

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning, Conditional Use Permits, Variances, Site Plan Review, Alley Vacation  
and Preliminary Plat  
BZZ-2558, Vac-1469 and PL -178

**Date:** December 20, 2005

**Applicant:** Principal Life Insurance Company

**Address of Property:** 1301 West Lake Street, 1311 West Lake Street, 3008 Fremont Avenue South, 3012 Fremont Avenue South, 1323 West Lake Street, 1401 West Lake Street, 1409 West Lake Street, 3003 Hennepin Avenue, 3027 Hennepin Avenue, 3037 Hennepin Avenue, 3043 Hennepin Avenue and 3045 Hennepin Avenue

**Project Name:** Calhoun Square

**Contact Person and Phone:** Tony Gleekel, Siegel, Brill, Greupner, Duffy & Foster, P.A., (612) 337-6100

**Planning Staff and Phone:** Hilary Watson, (612) 673-2639

**Date Application Deemed Complete:** September 12, 2005

**End of 60-Day Decision Period:** November 11, 2005

**End of 120-Day Decision Period:** on October 25, 2005, the applicant submitted an e-mail to the City of Minneapolis extending the review period to February 4, 2006

**Ward:** 10     **Neighborhood Organization:** Calhoun Area Residents Action Group, East Calhoun Community Organization, East Isles Residents Association, Lowry Hill East Neighborhood Association

**Existing Zoning:** C2, Neighborhood Corridor Commercial District and C3A, Community Activity Center District both with the PO Pedestrian Oriented Overlay District

**Proposed Zoning:** C3A, Community Activity Center District with the PO Pedestrian Oriented Overlay District

**Zoning Plate Number:** 24

**Legal Description (properties to be rezoned):**

**1301 West Lake Street:** The East 93-55/100 feet of Lots 1 and 2, Block 12, Calhoun Park, Hennepin County, Minnesota

**1311 West Lake Street:** The West 35 feet of Lots 1 and 2, Block 12, Calhoun Park, Hennepin County, Minnesota.

**Proposed Use:** Planned Commercial Development including a total of approximately 245,763 square feet of commercial and office space and 108 dwelling units

**Concurrent Review:**

**Rezoning:** of the properties located at 1301 and 1311 West Lake Street from C2 to C3A

**Conditional use permit:** Planned Commercial Development including a total of approximately 245,763 square feet of commercial and office space and 108 dwelling units

**Conditional use permit:** for a shopping center

**Conditional use permit:** for 108 dwelling units

**Conditional use permit:** for a parking ramp expansion

**Conditional use permit:** for 24-hour operations of the parking ramp

**Variance:** to increase the gross floor area of six individual commercial spaces within the shopping center from the maximum 9,600 square feet each

**Variance:** to reduce the front yard setback along Fremont Avenue South from the required 17 feet to five feet to allow a surface parking lot

**Site plan review**

**Alley vacation:** All that part of the public alley as dedicated in Block 12, Calhoun Park Addition, lying South of Lake Street, and North of the South line of Lot 9, Block 12, extended East and the South line of Lot 4, Block 12 extended West, all in the plat of Calhoun Park, Hennepin County, Minnesota

**Preliminary Plat (PL-178)**

**Applicable zoning code provisions:** Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits, 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”, Section 525.520(3) “to vary the gross floor area, the floor area ratio and seating requirements of a structure or use”, Chapter 530, Site Plan Review, Chapter 598, Land Subdivision Regulations

**Background:** Calhoun Square is an existing shopping center located on the southeast corner of the intersection of West Lake Street and Hennepin Avenue in the middle of the area known as Uptown in Minneapolis. The proposed development site encompasses more land than the actual shopping center building does today. The development site includes the entire block bounded by West Lake Street on the north, Hennepin Avenue on the west, West 31<sup>st</sup> Street on the south and vacated Girard Avenue South on the east. The site also includes the entire west half of the block located on the east side of vacated Girard Avenue South and the properties located on the southwest corner of West Lake Street and Fremont Avenue South including 1301 and 1311 West Lake Street and 3008 and 3012 Fremont Avenue South.

The development involves the expansion of the existing shopping center including office space, the construction of two residential buildings containing a total of 108 dwelling units and an expansion of the existing parking ramp. All of the different buildings would be connected to one another via a new skyway system. Several existing buildings would be demolished to allow the new development to proceed. The applicant is also proposing to vacate the northern portion of the alley located on the block between Fremont Avenue South and vacated Girard Avenue South and redirect it to Fremont Avenue South.

There is a mixture of uses within the existing shopping center. Uses include a variety of general retail stores including clothing stores, a book store and home furnishing stores, restaurants and offices. The applicant has indicated that although it is not known which uses will remain in the building after the addition is complete, that the mix of uses will remain the same. In addition, for-sale condominiums will be added to the site.

This development was reviewed at the October 5, 2005, and November 28, 2005, City Planning Commission hearings. The applications were continued at the public hearing in order for the developer to consider various revisions to the project. Since the November 28, 2005, hearing the developer has revised the project. The following list highlights the changes that have been made to the project: the new building along West Lake Street has been made smaller by setting the upper floors of the building back from the exterior walls of the two-story base, the outdoor plaza has been redesigned eliminating the loading area and adding landscaping, landscaping and decorative paving has been added along vacated Girard Avenue South, the east façade of the parking ramp has been redesigned to include two levels of mesh screening towards the bottom of the wall and three sections of green screens have been added, the loading area along vacated Girard Avenue South has been completely enclosed; the applicant has agreed to have no more than five percent of each wall facing a public street in the newly constructed sections of the development to be EFIS and each commercial space over 9,000 square feet and has frontage along a public street will have an entrance leading directly to the public street and will be open during business hours.

Portions of the building exceed the maximum height allowed in the C3A zoning district (four stories or 56 feet). Chapter 527, Planned Unit Development authorizes the City Planning Commission to approve exceptions to the zoning regulations that are applicable to the zoning district in which the development is located. The applicant is seeking an exception to the maximum height requirement, the parking requirement and the loading requirement through the conditional use permit application for the planned commercial development.

In the C3A zoning district, the maximum floor area of individual retail sales and services uses cannot exceed 4,000 square feet. If there is no parking between the building and the street and the building is at least two stories in height the maximum floor area of the retail sales and services uses may be increased to 8,000 square feet. Through the conditional use permit application for the planned commercial development a 20 percent density bonus may be granted. This would allow the retail sales and services uses to be as large as 9,600 square feet. The applicant has indicated that there could be as many as six individual uses located within the shopping center that exceed 9,600 square feet. The applicant has applied for a variance to increase the size of these uses beyond 9,600 square feet.

