend that the applicant comply with the required tree quantity requirements. Planning Staff will also recommend that the Planning Commission require that additional arborvitae/evergreen shrub plantings be installed along the entire north property line in the area currently noted as being entirely rock mulch. Rock mulch shall not be permitted on the final landscape plan. All landscape beds shall contain wood mulch.

There is a 24 space surface parking lot located on the subject site that abuts 7th Street SE and is accessed off of 7th Street SE. A 7 foot wide landscaped yard and screening is required adjacent to 7th Street SE. The applicant is providing a 5 foot wide landscaped yard and a metal mesh fence for screening (which has been adjusted to comply with the 4 foot tall decorative fence provision). Alternative compliance is necessary as the applicant is providing a 5 foot wide buffer instead of a 7 foot wide buffer. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance as it would be difficult to further reduce the dimensions within the surface parking lot to accommodate two additional feet in width. Not all parking spaces are located within 50 feet of an on-site deciduous tree. Alternative compliance would be necessary. Based on the configuration of the site, and the inclusion of as much required parking as possible on a site with limitations, requiring that all parking spaces comply with this requirement would not be practical. The site complies with the 25-foot linear tree provision and there are no tree islands proposed. In the northeast portion of the surface parking lot there is a corner area adjacent to the parking deck (approximately 13 feet by 20 feet) that is not landscaped. Alternative compliance would be necessary. Planning Staff would recommend that the area be planted with shrubs and trees as it would be practical to comply with the greening requirement in this location.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**

- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at 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.**

A partially below-grade two-level parking deck is proposed that extends 4 feet above grade and contains a total of 73 spaces. There is also a 24-space surface parking lot that fronts on 7th Street SE as well as 9 spaces located within the lower level of the 708 building totaling 106 spaces for the proposed development. All parking is accessed via two curb cuts located off of 7th Street SE. The surface parking lot will have concrete curbing. Planning Staff would request that the applicant include curb openings adjacent to the landscape areas for on-site retention and filtration.

Staff would not expect the proposal to result in the further blocking of views. The proposed addition to the structure would be expected to have negligible shadowing impacts on adjacent properties. The proposed addition would be expected to have minimal impacts on light, wind and air in relation to the surrounding area as well.

Planning Staff will request that a detailed lighting plan be submitted outlining the locations of all new light fixtures for security purposes. Further, there are arched bricked-in areas that once provided openings into the ground level of the building on the east elevation of the structure. Planning Staff would recommend that the Planning Commission require that a portion of these areas be opened up in order to provide natural surveillance towards the parking areas on site.

Two existing buildings, although not historically designated or located in a historic district, are proposed to be rehabilitated and incorporated into the development. These buildings have been identified as historic resources.

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

ZONING CODE - The proposed retail use is permitted in the C3A District and the residential component is allowed as a conditional use.

With the approval of the conditional use permits, variances and site plan review, this development would meet the requirements of the C3A zoning district and the UA Overlay District.

Parking and Loading:

Minimum automobile parking requirement: Chapter 541, Off-Street Parking and Loading would typically require one off-street parking space per dwelling unit or a total of 105 parking spaces for the proposed residential component of the project. However, the subject site is located within the UA Overlay District which requires one-half (1/2) parking space per bedroom but not less than one (1) space per dwelling unit. According to the applicant, a total of 126 bedrooms or 105 dwelling units are proposed on the subject site. Therefore, a total of 105 off-street parking spaces would be required. The project is eligible for a transit incentive per Section 541.200(1) of the Zoning Code for the residential aspect of the project. This allow for a 10% reduction in the minimum parking requirement as the use is located within 300 feet of a transit stop with midday service headways of 30 minutes or less in each direction. With the 10% reduction applied, 95 off-street parking spaces are required for the residential component of the proposed development.

