

**Department of Community Planning and Economic Development**  
Variance and Site Plan Review  
BZZ-6212

**Date:** September 16, 2013

**Applicant:** Alatus Washington, LLC

**Address of Property:** 301 Washington Avenue S

**Project Name:** 301 Washington Apartments

**Contact Person and Phone:** Carl Runck, (612) 455-0700

**Planning Staff and Phone:** Kimberly Holien, (612) 673-2402

**Date Application Deemed Complete:** August 23, 2013

**End of 60-Day Decision Period:** October 22, 2013

**Ward: 7      Neighborhood Organization:** Downtown Minneapolis Neighborhood Association

**Existing Zoning:** B4-1, Downtown Business District and the DP, Downtown Parking Overlay District

**Proposed Zoning:** Not applicable for this development

**Zoning Plate Number:** 19

**Legal Description:** Not applicable for this development

**Proposed Use:** 13-story mixed use building with 320 dwelling units

**Concurrent Review:**

**Variance:** to reduce the south rear yard setback from the required 15 feet to five feet for residential windows.

**Site Plan Review:** for a 13-story mixed use building with 320 dwelling units.

**Applicable zoning code provisions:** Chapter 525, Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations;” Chapter 530, Site Plan Review

**Background:** The development site is located on the north half of the block bordered by 3<sup>rd</sup> Avenue S to the west, 4<sup>th</sup> Avenue S to the east and Washington Avenue S to the north in downtown Minneapolis. The site is currently occupied by a large commercial parking lot. The

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applicant is proposing to construct a 13-story, mixed-use development with 320 dwelling units. The development will include a 5,150 square foot restaurant space on the ground floor at the corner of 3<sup>rd</sup> Avenue S and Washington Avenue S, a 4,112 square foot ground floor commercial space at the corner of 4<sup>th</sup> Avenue S and Washington Avenue S, 46 parking spaces at grade level and 107 underground parking spaces.

The principal residential entrance to the building will be located in the center of the building facing Washington Avenue S. The building will include a porte cochere for vehicle drop-off and pick-up between the building and Washington Avenue S, in front of the main entrance. The restaurant space will have entry doors facing Washington Avenue S and 3<sup>rd</sup> Avenue S. The commercial space in the northeast corner of the building has entry doors facing Washington Avenue S and 4<sup>th</sup> Avenue S. The underground parking and grade level parking stalls will be accessed via separated curb cuts from 4<sup>th</sup> Avenue S. The ground level parking is lined with active uses along the north and west sides of the building.

The dwelling units are located on floors two through 13 of the building. The unit mix includes studio, one- and two-bedroom units. The residential amenities include: 1) a fitness center, lounge, club room, courtyard and pool deck on the second floor; 2) a dog run and dog spa on the third floor and; 3) a sky lounge and terrace on the 13<sup>th</sup> floor (penthouse level). The building will have 229 secured bicycle parking spaces between the underground parking level and first floor parking area and a bike workshop in the first floor parking area. The project will also include streetscape and public realm improvements along all three abutting streets that include widened sidewalks with new pavements, large street trees and planting beds that serve a storm water drainage functions, street lighting and sidewalk seating. The streetscape along Washington Avenue is designed to align with Hennepin County redesign of this section of Washington Avenue.

There is an existing skyway that runs over the public alley on the south side of the site. The skyway currently connects the Gateway parking ramp to the Wells Fargo Operations Center. The applicant is proposing a secured skyway connection into the second floor of the building for residents. A public skyway access from the street is proposed along 3<sup>rd</sup> Avenue S. This public skyway access is emphasized with signage and a significant amount of glass. Staff received a letter from the Skyway Advisory Committee dated August 30, 2013, approving the plans for the skyway connection with four conditions. The conditions include adherence to uniform skyway hours, provision for power assisted doors, skyway signage placed at the street level and compliance with the Minneapolis Skyway System Standards and Procedures manual. The full letter from the Skyway Advisory Committee is attached for reference.

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

Staff received a letter from the Downtown Minneapolis Neighborhood Association dated September 4, 2013, recommending approval of the project. The letter has been attached for review.