The zoning code requires 1 parking space per dwelling unit, 1 parking space per 300 square feet of gross floor area over 4,000 square feet for general retail sales and services uses and office uses, 1 space per 300 square feet of gross floor area for clinics and parking equal to 30 percent the capacity of food and beverage uses. Within the building there are 108 dwelling units, approximately 169,701 square feet of general retail sales and services uses, approximately 29,096 square feet of office space, approximately 13,725 square feet of clinic space and approximately 20,000 square feet of food and beverage space available to the general public.

However, per section 541.200, Transit incentives, the parking requirement for the residential portion of the development may be reduced by ten percent as the development is located within 300 feet of a transit station with midday service headways of 30 minutes or less. In addition, per the same section of the zoning code, the parking requirement for all uses, including residential, may be reduced by ten percent as there is a transit stop located within the development.

The parking requirement for this development is as follows; 87 spaces for the residential portion, 497 spaces for the general retail sales and services portion, 76 spaces for the office portion, 39 spaces for the clinic portion and 360 spaces for the restaurant portion. Given this, the parking requirement is 1,059 parking spaces. The applicant proposes to have a total of 989 parking spaces on the site. Of these spaces, 108 of them are reserved for the residential portion of the development all of the time. Again, Chapter 527, Planned Unit Development authorizes the City Planning Commission to approve exceptions to the zoning regulations that are applicable to the zoning district in which the development is located. The applicant is seeking an exception to the parking requirement through the conditional use permit application for the planned commercial development.

The applicant has discussed with city staff the possible historical significance of those buildings that are proposed to be demolished as part of this development. None of the buildings that are proposed to be demolished are historically designated. It was once thought that the building located at 3045 Hennepin Avenue may be a potential historic resource but after evaluating the report generated by Hess Roise it has been determined that the building is not a historic resource.

The Calhoun Area Residents Action Group (CARAG), the official neighborhood group, met with the applicant to discuss the revised development plans for Calhoun Square. As of this writing the Planning Division has not received a formal response from CARAG regarding the revised development.

**Travel Demand Management Plan:** Developments containing more than 4,000 square feet of new or additional gross floor area, or more than four new or additional parking spaces located within the PO Overlay District in and around the intersection of West Lake Street and Hennepin Avenue South are required to prepare a Travel Demand Management Plan (TDMP). The TDMP shall address the transportation impacts of the development on air quality, parking and roadway infrastructure.

A TDMP was submitted to the City for review in October of 2005. The TDMP analyzed the transportation impacts of the proposed development on air quality, parking and roadway infrastructure. The conclusion of the TDMP was that the development would not have a negative impact on air quality, the parking supply in the area or on the roadway infrastructure. The TDMP was approved by both the Planning Division and Public Works.

**REZONING** - of the properties located at 1301 and 1311 West Lake Street from C2 to C3A

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

**1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.**

The site is designated as retail-commercial in the comprehensive plan. According to the *Minneapolis Plan*, the subject site is located on West Lake Street, which is a designated Commercial Corridor and within the designated Uptown Activity Center. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods (Policy 4.1).
- Support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered (Policy 4.3).
- Support a mix of uses on Commercial Corridors – such as retail sales, office, institutional, higher density residential, and clean low-impact light industrial – where compatible with the existing and desired character of the street (Implementation Step for Policy 4.3).
- Continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas (Policy 4.4).
- Identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character (Policy 4.7).
- Promote the incorporation of residential uses within the same structure as other commercial uses (Implementation Step for Policy 4.7).

Rezoning these parcels of land from the C2 District to the C3A District would be in conformance with the foregoing policies of the comprehensive plan. The site is located on a designated Commercial Corridor and within the Uptown Activity Center where the plan calls for mixed-use developments to be located. The site is located within an area of the city that has a mix of uses within close proximity to one another, including commercial, office and residential. Additional commercial, office or residential uses would be compatible with the surrounding area.

**2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.**

The amendment will allow the applicant to construct a mixed-use development on the site. Through the adoption of *The Minneapolis Plan*, City stakeholders have located this site on a Commercial Corridor and within the Uptown Activity Center where they believe more intensive commercial development along with residential uses such as the proposed development would be appropriate and in the public interest.

**3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

The parcels are bordered by C2 zoning to the north and east and C3A zoning to the south and west. Adjacent uses include a mixture of general retail uses, restaurants, offices, residential dwellings and a surface parking lot. Given the mixture of surrounding zoning classifications and uses in the area the Planning Division believes that the C3A zoning district would be compatible with the surrounding area.

**4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.**

There are reasonable uses of the property permitted under the C2 zoning district. The C2 zoning district is a neighborhood corridor commercial district. Permitted uses in the C2 district include, but are not limited to, the following:

- General retail sales and services
- Bank or financial institution
- Child care center
- Performing, visual or martial arts school
- Veterinary clinic
- Offices
- Coffee shop, with limited entertainment
- Restaurant, sit down
- Reception of meeting hall
- Multiple-family dwellings, three and four units
- School, vocational or business
- Community center
- Museum
- Place of assembly

**5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

There has been a change in the character of development in the area. In the past five years several housing developments have been constructed or have been approved and are going to be or are under construction. They include City Apartments at Uptown, the Emerson Row Homes, the Urban Village developments, The Edgewater and Lumen on Lagoon. Several new commercial uses, including restaurants, have moved into the existing commercial spaces throughout the area. And the Lagoon

mixed-use development was recently approved. Additional parcels in the vicinity have been rezoned to the C3A District over the course of the last several years.

**CONDITIONAL USE PERMIT** - Planned Commercial Development including a total of approximately 245,763 square feet of commercial and office space and 108 dwelling units

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

The Department of Community Planning and Economic Development – 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 not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The Planning Division does not believe that a planned commercial development including a total of approximately 245,763 square feet of commercial and office space and 108 dwelling units will be detrimental to or endanger the public health, safety, comfort or general welfare. The surrounding area includes a mixture of general retail uses including clothing stores, book stores and home furnishing stores, restaurants, movie theaters, offices and residential dwellings of varying densities. The proposed development will complement the existing uses in the area and will add to the vitality of the area.

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

The Planning Division does not believe that a planned commercial development including a total of approximately 245,763 square feet of commercial and office space and 108 dwelling units would be injurious to the use and enjoyment of other property in the area. Constructing a new mixed-use development on the site would provide additional employment opportunities and will increase housing opportunities within the neighborhood.

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

The parking requirement for this development is as follows; 87 spaces for the residential portion, 497 spaces for the general retail sales and services portion, 76 spaces for the office portion, 39 spaces for the clinic portion and 360 spaces for the restaurant portion. Given this, the parking requirement is 1,059 parking spaces. The applicant proposes to have a total of 989 parking spaces on the site. Of these spaces, 108 of them are reserved for the residential portion of the development all of the time. The applicant is seeking an exception to the parking requirement through the conditional use permit application for the planned commercial development.