As proposed the commercial component of the development would be 10,000 square feet in size. The applicant proposes to locate a retail sales and service use within the ground level of the structure. Chapter 541 requires 1 per 500 square feet of gross floor area in excess of 4,000 square feet. Therefore a total of 12 off-street parking spaces would be required for the commercial component of the development.

The combined total parking requirement for the proposed mixed-use development is 107 off-street parking spaces. There are a total of 9 enclosed spaces, 73 spaces in the parking deck and 24 surface parking spaces totaling 106 off-street parking spaces. The applicant has applied for a parking variance to reduce the off-street parking requirement for the commercial component of the development.

Maximum automobile parking requirement: The maximum automobile parking requirement for residential uses is 2 spaces per dwelling unit, excluding those parking stalls within an enclosed structure. A total of 105 residential units are proposed which would have a maximum parking requirement of 210 spaces, plus the 9 spaces that are unenclosed. Therefore the maximum parking requirement for the residential component of the development would be 219 off-street parking spaces.

The maximum automobile parking requirement for general retail sales and services uses is 1 space per 200 square feet of gross floor area. Based on the gross floor area of the commercial space at 10,000 square feet, the resulting maximum parking requirement would be 50 off-street parking spaces.

The combined maximum parking requirement for the proposed mixed use development is 269 off-street parking spaces. The development is in compliance with this provision.

Bicycle parking requirement: Typically, multiple-family dwellings with 5 or more units would have a minimum bicycle parking requirement of 1 space per 2 dwelling units. However, due to the location of the site within the UA Overlay District, residential uses are required to provide at least one (1) bicycle or motorized scooter parking space per one (1) bedroom. Based on the proposed 105 dwelling units, a total of 105 bicycle parking spaces are required. Further, not less than 90% of the required bicycle parking shall 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 total of 105 bicycle parking spaces are located within the lower level of the 700 building.

General retail sales and services uses require 3 spaces or 1 space per 5,000 square feet gross floor area, whichever is greater. Based on the requirement, 3 spaces would be required for the proposed development 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 3 bicycle parking spaces to meet the requirement. However, the spaces would need to be relocated to meet the above-listed standard.

Loading: There is a loading requirement for the residential portion of the development as multiple-family dwellings of 100 to 250 units require one small loading space. The commercial component of the development which totals 10,000 square feet is below the threshold requiring a loading space. Therefore, one small loading space is required for the proposed development. The final plan shall include one designated small loading space (10 feet by 25 feet).

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. A trash room is included within the basement level of the 708 building.

Signs: While the attached rendering indicates a large wall sign on the stair tower, there are no specifics included in the submittal. All proposed signage must meet the requirements as outlined in Chapter 543 of the Zoning Code. Separate permits are required from the Zoning Office for the proposed signage.

Lighting: The applicant is proposing to install wall mounted light fixtures around the perimeter of the building and pole style light fixtures within the parking areas. Specific locations have not been identified. A photometric plan was not submitted as part of the application but will be required with the final submittal. All lighting will need to be downcast and shielded to avoid

undue glare. All lighting shall comply with Chapters 535 and 541 and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

Maximum Floor Area: The maximum F.A.R. for all structures in the C3A District is the gross floor area of the building which is 102,008 square feet divided by the area of the lot which is 41,656 square feet. The outcome is 2.45 which is less than the maximum of 2.7 that is permitted in the C3A District. The development is in compliance prior to the consideration of a 20% density bonus for the mixed-use aspect of the proposed development.

Minimum Lot Area: The minimum lot area per dwelling unit in the C3A zoning district is 400 square feet. With 105 proposed dwelling units on a lot of 41,656 square feet, the applicant proposes 396 square feet of lot area per dwelling unit. The project is eligible for a 20% density bonus for the mixed-use component as over 50% of the gross floor area of the ground level is devoted to commercial uses. Therefore, a total of 124 dwelling units could be provided on site with the density bonus or approximately 336 square feet of lot area per dwelling unit.

Dwelling Units per Acre: With 105 dwelling units on a site having 41,656 square feet of lot area, the proposal would include approximately 110 dwelling units per acre.