**VARIANCE: (to reduce the rear yard setback from the required 15 feet to 5 feet for residential windows.)**

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

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

Uses in the B4-1 zoning district are typically not subject to setback requirements. However, when the use is either residential or a hotel and there are windows facing an interior side or rear property line, a setback of  $5+2x$  is required, where  $x$  equals the number of stories above the first floor, with a maximum setback requirement of 15 feet. The proposed 13-story building would have residential windows facing the south property line, thus requiring a rear yard setback variance from 15 feet to five feet.

Practical difficulties exist in complying with the ordinance. The building is adjacent to an alley in this location, which allows for the openings proposed within 15 feet of the centerline of the alley per building code. If the windows were eliminated, the building could be built up to the property line. However, eliminating the windows would diminish the livability of any dwelling units proposed on the south side of the building, which is where a majority of the sunlight will enter the building. While the height of the building is responsible, in part, for the degree of variance requested, the proposed height is appropriate given its location in a downtown district where no height limitation exists.

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

The request to allow a reduced rear yard setback for residential windows is reasonable. The applicant is proposing a setback of five feet along the south (rear) property line. The building abuts an alley in this location. Windows are not proposed on the first floor but are proposed on floors 2-13. The portion of the building wall that requires a setback variance is 76 feet in length. The east end of the building is recessed 68 feet to allow for rooftop amenity space on the second floor.

Granting this setback variance would be in keeping with the spirit and intent of the ordinance and comprehensive plan. In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation

of uses. The urban design policies of the comprehensive plan also address this issue in calling for building placement to allow light and air into the site and surrounding properties. The building is designed in a manner that would allow for adequate access to light and air for the subject site and adjacent properties due to the fact that it is separated from the parcels to the south with a 20-foot alley and the majority of the building is significantly recessed. The proposed separation between the building and other structures on the south side of the block is also adequate.

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

The surrounding area contains a mix of commercial uses, as well as a hotel and parking ramp. Several other buildings in the immediate area are built from lot line to lot line with no setbacks, including all other structures on this block. As such, the proposed setback would not alter the character of the locality or be injurious to the use and enjoyment of adjacent properties. The proposed setback would not be detrimental to the health, safety or welfare of the general public or those utilizing nearby properties.

## **SITE PLAN REVIEW**

### **Required Findings for Site Plan Review**

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

### **Section A: Conformance with Chapter 530 of Zoning Code BUILDING PLACEMENT AND DESIGN:**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.

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- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
- Residential uses:
  - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
    - a. Windows shall be vertical in proportion.
    - b. Windows shall be distributed in a more or less even manner.
  - Nonresidential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

    - a. Windows shall be vertical in proportion.
    - b. Windows shall be distributed in a more or less even manner.
    - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
    - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
    - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
    - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

Minimum window area shall be measured as indicated in section 531.20 of the zoning code.

- Ground floor active functions:

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

**percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

The placement of the building largely reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access. However, alternative compliance is required to allow the building to be setback more than eight feet from the front lot line along Washington Avenue S. The front yard setback at the corners is proposed at ten feet to allow for a wider sidewalk and outdoor seating for the restaurant space. Alternative compliance may be appropriate for these setbacks as amenities are proposed between the building and the street that will activate the space. In the center of the building, the proposed setback is 29 feet at the first floor to allow for a porte cochere. The upper floors of the building extend out within ten feet of the property line in this location. In addition to the porte cochere, the space between the building and the street contains bike racks, raised planters with seating and decorative paving treatments. The proposed building placement is not out of character with other buildings along Washington Avenue. The Wells Fargo Operations Center to the west has a setback that ranges from approximately 14 feet to 55 feet along Washington Avenue S. The former post office building northwest of the site is setback approximately 30 feet from Washington Avenue. Given the context of the surrounding area, the placement of the upper floors and the amenities proposed, the setback at the center of the building may also be granted through alternative compliance. The building is set close to the property lines along both Second Street North and First Avenue North.