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

The site is designated as retail-commercial in the comprehensive plan. According to the *Minneapolis Plan*, the subject site is located on West Lake Street, which is a designated Commercial Corridor and within the designated Uptown Activity Center. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Encourage both private and public development that provides gathering spaces in city neighborhoods (Policy 1.2).
- Support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered (Policy 4.3).
- Continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas (Policy 4.4).
- Improve the availability of housing options for its residents (Policy 4.11).

The development involves the expansion of the existing shopping center including office space, the construction of two residential buildings containing a total of 108 dwelling units and an expansion of the existing parking ramp. The applicant intends on increasing the number and type of commercial uses within the building. All of the different buildings would be connected to one another via a new skyway system. On the south side of the site the applicant is proposing to construct an outdoor plaza that is intended to be open to the public. The plaza would include decorative pavement, landscaping, outdoor seating, seasonal vendor carts, public art and the trellis covering the ramp to the below ground parking will be covered with ivy.

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

**527.120. Exceptions to Zoning Ordinance Standards:** Chapter 527, Planned Unit Development authorizes the City Planning Commission to approve exceptions to the zoning regulations that are applicable to the zoning district in which the development is located. This may be done only upon finding that the Planned Unit Development includes adequate site amenities to address any adverse effects of the exception.

**Placement of Structures:** In a Planned Unit Development there may be more than one principal structure located on a lot. The applicant is proposing to re-plat the property into one parcel of

land. Although it may look like there are several buildings on the site they are all connected to one another by a series of skyways so, therefore there will be one building on one lot.

**Bulk Regulations:**

**Floor Area:** The maximum FAR in the C3A zoning district is 2.7. The lot in question is 278,851 square feet in area. The applicant proposes a total of 424,485 square feet of gross floor area, an FAR of 1.52.

In the C3A zoning district, the maximum floor area of retail sales and services uses cannot exceed 4,000 square feet. If there is no parking between the building and the street and the building is at least two stories in height the maximum floor area of the retail sales and services uses may be increased to 8,000 square feet. Through the conditional use permit application for the planned commercial development a 20 percent density bonus may be granted. This would allow the retail sales and services uses to be as large as 9,600 square feet. The applicant has indicated that there could be as many as six individual uses located within the shopping center that exceed 9,600 square feet. The Planning Division does not believe that it would be detrimental to the surrounding area to increase the size of six of the individual uses within the shopping center to 9,600 square feet. The existing bookstore within the shopping center already exceeds 9,600 square feet. The applicant had indicated that the mixture of smaller retail uses and larger retail uses will make the overall shopping center successful.

**Building Height:** The height requirement in the C3A zoning district is four stories or 56 feet, whichever is less. The zoning code limits the height of a story to no more than 14 feet. Any story over 14 feet in height is technically considered two stories. The first floor of the proposed building located along West 31<sup>st</sup> Street measures over 14 feet in height so therefore the height of the proposed building is six stories or 64 feet. This building will read as a five-story building from the street. Also, both the first and second floors of the proposed building located along West Lake Street measure over 14 feet in height so therefore the height of the proposed building is nine stories or 85 feet. This building will read as a seven-story building from the street.

The Planning Division does not believe that the increased height of the building would be detrimental to the surrounding area. There have been several buildings either built or approved at a height taller than four stories or 56 feet in the immediate area. Those buildings include Uptown City Apartments (five stories or 60 feet), Lumen on Lagoon (five stories or 64 feet) and the Lagoon development (10 stories or 112 feet). In addition, the location of the taller portions of the building will be such that their impact will not be detrimental to the lower density residential neighborhood to the east or to the higher density housing developments to the north. According to the shadow analysis that was submitted by the applicant, portions of all of these residential structures will be shadowed at different times throughout the year. However, the length of time that any one residential building is shadowed on any given day is minimal.

**Lot Requirements:**

**Generally:** The minimum lot area for a Planned Unit Development in any zoning district is two acres. This site is 278,851 square feet (6.40 acres).

**Density Bonus:** The minimum lot area per dwelling unit in the C3A zoning district is 900 square feet. With 108 proposed dwelling units on a lot of 278,851 square feet, the applicant proposes approximately 2,582 square feet of lot area per dwelling unit.

**Yards:** This development is located in the C3A zoning district and is meeting all of the required setbacks.

**On-Premise Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the C3A zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall unless there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 180 square feet in size, except wall signs for retail sales and services uses are limited to 45 square feet in size. Projecting signs are limited to 45 square feet in size. There is no height limitation for either wall signs or projecting signs. Freestanding signs are limited to 80 square feet and can be no taller than 25 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one. Finally, wall signs are not permitted to extend above the roofline of the building.

The applicant is not proposing to have any freestanding signs on the site. The applicant has not submitted a sign plan that shows individual signs but has submitted a sign plan that shows the location on the building where signs will be located. The applicant has indicated that the final sign plan will conform to the maximum amount of signage allowed on the building and that all signs will be properly lit. Given the length of the primary building walls there can be up to 818 square feet of signage on West Lake Street, up to 174 square feet of signage on Fremont Avenue South, up to 587 square feet of signage on West 31<sup>st</sup> Street and up to 836 square feet of signage on Hennepin Avenue.

The submitted sign location plan shows one sign on both West Lake Street and Hennepin Avenue that extend above the roofline of the building. These signs would not be permitted as they are prohibited. If they are only architectural elements they may remain but if they are part of a sign they are not allowed.

**Off-Street Parking and Loading:**

**Parking:** The parking requirement for the development is 1,059 parking spaces. The applicant proposes to have a total of 989 parking spaces on the site. Of these spaces, 108 of them are reserved for the residential portion of the development all of the time. The Planning Division believes that although this development is not meeting its parking requirement that there is sufficient parking on the site for the mixture of uses within the development. Mixed use development allows for multi-purpose trips, reducing the need for a person to locate a new parking space for each specific use or destination in the vicinity.

**Loading:** The loading requirement for this development is two small loading spaces (10 feet wide by 25 feet long) and three large loading spaces (12 feet wide by 50 feet long). There are a total of two proposed loading areas on the site and a total of four loading spaces, two large and two small. The first loading area is located on the south side of the new building along West Lake Street and the second is located on the west side of vacated Girard Avenue South towards the south end of the site. The Planning Division believes that although this development is not meeting its loading requirement that there is a sufficient number of loading spaces on the site for the mixture of uses within the development.

**527.280. Required Findings:** In addition to the conditional use permit standards contained in Chapter 525, Administration and Enforcement, before approval of a planned unit development the city planning commission also shall find:

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

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

The proposed mixture of commercial, office and for-sale condominiums will fit in well with the surrounding area. The surrounding area contains a variety of commercial uses including clothing stores, home furnishing stores and restaurants, offices and both low and high density housing developments. The proposed development incorporates enclosed parking for those who will live on site and also an outdoor plaza area that can be enjoyed by both residents of the development and those who are just visiting.