Height: Maximum building height for principal structures located in the C3A District is 4 stories or 56 feet, whichever is less. The proposal would not conform with this requirement as a conditional use permit is being requested to allow an increase in height to 10 stories or 120 feet at the tallest portion of the structure.

Yard Requirements: The required yards are as follows:

Front/corner side yard: 0 feet

Interior side yard: 15 feet

The proposal requires a variance of the interior side yard along both the north and east property lines.

Building coverage: Not applicable for this development.

Impervious surface area: Not applicable for this development.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH

See the above listed response to finding #5 in the conditional use permit application for 105 dwelling units. The policies and implementation steps apply to the site plan review application as well.

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

See the above listed response to finding #5 in the conditional use permit application for 105 dwelling units. The policies outlined in the *Marcy Holmes Neighborhood Master Plan* and *Marcy Holmes Neighborhood Master Plan Supplement* apply to the site plan review application as well.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

Walkways to principal entrances: The principal entries to the retail space lining both Central Avenue NE and 7th Street SE would be located directly off the public sidewalk. There are two entrances to the residential component that lead to a shared lobby. The principal entrance is located off of Central Avenue, also connected directly to the public sidewalk and another secondary entrance would be located at the interior of the site adjacent to the parking areas. This entrance is not connected via a walkway. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance as a result of the configuration of the site and the proposed layout of the associated parking.

20% landscape requirement: According to the applicant, once the project is complete, approximately 2,500 square feet or 16% of the site not occupied by buildings would be landscaped, which would not meet the 20% landscaping requirement. Alternative compliance would be necessary. The site is approximately 41,656 square feet in size with buildings occupying a footprint of 26,769 square feet. Based on the site information, approximately 2,978 square feet of landscaping would be required. Planning Staff does not believe that it would be practical, based on the site circumstances to require that the project meet the 20% requirement, however, Staff would recommend that the Planning Commission require that instead of the non-vegetated rock mulch area indicated on the north side of the site, that the applicant install arborvitae/evergreen shrub plantings along the entire property line to screen the parking deck from view. Additionally, Planning Staff would encourage the applicant to include plantings on the proposed outdoor rooftop area located on the 700 building

Landscape quantities: The zoning code requires that there be at least 6 trees and 30 shrubs planted on the site. The applicant is proposing to preserve 4 on-site trees and install one additional tree and 66 shrubs on the site. The proposal is not meeting the minimum landscape quantity requirements, therefore alternative compliance would be necessary. Staff believes that there are practical locations for additional greenery and landscaping and therefore, will recommend that the applicant comply with the required tree quantity requirements. Planning Staff will also recommend that the Planning Commission require that additional arborvitae/evergreen shrub plantings be installed along the entire north property line in the area currently noted as being entirely rock mulch. Rock mulch shall not be permitted on the final landscape plan. All landscape beds shall contain wood mulch.

7 foot wide landscaped yard and screening: There is a 24 space surface parking lot located on the subject site that abuts 7th Street SE and is accessed off of 7th Street SE. A 7 foot wide landscaped yard and screening is required adjacent to 7th Street SE. The applicant is providing a 5 foot wide landscaped yard and a metal mesh fence for screening (which has been adjusted to comply with the 4 foot tall decorative fence provision). Alternative compliance is necessary as the applicant is providing a 5 foot wide buffer instead of a 7 foot wide buffer. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance as it would be difficult to further reduce the dimensions within the surface parking lot to accommodate two additional feet in width.

Parking spaces within 50 feet of an on-site deciduous tree: Not all parking spaces are located within 50 feet of an on-site deciduous tree. Alternative compliance would be necessary. Based on the configuration of the site, and the inclusion of as much required parking as possible on a site with limitations, requiring that all parking spaces comply with this requirement would not be practical.