There are separate entrances for the residential portion of the development and the commercial tenant spaces. The primary residential entrance to the building will be located along Washington Avenue S, under the porte cochere. The entrance is emphasized by the large columns and canopy of the porte cochere. The restaurant space at the corner of 3<sup>rd</sup> Avenue S and Washington Avenue S will have entry doors facing both street frontages. These entries are emphasized with a significant amount of glass, columns and signage. The second commercial space in the northeast corner of the building will have its primary entrance facing Washington Avenue and a secondary entrance facing 4<sup>th</sup> Avenue S. These entrances are also emphasized with glass, columns and signage. The entrance to the public skyway access is located off of 3<sup>rd</sup> Avenue S and will be emphasized with a two-story glass wall and signage. There are large windows on all sides of the building that maximize the opportunities for people to observe adjacent spaces and the public sidewalks.

Alternative compliance is requested to allow a porte cochere that provides short-term parking between the building and the street. Staff is recommending that parking in this area be limited to a maximum of 15 minutes to prevent overflow onto Washington Avenue S. The remainder of the parking associated with the development is fully enclosed within the building or underground. There are 46 spaces at grade that are located in the center of the building and the rest of the parking will be underground.

The exterior materials of the building are durable and include brick, stone, metal panels, and glass. The first floor of the rear elevation will be comprised of rockface CMU, which is also a durable material. The sides and rear of the building are similar to and compatible with the

front of the building. Plain face concrete block is not proposed as an exterior material. Changes to exterior materials at a later date will require additional Planning Commission approvals.

The south elevation facing the alley has one section of wall in the center of the first floor that is 53 feet in length without recesses or projections or a change in materials. The remainder of the elevation on the first floor is broken up with columns consisting of concrete and glass block. Alternative compliance is requested to allow this condition and staff does not recommend granting it. As a condition of approval, an identical column shall be required in the center of this void area to break up the blank wall. The placement of the columns will need to be adjusted so that there are no sections greater than 25 feet in length and void of any windows, entries, recesses or projections, or other architectural elements.

At least 30 percent of the first floor and at least 10 percent of the upper floors of the building walls facing Washington Avenue S, 3<sup>rd</sup> Avenue S and 4<sup>th</sup> Avenue S are required to be windows. On the north elevation, facing Washington Avenue S, the percentage of windows on the first floor is 44 percent and the minimum window percentage on floors two through 13 is 45.5 percent. On the west elevation, facing 3<sup>rd</sup> Avenue S, the percentage of windows on the first floor is 44 percent and the percentage of windows on the upper floors is a minimum of 45.8 percent. On the east elevation, facing 4<sup>th</sup> Avenue S, windows are provided for 31.25 percent of the first floor elevation and a minimum of 33.6 percent of the upper floors. First floor windows are required to be clear or have lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.

For non-residential uses, the zoning code requires that at least 30 percent of the windows allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views. Windows used to satisfy the ground floor requirement shall not be more than four feet above the adjacent grade. Compliance with this requirement will be incorporated as a condition of approval.

Except in 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. Along Washington Avenue S, the first floor of the building is entirely comprised of active functions. Along 3<sup>rd</sup> Avenue S, the first floor of the building contains active functions for 93.7 percent of the building frontage. Due to the location of the parking, active functions are only provided for 53.4 percent of the building frontage along 4<sup>th</sup> Avenue S. This will require alternative compliance. Staff recommends granting alternative compliance in this instance due to the fact that the applicant is meeting the minimum window requirement along this elevation and additional glazing is provided in the garage doors to provide opportunities for patrons to observe adjacent spaces. However, the applicant is encouraged to explore options for consolidating the two curb cuts along 4<sup>th</sup> Avenue S and expanding the amount of active space.

The proposed roofline is flat, consistent with other buildings in the area.

**ACCESS AND CIRCULATION:**

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

All of the principal entrances leading into and out of the building open directly to the public sidewalk. The sidewalk width along Washington Avenue ranges from 10 feet in width to 18 feet in width. The variation in width is due to the proposed right-turn lane as part of the future Washington Avenue reconstruction and the planters proposed in front of the building. The sidewalk width along 3<sup>rd</sup> Avenue S is approximately 14 feet and the sidewalk along 4<sup>th</sup> Avenue S is approximately 19 feet in width. The sidewalk areas will be well lit with pedestrian scale lighting.

No transit shelters are proposed as part of this development. There is an existing Metro Transit bus stop in front of the site along Washington Avenue. The applicant is working with Metro Transit to relocate this bus stop to the east, adjacent to the Gateway parking ramp.