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

The approved TDMP indicates that the development will not have a negative impact on air quality, the parking supply in the area or on the roadway infrastructure. Not only will additional parking spaces be built into the development but the area is well serviced by mass transit. The applicant is also proposing to incorporate four bicycle racks on the site that will accommodate a total of 60 bicycles. There is good pedestrian access to the site. All of the first floor uses will have entrances facing the street and there will also be five entrances leading into the shopping center which will allow access to those uses located above the first floor.

There are a total of two proposed loading areas on the site and a total of four loading spaces, two large and two small. The first loading area is located on the south side of the new building along West Lake Street and the second is located on the west side of vacated Girard Avenue South towards the south end of the site.

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

The site amenities include the outdoor plaza, the pedestrian walkway along vacated Girard Avenue South, the additional green areas on the site, the revamping of the parking ramp to make it look more like a building and in general the mix of uses on the site. Greening of the site is important not just for aesthetic reasons but also environmental. The additional landscaped areas will absorb stormwater runoff and will also help shield noise and lighting glare produced by the parking ramp. The additional mix of uses on the site will not only make the development itself more successful but the Uptown area in general.

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

The expansion is being designed to blend in with the portion of the existing building that will remain on the site. The existing building that will remain on the site is made out of brick. The applicant has indicated that brick, EIFS and glass will be the exterior building materials used for the expansion. According to the applicant no more than five percent of each wall facing a public street in the newly constructed sections of the development will be EFIS. The existing building ranges between two and three stories. The proposed building ranges between two and seven stories. Where the building does get taller the building itself steps back starting on the third floor in order to make the transition from the shorter portions of the building to the taller portions of the building more seamless. The Planning Division does not believe that the increased height of the building would be detrimental to the surrounding area. The location of the taller portions of the building will be such that their impact will not be detrimental to the lower density residential neighborhood to the east or to the higher density housing developments to the north. According to the shadow analysis that was submitted by the applicant, portions of all of these residential structures will be shadowed at different times throughout the year. However, the length of time that any one residential building is shadowed on any given day is minimal. As for views, the proposed development should not block views of important features in the area nor should it impact sightlines up and down the streets.

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements. The City of Minneapolis will review and approve the applicant's stormwater management plan and erosion control plan.

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

The applicant is proposing to plat the entire property into one parcel of land. Please see the plat section towards the end of this report.

### **Chapter 551, Overlay District**

**PO Pedestrian Oriented Overlay District:** All properties located within a designated PO Pedestrian Oriented Overlay District are subject to the provisions of the Pedestrian Oriented Overlay:

**Prohibited uses.** Drive-through facilities, automobile services uses and transportation uses are prohibited in the PO Overlay District.

Not all of the specific commercial uses within the building are known at this time. However, the building has not been designed to accommodate a drive-through facility or automobile related uses.

**Fast food restaurants.** Fast food restaurants shall be located only in storefront buildings existing on the effective date of this ordinance.

The portion of the building that is to remain has been determined to be a shopping center, not a storefront building. Therefore, fast food restaurants could not locate in the portion of the building that will remain after construction is complete. In addition, fast food restaurants may not locate in newly constructed buildings.

**Building placement.** Buildings shall be located not more than eight feet from the front lot line. In the case of a corner lot, the building wall abutting each street shall be located not more than eight feet from the lot line. The area between the building and the lot line shall include amenities. Buildings shall be oriented so that at least one principal entrance faces the public street rather than the interior of the site.

The majority of the addition will be built up to the property lines. However, there are two areas within the development where the building is located more than eight feet from the property line. First, where West Lake Street meets vacated Girard Avenue South the corner of the building on the west side of the driveway is rounded. At the farthest point, the building is setback 35 feet. The space in between the buildings and the property line is utilized for access into the buildings. And second, fifty-percent of the building along West 31<sup>st</sup> Street is setback 125 feet from the property line as the site has been designed with an outdoor plaza in this area. All of the commercial spaces on the first floor of the building will have an entrance facing the public street to which it is aligned.

**Building facade.** At least 40 percent of the first floor facade of any nonresidential use that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level. Windows shall be distributed in a more or less even manner. Awnings and canopies are encouraged in order to provide protection for

pedestrians and to emphasize individual uses and entrances. Back-lighted awnings and canopies shall be prohibited.

Forty-five percent of the first floor facade that faces West Lake Street, 49 percent of the first floor facade that faces Fremont Avenue South, 57 percent of the first floor facade that faces West 31<sup>st</sup> Street and 44 percent of the first floor facade that faces Hennepin Avenue is windows and or doors. The windows are distributed in an even manner. There are canopies located over all of the individual storefronts.

**Prohibited on-premise signs.** Pole signs, back-lighted awning and canopy signs and back-lighted insertable panel projecting signs are prohibited in the PO Overlay District.

Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the C3A zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall unless there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 180 square feet in size, except wall signs for retail sales and services uses are limited to 45 square feet in size. Projecting signs are limited to 45 square feet in size. There is no height limitation for either wall signs or projecting signs. Freestanding signs are limited to 80 square feet and can be no taller than 25 feet. Finally, wall signs are not permitted to extend above the roofline of the building.

The applicant is not proposing to have any freestanding signs on the site. The applicant has not submitted a sign plan that shows individual signs but has submitted a sign plan that shows the location on the building where signs will be located. The applicant has indicated that the final sign plan will conform to the maximum amount of signage allowed on the building and that all signs will be properly lit. Given the length of the primary building walls there can be up to 818 square feet of signage on West Lake Street, up to 174 square feet of signage on Fremont Avenue South, up to 587 square feet of signage on West 31<sup>st</sup> Street and up to 836 square feet of signage on Hennepin Avenue.

The submitted sign location plan shows one sign on both West Lake Street and Hennepin Avenue that extend above the roofline of the building. These signs would not be permitted as they are prohibited. If they are only architectural elements they may remain but if they are part of a sign they are not allowed.

**Accessory parking.** On-site accessory parking facilities shall be located to the rear or interior side of the site, within the principal building served, or entirely below grade. Parking lots shall be limited to not more than 60 feet of street frontage. The driveway width for all parking facilities shall not exceed 20 feet of street frontage. The development of shared parking is encouraged, subject to the provisions of Chapter 541, Off-site Parking and Loading. When off-site parking is allowed as specified in Chapter 541, Off-Street Parking and Loading, parking may be located an additional five hundred (500) feet from the use served, subject to the requirements of Chapter 541, Off-Street Parking and Loading, governing the location of off-site parking. And the number of accessory parking spaces for nonresidential uses shall not exceed 150 percent of the minimum required parking spaces, as specified in Chapter 541, Off-Street Parking and Loading, or 10

spaces, whichever is greater, except where it is determined by the zoning administrator that such excess parking spaces serve to provide parking for another use or uses subject to the requirements of this section.