Non-vegetated parking lot corner: In the northeast portion of the surface parking lot there is a corner area adjacent to the parking deck (approximately 13 feet by 20 feet) that is not landscaped. Alternative compliance would be necessary. Planning Staff would recommend that the area be planted with shrubs and trees as it would be practical to comply with the greening requirement in this location.

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 105 dwelling units on the property located at 708 Central Avenue NE and 119-123 7th Street SE 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 one year of approval.

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 an increase in height to 10 stories or approximately 120 feet on property located at 708 Central Avenue NE and 119-123 7th Street SE subject to the following conditions:

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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. The applicant shall continue to work with Planning Staff on the appearance of the stair tower on the south elevation of the addition in order to reduce its prominence and integrate it better into the overall design.

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 of the maximum size of a retail sales and services use to allow a 10,000 square foot commercial space in the C3A (Community Activity Center) district subject to the following conditions:

1. The ground floor tenant space shall have a minimum of 50% transparent windows that are evenly distributed on the west elevation of the structure facing Central Avenue.
2. The ground floor tenant space shall have a minimum of 50% transparent windows that are evenly distributed on the south elevation of the structure facing 7th Street SE.
3. No shelving, signage, merchandise, newspaper racks or other mechanisms shall be placed in front of the required ground level transparent windows.

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 of the interior side yard along the east property from 15 feet to 5 feet for the proposed development for property located at 708 Central Avenue NE and 119-123 7th Street SE.

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 of the interior side yard along the north property line to 4 feet, 6 inches for the proposed development for property located at 708 Central Avenue NE and 119-123 7th Street SE.

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 of the off-street parking requirement for the commercial component of

the development from 12 spaces to 11 spaces (overall 107 spaces to 106 spaces) for property located at 708 Central Avenue NE and 119-123 7th Street SE.

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 of the minimum drive-aisle requirement in the parking garage located within the basement of the existing 708 structure for property located at 708 Central Avenue NE and 119-123 7th Street SE.

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

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission **approve** the site plan review application for a new mixed-use development that contains ground level commercial space and 105 dwelling units on the property located at 708 Central Avenue NE and 119-123 7th Street SE subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans before building permits may be issued.
2. All site improvements shall be completed by September 19, 2012 unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. All ground level windows must be transparent (non-reflective) as required by Section 530.120 of the Zoning Code.
4. The ground floor tenant space shall have a minimum of 50% transparent windows that are evenly distributed on the west elevation of the structure facing Central Avenue.
5. The ground floor tenant space shall have a minimum of 50% transparent windows that are evenly distributed on the south elevation of the structure facing 7th Street SE.
6. No shelving, signage, merchandise, newspaper racks or other mechanisms shall be placed in front of the required ground level transparent windows.
7. A total of 30% of the bricked-in areas located on the ground floor east elevation of the building shall be opened up in order to provide on-site natural surveillance.
8. The applicant shall continue to work with Planning Staff on the appearance of the stair tower on the south elevation of the addition in order to reduce its prominence and integrate it better into the overall design.
9. The non-vegetated rock mulch area indicated on the north side of the site shall be planted with dense arborvitae/evergreen shrubs along the entire property line to screen the parking deck from view.
10. The proposed development shall comply with the required tree and shrub quantity requirements per Section 530.160 of the Zoning Code.
11. No rock mulch shall be permitted on the final landscape plan.
12. The northeast corner area of the surface parking lot shall be landscaped with shrubs and trees.
13. The transformer must be relocated on site and shall not be located within the landscaped area along 7th Street SE.

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14. The design of the rooftop patio shall be provided to Staff for review prior to submission of final plans. The applicant is encouraged to incorporate greenery.
15. The required bicycle parking for the commercial component of the development shall meet the location requirements as outlined in Section 541.180 of the Zoning Code.

Attachments:

1. Statement of use and description of the project
2. Findings for CUPs and Variances
3. Correspondence – CM Hofstede, Marcy Holmes,
4. Zoning map
5. Plans, site, landscape, floor, elevations, civils
6. Photos
7. PDR notes