Although staff is concerned about the number of proposed curb cuts, vehicle access has generally been designed to minimize conflicts with pedestrian traffic. The applicant is proposing a porte cochere between the building and the street along Washington Avenue S. The applicant has asserted that the porte cochere is necessary to allow a place for vehicles to drop off and pick up and to allow a stacking area for valet parking without vehicles backing up on Washington Avenue S. While this design will introduce two curb cuts to Washington Avenue, it has been designed in a manner that clearly delineates the vehicle zone from the pedestrian zone. The applicant is proposing different paving treatments for each zone and obstructions in the form of columns and raised planters that will prevent vehicles from entering the pedestrian zone. To eliminate potential conflicts with vehicle overflow onto Washington Avenue, a condition of approval will be added that limits short-term parking in this area to 15 minutes. Along 4<sup>th</sup> Avenue S, the applicant is proposing two curb cuts; one into the underground parking area and one into the grade level parking area. While the curb cut was approved by Public Works, staff recommends that the applicant explore options for consolidating these curb cuts in an effort to make 4<sup>th</sup> Avenue S more pedestrian friendly and present fewer potential conflicts between vehicle and pedestrian traffic. A fifth access point is proposed from the alley at the west end of the public. This will primarily function as a service entrance.

There is a public alley on the block. The applicant is proposing a service access off of the public alley for deliveries, trash pick-up and move-in and move-out functions. There are no other residential uses on this block that utilize the alley.

There is no maximum impervious surface requirement in the B4S-1 zoning district. The building and associated amenities occupy the entire lot.

#### **LANDSCAPING AND SCREENING:**

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
  - Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
  - A decorative fence.
  - A masonry wall.
  - A hedge.
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

Any building containing 50,000 square feet or more of gross floor area located in the Downtown districts is exempt from the general landscaping and screening requirements of the site plan review chapter. The building is 366,004 square feet in area (excluding parking) and therefore exempt. However, the short-term parking area within the porte cochere requires a seven-foot landscaped yard with plantings a minimum of three feet in height and 60 percent opaque between the parking area and the street. Alternative compliance is requested for this landscaping requirement. The applicant is proposing raised planters in lieu of the seven foot landscaped yard in this location. The raised planters will include perennials, perennial grasses and annuals. Additional planters and canopy trees are proposed in the right-of-way between the porte cochere and the street. Staff recommends granting alternative compliance. Providing the landscaped yard in this location may not be practical as it would not

compliment the streetscape along the rest of the Washington Avenue frontage and it would conflict with adopted City policies calling for wider sidewalks in this part of downtown.

Overall, the applicant is providing 19 canopy trees within the right-of-way along all three street frontages. Said trees will be planted in a combination of tree grates and raised concrete planters. The raised planters will also include perennials, perennial grasses and annuals.

**ADDITIONAL STANDARDS:**

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
  - **Natural surveillance and visibility**
  - **Lighting levels**
  - **Territorial reinforcement and space delineation**
  - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

All of the parking associated with the development will be underground or fully enclosed within the building. Except for the short-term parking within the porte cochere.

There are no height limits in the B4-1 zoning district because it is in the downtown zoning districts where it is expected that taller buildings will be built. Additionally, the small area plan calls for a height of 14 stories at this site. Although the site is located across the street from the historic Milwaukee Road Depot, the building is not expected to block views of any important elements in the City. Although this development will cast shadows on surrounding properties, staff believes that the effects will be minimal based on the attached shadow studies. The height of building (13 stories) is generally consistent with the height called for on this site in the small area plan (14 stories).

The building is not expected to generate wind currents at ground level. The building has been designed with varying step backs at different levels which will help minimize ground level winds.

The site plan complies with crime prevention design elements as the entrances are clearly visible and accessed directly from the public sidewalks and there are windows through which people can see in and out along sides of the building. This includes glass garage doors facing

4<sup>th</sup> Avenue S and large windows throughout the first floor. The site is well lit with pedestrian scale lighting along all three street frontages. The applicant is proposing a public access from the street into the existing skyway. This access point is highly transparent, signed appropriately and well lit to guide pedestrian movements.