The majority of the parking for this development is located either below the building or within a structured parking facility. However, there is a 12-space surface parking area located on the south side of the building along Fremont Avenue South. The parking lot measures 38 feet in width; the 90-degree parking spaces are 18 feet in length and the one-way drive aisle measures 20 feet in width.

**Lake and Hennepin area.** Developments located within the PO Overlay District in and around the intersection of West Lake Street and Hennepin Avenue South are required to prepare a Travel Demand Management Plan (TDMP).

Please see the TDMP section above.

**CONDITIONAL USE PERMIT** - for a shopping center

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

The Department of Community Planning and Economic Development – 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 not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The Planning Division does not believe that an expanded shopping center will be detrimental to or endanger the public health, safety, comfort or general welfare. The existing shopping center has been operational since 1984.

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

The Planning Division does not believe that expanding the existing shopping center would be injurious to the use and enjoyment of other property in the area. Although it is a shopping center, all of the first floor uses will have entrances facing the street and they will all have large windows that allow views into and out of the spaces.

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

See the conditional use permit finding for the Planned Commercial Development above.

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

See the conditional use permit finding for the Planned Commercial Development above.

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

The site is designated as retail-commercial in the comprehensive plan. According to the *Minneapolis Plan*, the subject site is located on West Lake Street, which is a designated Commercial Corridor and within the designated Uptown Activity Center. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support development in commercial corridors where it enhances the street’s character, improves its ability to accommodate automobile traffic and foster pedestrian movement and expands the range of goods and services (Policy 4.3).
- Continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings and to maintain and improve compatibility with surrounding areas (Policy 4.4).

The applicant intends on increasing the number and type of commercial uses within the building. The additional retailers and restaurants will increase the variety of goods available in the area, will provide for more jobs and will add to the vitality of Uptown.

**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 rezoning, the conditional use permits, the variances, the site plan review, the alley vacation and the preliminary plat this development will be in conformance with the applicable regulations of the zoning code.

**CONDITIONAL USE PERMIT** - for 108 dwelling units

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

The Department of Community Planning and Economic Development – 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 not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The Planning Division does not believe that 108 dwelling units would be detrimental to or endanger the public health, safety, comfort or general welfare. The additional residential units would help support the commercial uses in the area, the nearby cultural amenities and the Midtown Greenway bike trail.

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

The Planning Division does not believe that 108 dwelling units would be injurious to the use and enjoyment of other property in the area. Utilizing the site for 108 dwelling units would provide additional opportunities for housing within the neighborhood. A development such as this would increase the property's value, contribute to the building of the city's infrastructure and contribute to the city's tax base.

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

See the conditional use permit finding for the Planned Commercial Development above.

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

The residential portion of the development has a parking requirement of 87 spaces. The applicant proposes to have a total of 108 designated parking spaces for the residential portion of the development. Of the 108 designated spaces, 86 will be located underneath the building that will be constructed along West Lake Street between vacated Girard Avenue South and Fremont Avenue South and the other remaining 22 parking spaces will be located underneath the building that will be constructed along West 31<sup>st</sup> Street between Hennepin Avenue South and vacated Girard Avenue South.

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

The site is designated as retail-commercial in the comprehensive plan. According to the *Minneapolis Plan*, the subject site is located on West Lake Street, which is a designated Commercial Corridor and within the designated Uptown Activity Center. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character (Policy 4.7).
- Promote the incorporation of residential uses within the same structure as other commercial uses (Implementation Step for Policy 4.7).
- Support the development of residential dwellings of appropriate form and density (Policy 9.5)
- Support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services (Policy 9.28).
- Support a mix of uses on Commercial Corridors – such as retail sales, office, institutional, higher-density residential, and clean low-impact light industrial – where compatible with the existing and desired character of the street (Implementation Step for Policy 9.28).

The development involves the expansion of the existing shopping center, the construction of an office building, the construction of three residential buildings containing a total of 108 dwelling units and an expansion of the existing parking ramp. The site is located on a designated Commercial Corridor and in a designated Activity Center where the plan calls for higher-density housing developments to be located.

**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 rezoning, the conditional use permits, the variances, the site plan review, the alley vacation and the preliminary plat this development will be in conformance with the applicable regulations of the zoning code.

**CONDITIONAL USE PERMIT** - for a parking ramp expansion

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

The Department of Community Planning and Economic Development – 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 not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The Planning Division does not believe that adding two additional levels to the existing parking ramp would be injurious to the use and enjoyment of other property in the area. The additional two levels of parking will accommodate 290 vehicles. The additional parking will help alleviate the on-street demand for parking throughout the area.

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

The Planning Division does not believe that adding two additional levels to the existing parking ramp would be injurious to the use and enjoyment of other property in the area. The site is currently utilized as a parking facility. Creating more available parking spaces within the parking facility for those who work at, shop at or visit residents at Calhoun Square should not negatively impact the adjacent uses. The additional two levels of parking will be constructed of a material that matches the structural system and details of the existing parking facility. All four sides of the parking ramp will receive exterior upgrades. The south end of the parking ramp is being designed to look more like a building and less like a parking ramp. In addition, architectural elements will be added to the west side of the parking ramp which will add visual interest and three sections of the east side of the parking ramp has been designed with a green screen. The Planning Division is recommending that the middle section of green screen be extended to the bottom of the top floor of the parking ramp.

The first two floors of the parking ramp on the east side will also be screened with a mesh type material to help screen noise and lighting glare produced by the parking ramp. In addition, landscape materials including canopy trees, evergreen trees and a variety of shrubs will be planted along the east side of the parking ramp which will help screen the parking ramp from the residential buildings immediately to the east.

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

See the conditional use permit finding for the Planned Commercial Development above.

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

The ingress and egress will be reconfigured as part of the development. There will be two entrances into the ramp. Both are accessed off of vacated Girard Avenue South; one from West Lake Street and the other from West 31<sup>st</sup> Street. There are also two exits out of the ramp; one to Fremont Avenue South and the other to West 31<sup>st</sup> Street. According to the TDMP, the additional parking spaces will not negatively impact traffic in the area.

The applicant has submitted an alternative site plan showing access to the parking ramp from Fremont Avenue South. The access point off of West 31<sup>st</sup> Street would remain in this scenario. This alternative would require the northern portion of Fremont Avenue South to be converted to a two-way to allow access to the parking ramp. The Planning Division and the Transportation Division of Public Works both agree that this would not be an acceptable alternative. Making a portion of a street two-way when the rest remains a one-way could cause severe traffic problems; especially if one turned southbound on Fremont Avenue South and did not want to go into the parking ramp for Calhoun Square.

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

The site is designated as retail-commercial in the comprehensive plan. According to the *Minneapolis Plan*, the subject site is located on West Lake Street, which is a designated Commercial Corridor and within the designated Uptown Activity Center. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered (Policy 4.3).

The addition to the existing parking ramp will increase the number of available parking spaces on the site which will help alleviate the on-street demand for parking throughout the area. The additional two levels of parking will be constructed of a material that matches the structural system and details of the existing parking facility. All four sides of the parking ramp will receive exterior upgrades. The south end of the parking ramp is being designed to look more like a building and less like a parking ramp. In addition, architectural elements will be added to the west side of the parking ramp

which will add visual interest and three sections of the east side of the parking ramp has been designed with a green screen. The Planning Division is recommending that the middle section of green screen be extended to the bottom of the top floor of the parking ramp. The first two floors of the parking ramp on the east side will also be screened with a mesh type material to help screen noise and lighting glare produced by the parking ramp. In addition, landscape materials including canopy trees, evergreen trees and a variety of shrubs will be planted along the east side of the parking ramp which will help screen the parking ramp from the residential buildings immediately to the east.

**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 rezoning, the conditional use permits, the variances, the site plan review, the alley vacation and the preliminary plat this development will be in conformance with the applicable regulations of the zoning code.

**CONDITIONAL USE PERMIT** - for 24-hour operations of the parking ramp

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

The Department of Community Planning and Economic Development – 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 not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The Planning Division does not believe that 24-hour operations of the parking ramp would be detrimental to or endanger the public health, safety, comfort or general welfare. The parking ramp is intended as a shared-use facility that will serve the employees, patrons and visitors of the Calhoun Square development. The parking ramp will be staffed between 8 am and sometime between midnight and 3:30 am, depending on the night of the week. In addition, those who purchase contract spaces will have card passes for the ramp giving them access 24 hours a day.

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

The Planning Division uses the following criteria to determine compatibility of extended hours with the surrounding area:

**Proximity to permitted or conditional residential uses.** There are residential buildings located on all four sides of the parking ramp. The residential buildings on the west and north are part of the Calhoun Square development. All four sides of the parking ramp will receive exterior upgrades. The south end of the parking ramp is being designed to look more like a building and less like a parking ramp. In addition, architectural elements will be added to the west side of the parking ramp which will add visual interest and three sections of the east

side of the parking ramp has been designed with a green screen. The Planning Division is recommending that the middle section of green screen be extended to the bottom of the top floor of the parking ramp. The first two floors of the parking ramp on the east side will also be screened with a mesh type material to help screen noise and lighting glare produced by the parking ramp. In addition, landscape materials including canopy trees, evergreen trees and a variety of shrubs will be planted along the east side of the parking ramp which will help screen the parking ramp from the residential buildings immediately to the east.

**Nature of the business and its impacts of noise, light and traffic.** There will be two entrances into the ramp. Both are accessed off of vacated Girard Avenue South; one from West Lake Street and the other from West 31<sup>st</sup> Street. There are also two exits out of the ramp; one to Fremont Avenue South and the other to West 31<sup>st</sup> Street. According to the TDMP, the additional parking spaces will not negatively impact traffic in the area. There will be lights located throughout the parking ramp. In order to shield them from the surrounding properties shielding baffles will be installed on each floor which will cut off the light at the edge of the structure. The exterior improvements and the additional landscaping should help muffle the amount of noise produced in the parking ramp.

**Conformance of use.** Parking ramps are a conditional use in the C3A zoning district. The zoning code limits operating hours in the C3A zoning district to Sunday through Saturday, from 6:00 am to 1:00 am. The applicant is seeking a conditional use permit to keep the parking ramp open 24 hours a day, seven days a week.

**Complaints received.** According to the CODEFOR information there have been no police incidents reported for this location.

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

Extending the maximum hours of operation will not affect the adequacy of these facilities.

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

Allowing extended access to the parking facility would be expected to decrease congestion of area streets.

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

The site is designated as retail-commercial in the comprehensive plan. According to the *Minneapolis Plan*, the subject site is located on West Lake Street, which is a designated Commercial Corridor and within the designated Uptown Activity Center. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered (Policy 4.3).

Allowing 24-hour operations of the parking ramp will better serve the various functions of the Calhoun Square development. There are several uses within the development that are open until 2 am. The employees and patrons of those uses may be working well past that and will need close, secure parking spaces.

**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 rezoning, the conditional use permits, the variances, the site plan review, the alley vacation and the preliminary plat this development will be in conformance with the applicable regulations of the zoning code.

**VARIANCE** - to increase the gross floor area of six individual commercial spaces within the shopping center from the maximum 9,600 square feet each

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

**1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**Gross floor area increase:** The applicant is seeking a variance to increase the gross floor area of six individual commercial spaces within the shopping center from the maximum 9,600 square feet each. In the C3A zoning district, the maximum floor area of retail sales and services uses cannot exceed 4,000 square feet. If there is no parking between the building and the street and the building is at least two stories in height the maximum floor area of the retail sales and services uses may be increased to 8,000 square feet. Through the conditional use permit application for the planned commercial development a 20 percent density bonus may be granted. This would allow the retail sales and services uses to be as large as 9,600 square feet.

The applicant has indicated that there could be as many as six individual uses located within the shopping center that exceed 9,600 square feet. The size of the six spaces range anywhere from 10,000 square feet to 31,000 square feet depending on the final mix of tenants and their configurations. Please note that once construction is complete there will be approximately 169,701 square feet of commercial space within the building. The applicant has indicated that in order to attract the desired mix of tenants to the development that some of the spaces need to be larger than 9,600 square feet in order to meet the needs of the tenant. Please note that there is one existing tenant in the building that already occupies more than 9,600 square feet and intends on remaining in the building once construction is complete.

**2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**Gross floor area increase:** The site is unique in that there will be approximately 169,701 square feet of commercial space within the building to fill with various tenants.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**Gross floor area increase:** The Planning Division believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance. Although some of the spaces will be larger than the 9,600 square feet all of the first floor uses will have entrances facing the street and they will all have large windows that allow views into and out of the spaces so they won't appear to be out of character with the surrounding area. However, the Planning Division is concerned that large scale uses could negatively impact the character of the area if they do not have entrances facing the public street and that remain open during business hours. The Planning Division is recommending that any use that exceeds 9,000 square feet and has frontage along a public street shall provide at least one public entrance directly to the public sidewalk during the business hours of the individual use.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**Gross floor area increase:** The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

**VARIANCE** - to reduce the front yard setback along Fremont Avenue South from the required 17 feet to five feet to allow a surface parking lot

The applicant has indicated that the two parking spaces located closest to Fremont Avenue South will be removed from the front yard setback. Therefore, this variance is no longer necessary. The Planning Division is recommending that this variance application be returned to the applicant.