The development site is not located in a historic district. There are no existing structures on the site except for a small building that is current used to serve the commercial parking lot.

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

**ZONING CODE** - Dwelling units and a wide variety of commercial uses are permitted uses in the B4-1 zoning district. The applicant is proposing a restaurant and a second commercial space for which the tenants have not been identified at this time.

**Off-Street Parking and Loading:**

*Minimum automobile parking requirement:* There is no minimum off-street parking requirement for commercial uses in the B4-1 zoning district. There is no minimum vehicle parking requirement for residential uses in the downtown districts, except that multiple-family dwellings of 50 or more units that provide off-street parking for residents shall also provide visitor parking at a ratio of not less than one visitor space per 50 dwelling units. The applicant is proposing 320 dwelling units, which would require a minimum of six visitor spaces. Six visitor spaces will need to be designated within the parking area as a condition of approval. A total of 153 parking spaces are provided within the building. Additional parking for residents will be available in the adjacent Gateway parking ramp, which is under common ownership.

*Maximum automobile parking requirement:* The maximum parking requirement for residential uses in the B4-1 zoning district is 1.6 spaces per dwelling unit or 512 spaces in this case. The maximum vehicle parking requirement for retail sales and service uses is one space per 500 square feet of gross floor area and the maximum for food and beverage uses is one space per 200 square feet of gross floor area. There is a 5,150 square foot restaurant space proposed within the building, equating to a maximum parking requirement of 26 spaces for this use. The commercial space proposed in the northeast corner of the building is 4,112 square feet in area. If all of this space was occupied by retail sales and services uses the maximum parking requirement would be eight spaces and if all of this space was occupied by food and beverage uses the maximum parking requirement would be 21 spaces. A total of 153 automobile parking spaces are proposed for the residential and commercial uses, within the parameters allowed.

*Bicycle parking requirement:* The minimum bicycle parking requirement for a multiple-family dwelling is equal to one long-term space per two dwelling units. In the downtown districts, non-residential uses are subject to a requirement of one bicycle parking space for every 20 automobile parking spaces provided, but in no case shall fewer than 4 spaces or

more than 30 spaces be required. There are 320 residential units proposed, requiring 160 long-term bicycle parking spaces. The applicant is proposing 219 enclosed bicycle parking stalls within the parking garage. A total of 153 vehicle parking spaces are provided, resulting in a requirement of eight bicycle parking spaces for the commercial uses. Ten short-term spaces are proposed on the north side of the building, under the porte cochere.

**Loading:** The loading requirement for the residential portion of the development is one large or two small spaces. There is no loading requirement for the commercial spaces because there is less than 12,000 square feet of gross floor area for these uses. There are two small loading spaces proposed within the first floor parking area, satisfying the minimum requirement.

**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 proposed structure.

**Signs:** In the downtown districts, up to two and one-half (2.5) sq. ft. of signage per one (1) ft. of primary building wall is allowed for wall signs. The maximum height of a sign is limited to 28 feet. The applicant is proposing generic wall signs at this time that are no greater than 28 feet in height and would meet the area requirements. Any proposed future signage shall meet the requirements of the code. Separate permits are required from the Zoning Office for any future signage on site.

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

**Maximum Floor Area:** The maximum floor area ratio for residential and hotel uses in the B4-1 zoning district is 8.0. The applicant is proposing 366,004 square feet of gross floor area, exclusive of parking facilities, on a lot that is 48,020 square feet for a floor area ratio of 7.6.

**Minimum Lot Area:** The minimum lot area for dwellings in the B4-1 zoning district is 5,000 square feet. The lot is 48,020 square feet in area.

**Dwelling Units per Acre:** The applicant is proposing 320 dwelling units on a 1.1 acre site for a density of 290 dwelling units per acre. This level of density is considered very high density per the comprehensive plan. The site is located in downtown Minneapolis which is identified as a Growth Center in *The Minneapolis Plan for Sustainable Growth*. Very high density is appropriate for the subject site based on the adopted policies for these land use features.

**Height:** There are no height limits in the B4-1 zoning district. Heights of buildings are limited by the maximum floor area ratio (FAR).