### **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 FACADE:**

- 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 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.**
- **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 530.120 of the zoning code.**
- **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.**

**PLANNING DEPARTMENT RESPONSE:**

- The building and the addition reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access.
- A portion of the existing structure will remain on the site and a portion will be demolished. Please refer to the elevations and floor plans for a visual depiction of this. The majority of the addition will be built up to the property lines. However, there are two areas within the development where the building is located more than eight feet from the property line. First, where West Lake Street meets vacated Girard Avenue South the corner of the building on the west side of the driveway is rounded. At the farthest point, the building is setback 35 feet. The space in between the buildings and the property line is utilized for access into the buildings. The Planning Division is recommending that the Planning Commission grant alternative compliance to allow this portion of the building to be setback more than eight feet from the property line. Allowing this setback gives architectural detail to the building and provides for a grander entrance into vacated Girard Avenue South for pedestrians. And second, fifty-percent of the building along West 31<sup>st</sup> Street is setback 125 feet from the property line as the site has been designed with an outdoor plaza in this area. The Planning Division is recommending that the Planning Commission grant alternative compliance to allow this portion of the building to be setback more than eight feet from the property line. The setback provides room for an outdoor plaza which is an amenity on the site.
- The principal entrance into the shopping center is located on the corner of West Lake Street and Hennepin Avenue. In addition, all of the commercial spaces on the first floor of the building will have an entrance facing the public street to which it is aligned. The residential entrance to the building on the south end of the development site is accessed off of West 31<sup>st</sup> Street and the

residential entrance for the building on West Lake Street is accessed off of the street.

- There is a 12-space accessory parking lot located on the south side of the building along Fremont Avenue South. There will be landscaping located on both the east and south sides of the parking lot in order to screen it from the adjacent residential uses.
- The exterior materials of the building will include a combination of brick, EIFS and glass. According to the applicant no more than five percent of each wall facing a public street in the newly constructed sections of the development will be EIFS. That portion of the existing building that will remain and the parking ramp will undergo some exterior modifications. These modifications will make the transition from the old to the new portions more seamless. All sides of the development will be compatible with one another.
- There are no blank, interrupted walls over 25 feet in length void of any windows, entries, recesses or projections, or other architectural elements.
- At least 40 percent (in the PO Pedestrian Oriented Overlay District) of the first floor and at least 10 percent of the upper floors of the building walls on West Lake Street, Fremont Avenue South, West 31<sup>st</sup> Street and Hennepin Avenue are required to be windows. The project complies with these requirements as follows:
  - West Lake Street: the percentage of windows on the first floor of the building is 45 percent and the percentage of windows on the second through seventh floors of the building each exceeds ten percent.
  - Fremont Avenue South: the percentage of windows on the first floor of the building is 49 percent and the percentage of windows on the second through seventh floors of the building each exceeds ten percent.
  - West 31<sup>st</sup> Street: the percentage of windows on the first floor of the building is 57 percent and the percentage of windows on the second through fifth floors of the building each exceeds ten percent.
  - Hennepin Avenue: the percentage of windows on the first floor of the building is 44percent, and the percentage of windows on the second through fifth floors of the building each exceeds ten percent.
- For non-residential uses, the zoning code requires that at least 40 percent (in the PO Pedestrian Oriented Overlay District) 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. The Planning Division is recommending that at least 40 percent of the window area allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views so as to comply with the regulations of the zoning code.
- The roof line of the addition will be flat, similar to the roof line of the existing building.
- The sloped floors of the parking ramp will not be visible from West 31<sup>st</sup> Street. However, those levels of the parking ramp that exceed the height of the residential structures fronting along Fremont Avenue South will be sloped. Without completely demolishing the parking ramp and starting over this cannot be changed as that was how the parking ramp was originally designed.

**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.**

**PLANNING DEPARTMENT RESPONSE:**

- All of the entrances that lead into the building are connected to the public sidewalks.
- There is an existing transit shelter integrated into the northwest corner of the development.
- The applicant is proposing to reduce the amount of curb cuts leading to and from the site and the access to the parking ramp is being reconfigured. Both of these modifications to the site will help minimize vehicular conflicts with pedestrians.
- There will be no vehicular access to the adjacent public alley from the site.
- Approximately 74 percent of the site is covered by the building. Twenty-two percent of the site not covered by the building is pervious. The landscaping requirement for this site is being met.

**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.**

**PLANNING DEPARTMENT RESPONSE:**

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 278,851 square feet. The footprint of the building, including the parking ramp, is 207,130 square feet. When you subtract the footprint from the lot size the resulting number is 71,721 square feet. Twenty percent of this number is 14,344 square feet. The applicant has a total of 16,000 square feet, or 22 percent of the site is landscaped.
- The zoning code requires at least 1 tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 29 and 143 respectfully. The applicant is providing a total of 32 canopy trees, 21 evergreen trees and 334 shrubs on the site. In addition, the applicant is proposing to install seven trees in the right-of-way along Hennepin Avenue and two trees in the right-of-way along West 31<sup>st</sup> Street.
- The zoning code requires that a 7-foot wide landscaped yard be provided along a public street, sidewalk or pathway when adjacent to a parking lot. There is a 22-foot deep landscaped area between the property line and the parking lot.
- Screening equal to 60 percent opacity is required around parking lots in order to screen them from a public street, sidewalk or pathway. The applicant is proposing to plant shrubs along the south and east sides of the parking lot in order to screen it from the adjacent properties.
- For each 25 linear feet along a public street, at least one tree needs to be provided. This requirement is being met.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. In the proposed parking lot all of the parking spaces are located within 50 feet of an on-site deciduous tree. There are no tree islands in the parking lot.

**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.**
- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **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.**

**PLANNING DEPARTMENT RESPONSE:**

- Surface waters will be drained either towards the storm sewer system or the green spaces on the site.
- The lighting plan showing footcandles that was submitted as part of the application materials complies with the requirements of Chapter 535.
- This building should not block views of important elements in the city.
- According to the shadow analysis that was submitted by the applicant, portions of the lower density residential neighborhood to the east and the higher density housing developments to the north will be shadowed at different times throughout the year. However, the length of time that any one residential building is shadowed on any given day is minimal.
- This building should have minimal wind effects on the surrounding area.
- The Crime Prevention Specialist has reviewed and approved the project in regards to crime prevention design elements.
- The applicant has discussed with city staff the possible historical significance of those buildings that are proposed to be demolished as part of this development. None of the buildings that are proposed to be demolished are historically designated. It was once thought that the building located at 3045 Hennepin Avenue may be a potential historic resource but after evaluating the report generated by Hess Roise it has been determined that the building is not a historic resource.

**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:**

- **Use:** The residential use is conditional in the C3A District. General retail sales and services uses and office uses are permitted in the C3A District.
- **Off-Street Parking and Loading:** The parking requirement for the development is 1,059 parking spaces. The applicant proposes to have a total of 989 parking spaces on the site. Of these spaces, 108 of them are reserved for the residential portion of the development all of the time. The Planning Division believes that although this development is not meeting its parking requirement that there is sufficient parking on the site for the mixture of uses within the development.

- **Maximum Floor Area:** The maximum FAR in the C3A zoning district is 2.7. The lot in question is 278,851 square feet in area. The applicant proposes a total of 424,485 square feet of gross floor area, an FAR of 1.52.