**Yard Requirements:** Residential uses in the B4-1 zoning district containing windows facing an interior side yard or rear yard shall provide a setback of at least five feet plus two feet for every story located above the first floor provided that the setback shall not be greater than 15 feet. The setback requirement along south (rear) property line is 15 feet. The applicant has applied for a variance to reduce this setback to five feet. Staff is recommending approval of said variance, as evaluated above.

**Building coverage:** Not applicable for this development.

**Impervious surface area:** Not applicable for this development.

**Mechanical screening:** Screening of mechanical equipment is regulated by Section 535.70 of the zoning code, which reads as follows:

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

(1) Screened by another structure. Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:

- a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
- b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
- c. Off-premise advertising signs and billboards shall not be considered required screening.

(2) Screened by vegetation. Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.

(3) Screened by the structure it serves. Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.

(4) Designed as an integral part of the structure. If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

(b) Exceptions. The following mechanical equipment shall be exempt from the screening requirements of this section:

- (1) Minor equipment not exceeding one (1) foot in height.
- (2) Mechanical equipment accessory to a single or two-family dwelling.
- (3) Mechanical equipment located in an I2 or I3 District not less than three hundred (300) feet from a residence or office residence district.

The rooftop mechanical equipment is proposed to be screened with a wall clad in ribbed metal panel that will appear as an additional story at the northwest corner of the building. All other roof-mounted, building-mounted and freestanding mechanical equipment shall be screening in accordance with the standards above.

### **MINNEAPOLIS PLAN**

The site is designated as commercial on the future land use map in *The Minneapolis Plan for Sustainable Growth* and Washington Avenue is a commercial corridor in this location. The commercial designation includes a broad range of commercial uses. This designation is reserved for areas that are less suited for mixed use development that includes residential. The site is also within the Downtown Growth Center. The following policies of the Comprehensive Plan apply to this project and this site:

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

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

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

- 1.3.1 Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings.
- 1.3.2 Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.

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

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

**Policy 1.10: 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.**

- 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.
- 1.10.2 Encourage commercial development, including active uses on the ground floor, where Commercial Corridors intersect with other designated corridors.
- 1.10.4 Encourage a height of at least two stories for new buildings along Commercial Corridors, in keeping with neighborhood character.
- 1.10.5 Encourage the development of high-density housing on Commercial Corridors.

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

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

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

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

**Housing Policy 3.6: Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.**

- 3.6.1 Promote the development of housing suitable for people and households in all life stages that can be adapted to accommodate changing housing needs over time.

**Urban Design Policy 10.1: Promote building designs and heights that enhance and complement the image and form of the Downtown skyline, provide transition**

**to the edges of Downtown and protect the scale and quality in areas of distinctive physical or historical character.**

- 10.1.2 Building placement should preserve and enhance public view corridors that focus attention on natural or built features, such as landmark buildings, significant open spaces or water bodies.
- 10.1.3 Building placement should allow light and air into the site and surrounding properties.

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

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

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

10.6.4 Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces.

10.6.5 Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level.

10.6.6 Integrate transit facilities and bicycle parking amenities into the site design.

A new mixed use building with 320 dwelling units is consistent with the above policies of the Comprehensive Plan. The density proposed is appropriate for this site on a commercial corridor and within downtown. The applicant is proposing commercial spaces on the ground floor to further support the commercial corridor policies and future land use designation for the site.

### **SMALL AREA PLANS**

The site is within the study area of the *Downtown East/North Loop Master Plan*. The recommended land use for the site in this plan is mixed use and the recommended height is 14 stories or more. Applicable urban design policies from the small area plan are as follows:

- Sidewalks that have consistent materials, a uniform width, and a uniform arrangement of street elements are easier for pedestrians to navigate because they are visually legible. Pedestrian scaled street lighting and the addition of street trees help encourage people to travel on foot – rather than by car – to make local trips within Downtown.

*Staff comment:* This section of sidewalk along Washington Avenue will vary in width in front of the site due to the proposed right-turn lane as part of the future Washington Avenue reconstruction. The applicant is proposing pedestrian-scaled street lighting and the addition of street trees along all three street frontages.

- Ramp entries and curb cuts should be designed and sized to minimize interruptions to pedestrian corridors.

*Staff comment:* The applicant is proposing two curb cuts from 4<sup>th</sup> Avenue S; one to the underground parking and one to the grade level parking. While not required by Public Works, staff encourages the applicant to explore options for combining these two curb cuts, consistently with this small area plan policy.

- Connections between city sidewalks and future additions to the Skyway System should be developed at stair towers that are highly visible and therefore easy to use. Skyway stair towers are especially important for making transitions between the skyways system and Primary Pedestrian Corridors, major transit stops, and significant parks and green spaces.

*Staff comment:* The small area plan specifically calls for a skyway stair tower on the subject site. The applicant is proposing a public access from the sidewalk along 3<sup>rd</sup> Avenue S to the existing skyway. This public access will be emphasized with signage and a significant amount of glass.

- Establish practices that maintain the right-of-way for pedestrians on sidewalks by minimizing the number and extent of driveway crossings / curb cuts. Access to and egress from parking ramps should be consolidated into a single curb cut.

*Staff comment:* The applicant is proposing two curb cuts from 4<sup>th</sup> Avenue S; one to the underground parking and one to the grade level parking. While not required by Public Works, staff encourages the applicant to explore options for combining these two curb cuts, consistently with this small area plan policy.

- Access to and egress from parking ramps should be located mid-block, at right angles, to minimize disruption to pedestrian flow at street intersections.

*Staff comment:* The proposed curb cuts into the parking area are mid-block along 4<sup>th</sup> Avenue S.

- Design streets and buildings to eliminate long stretches of blank, inactive building walls.

*Staff comment:* As evaluated in the site plan review section, there is one section of blank wall in excess of 25 feet facing the alley. Staff is recommending that this wall be modified to include an additional column that breaks up the blank wall into smaller sections. The street frontages along Washington Avenue S and 3<sup>rd</sup> Avenue S are both completely comprised of action functions. The street frontage along 4<sup>th</sup> Avenue S requires alternative compliance due to the location of the parking. The applicant is proposing a bike workshop to help activate this space and is meeting the minimum window requirement on this elevation, despite the parking location.

- Encourage sidewalk retail and restaurants at locations specified in the Land Use Plan.

*Staff comment:* The applicant is proposing a restaurant and a commercial space on the ground floor fronting along Washington Avenue S.

- Street trees and planters: Wherever possible, the planting of deciduous street trees should be encouraged. Street trees should be protected by decorative tree grates and tree guards, or be built in above-ground planters.

*Staff comment:* The applicant is proposing streetscape improvements, including deciduous trees along all three street frontages. The trees will be planted in a combination of tree grates and concrete, raised planters.

- Sidewalks should be built to a minimum width of 12 feet to promote a comfortable scale and to create opportunities to enhance sidewalk activity. In locations where plantings or sidewalk cafes are intended, a minimum sidewalk width of 18 feet should be maintained. A minimum width of 10 feet should be adopted for zones of “pedestrian-clear” space.

*Staff comment:* The sidewalk in front of the site ranges in width from 13 feet to 18 feet. The range in width is due to the proposed cycle track along Washington Avenue S to be constructed at a future date as part of the road reconstruction. The minimum pedestrian zone is nine feet. The narrowest portion of “pedestrian-clear” space is between the planters proposed in front of the porte cochere.

- Extensive tree planting should be promoted in all public and private development projects throughout the Project Area.

*Staff comment:* A total of 19 new street trees are proposed as part of the project.

- Creation of gateways to serve as points of entry to downtown and “spires” to aid in navigation and orientation in Downtown East and the North Loop.

*Staff comment:* One of the identified “gateways” into downtown is at Third Avenue S from the Mississippi River to Washington Avenue. The applicant is proposing a spire that is 45 feet in height at the corner of 3<sup>rd</sup> Avenue S and Washington Avenue, consistent with this policy.

### **ALTERNATIVE COMPLIANCE**

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

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

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

Alternative compliance is required to allow the building to be setback more than eight feet from the front lot line along Washington Avenue S. The building setback at the corners is proposed at ten feet to allow for a wider sidewalk and outdoor seating for the restaurant space. Staff recommends granting alternative compliance for these setbacks as amenities are proposed between the building and the street that will activate the space. In the center of the building, the proposed setback is 29 feet at the first floor to allow for a porte cochere. The upper floors of the building extend out within ten feet of the property line in this location. In addition to the porte cochere, the space between the building and the street contains bike racks, raised planters with seating and decorative paving treatments. The proposed building placement is not out of character with other buildings along Washington Avenue. Given the context of the surrounding area, the placement of the upper floors and the amenities proposed, staff also recommends granting alternative compliance for the setback at the center of the building.

Alternative compliance is requested to allow a porte cochere that provides short-term parking between the building and the street. As noted above, the applicant has made an argument that the porte cochere is necessary to allow drop-off, pick-up and valet activities in front of the building without backing up traffic on Washington Avenue S. The porte cochere has been designed in a manner that should eliminate conflicts between vehicle and pedestrian traffic and the parking of vehicles in this area will be short-term only. To mitigate potential impacts of this parking and prevent vehicle overflow onto Washington Avenue, a condition of approval has been added that limits parking within the porte cochere to a maximum of 15 minutes and signage shall be placed in this area accordingly.

Alternative compliance is also requested to allow a blank wall in excess of 25 feet on the first floor of the south elevation, facing the alley. The blank wall in this location is 53 feet in length. Staff does not recommend granting alternative compliance. As a condition of approval, a column shall be placed in the center of this void area to break up the blank wall, matching the other columns on this elevation. The placement of the columns will need to be adjusted so that there are no sections greater than 25 feet in length and void of any windows, entries, recesses or projections, or other architectural elements.

Alternative compliance is requested for the ground floor active functions provision along 4<sup>th</sup> Avenue S. Due to the location of the parking, active functions are only provided for 53.4 percent of this building frontage, falling short of the 70 percent required. Staff recommends granting alternative compliance in this instance due to the fact that the applicant is meeting the minimum window requirement along this elevation and additional glazing is provided in the garage doors to provide opportunities for patrons to observe adjacent spaces. However, the applicant is encouraged to explore options for consolidating the two curb cuts along 4<sup>th</sup> Avenue S and expanding the amount of active space.

Finally, alternative compliance is requested for the landscaped yard required between the short-term parking area (porte cochere) and Washington Avenue S. A seven-foot landscaped yard with plantings a minimum of three feet in height and 60 percent opaque is required

between the parking area and the street. The applicant is proposing raised planters in lieu of the seven foot landscaped yard in this location. The raised planters will include perennials, perennial grasses and annuals. Additional planters and canopy trees are proposed in the right-of-way between the porte cochere and the street. Staff recommends granting alternative compliance. Providing the landscaped yard in this location may not be practical as it would not compliment the streetscape along the rest of the Washington Avenue frontage and it would conflict with adopted City policies calling for wider sidewalks in this part of downtown.

**RECOMMENDATIONS:**

**Recommendation of the Department of Community Planning and Economic Development for the variance to reduce the west interior side yard setback from the required 15 feet to five feet for residential windows:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the south rear side yard setback from the required 15 feet to five feet for residential windows for the property located at 301 Washington Avenue S subject to the following conditions:

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

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission **approve** the site plan review application for a mixed-use development with 320 residential dwelling units for the property located at 301 Washington Avenue S, subject to the following conditions:

1. All site improvements shall be completed by September 16, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. CPED Staff shall review and approve the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. No shelving, signage, merchandise, newspaper racks or other mechanisms shall be placed in front of the required ground level transparent windows.
4. A minimum of six visitor parking spaces for the residential portion of the building shall be designated within the parking area, in compliance with 541.170 of the zoning code.

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5. An additional column shall be added to the first floor of the south elevation in a manner that eliminates all blank, uninterrupted walls in excess of 25 feet, in compliance with Section 530.120 of the zoning code.
6. Short-term parking in the porte cochere shall be limited to a maximum of 15 minutes and signage shall be placed within the porte cochere accordingly.

**Attachments:**

1. Statement of findings and project description
2. PDR Report
3. Letter from the DMNA dated September 4, 2012
4. Letter from Skyway Advisory Committee dated August 30, 2013
5. Correspondence
6. Zoning map
7. Site plan, floor plans and elevations
8. Photos