In the C3A zoning district, the maximum floor area of retail sales and services uses cannot exceed 4,000 square feet. If there is no parking between the building and the street and the building is at least two stories in height the maximum floor area of the retail sales and services uses may be increased to 8,000 square feet. Through the conditional use permit application for the planned commercial development a 20 percent density bonus may be granted. This would allow the retail sales and services uses to be as large as 9,600 square feet. The applicant has indicated that there could be as many as six individual uses located within the shopping center that exceed 9,600 square feet. The Planning Division does not believe that it would be detrimental to the surrounding area to increase the size of six of the individual uses within the shopping center to 9,600 square feet. The existing bookstore within the shopping center already exceeds 9,600 square feet. The applicant had indicated that the mixture of smaller retail uses and larger retail uses will make the overall shopping center successful.

- **Building Height:** The height requirement in the C3A zoning district is four stories or 56 feet, whichever is less. The zoning code limits the height of a story to no more than 14 feet. Any story over 14 feet in height is technically considered two stories. The first floor of the proposed building located along West 31<sup>st</sup> Street measures over 14 feet in height so therefore the height of the proposed building is six stories or 64 feet. This building will read as a five-story building from the street. Also, both the first and second floors of the proposed building located along West Lake Street measure over 14 feet in height so therefore the height of the proposed building is nine stories or 85 feet. This building will read as a seven-story building from the street.

The Planning Division does not believe that the increased height of the building would be detrimental to the surrounding area. There have been several buildings either built or approved at a height taller than four stories or 56 feet in the immediate area. Those buildings include Uptown City Apartments (five stories or 60 feet), Lumen on Lagoon (five stories or 64 feet) and the Lagoon development (10 stories or 112 feet). In addition, the location of the taller portions of the building will be such that their impact will not be detrimental to the lower density residential neighborhood to the east or to the higher density housing developments to the north. According to the shadow analysis that was submitted by the applicant, portions of all of these residential structures will be shadowed at different times throughout the year. However, the length of time that any one residential building is shadowed on any given day is minimal.

- **Minimum Lot Area:** The minimum lot area for a Planned Unit Development in the any zoning district is two acres. This site is 278,851 square feet (6.40 acres). The minimum lot area per dwelling unit in the C3A zoning district is 900 square feet. With 108 proposed dwelling units on a lot of 278,851 square feet, the applicant proposes 2,582 square feet of lot area per dwelling unit.
- **Yard Requirements:** This development is located in the C3A zoning district and is meeting all of the required setbacks.

- **Specific Development Standards:** There are no specific development standards for residential uses. Some commercial uses that locate within the building may be subject to specific development standards but those uses are unknown at this time. All food and beverage uses are required to inspect the premises, all adjacent streets, sidewalks and alleys and all sidewalks and alleys within one hundred feet regularly for purposes of removing any litter found thereon.
- **Hours of Operation:** Residential uses are not subject to hours of operation. The hours of operation for the C3A District are Sunday through Saturday, 6 am to 1 am. The applicant has indicated that the commercial uses within the building will comply with these hours of operation unless extended by the Licensing Department of the City of Minneapolis. The applicant has applied for a conditional use permit to extend the hours of operation for the parking ramp to 24 hours a day, seven days a week.
- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the C3A zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall unless there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 180 square feet in size, except wall signs for retail sales and services uses are limited to 45 square feet in size. Projecting signs are limited to 45 square feet in size. There is no height limitation for either wall signs or projecting signs. Freestanding signs are limited to 80 square feet and can be no taller than 25 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one. Finally, wall signs are not permitted to extend above the roofline of the building.

The applicant is not proposing to have any freestanding signs on the site. The applicant has not submitted a sign plan that shows individual signs but has submitted a sign plan that shows the location on the building where signs will be located. The applicant has indicated that the final sign plan will conform to the maximum amount of signage allowed on the building and that all signs will be properly lit. Given the length of the primary building walls there can be up to 818 square feet of signage on West Lake Street, up to 174 square feet of signage on Fremont Avenue South, up to 587 square feet of signage on West 31<sup>st</sup> Street and up to 836 square feet of signage on Hennepin Avenue.

The submitted sign location plan shows one sign on both West Lake Street and Hennepin Avenue that extend above the roofline of the building. These signs would not be permitted as they are prohibited. If they are only architectural elements they may remain but if they are part of a sign they are not allowed.

- **Refuse storage:** The applicant is proposing to have trash facilities located throughout the development for the various uses. All trash will be collected from the loading dock areas within the development.

**MINNEAPOLIS PLAN:**

The site is designated as retail-commercial in the comprehensive plan. According to the *Minneapolis Plan*, the subject site is located on West Lake Street, which is a designated Commercial Corridor and

within the designated Uptown Activity Center. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character (Policy 9.10).
- Support urban design standards that emphasize a traditional urban form in commercial areas (Policy 9.11).
- Protect residential areas from the negative impact of non-residential uses by providing appropriate transitions (Policy 9.15).
- Encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs (Policy 9.17).

The development involves the expansion of the existing shopping center including office space, the construction of two residential buildings containing a total of 108 dwelling units and an expansion of the existing parking ramp. The development is located in a highly visible area of Minneapolis. The new portions of the development are being constructed up to the property lines, with entrances at the street level and with large windows on every level. Although portions of the development exceed the height requirement in the C3A zoning district the location of the taller portions have been arranged on the site to produce the least amount of impact as far as reductions in light and air. Additional landscaping will be planted on the site that will help mitigate the impact of the development on the existing residential structures to the east. The Planning Division believes that this development is in conformance with the above policies of the comprehensive plan.

**ALTERNATIVE COMPLIANCE:**

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

**PLANNING DEPARTMENT RESPONSE:**

- The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow the corner of the building on the west side of the driveway where West Lake Street meets vacated Girard Avenue South to be setback more than eight feet from the property

line. Allowing this setback gives architectural detail to the building and provides for a grander entrance into vacated Girard Avenue South for pedestrians.

- The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow fifty-percent of the building along West 31<sup>st</sup> Street to be setback 125 feet from the property line. Allowing this setback provides room for an outdoor plaza which is an amenity on the site.

**VACATION (Vac1469)** – All that part of the public alley as dedicated in Block 12, Calhoun Park Addition, lying South of Lake Street, and North of the South line of Lot 9, Block 12, extended East and the South line of Lot 4, Block 12 extended West, all in the plat of Calhoun Park, Hennepin County, Minnesota

**Development Plan:** The site plan for the development is attached.

**Responses from Utilities and Affected Property Owners:** Of the utilities and/or affected property owners that have responded Qwest and Xcel Energy have requested an easement.

**Findings:** The Public Works Department finds that the area proposed for vacation is not needed for any public purpose if an alley easement is provided in order to prevent creation of a dead end alley. However, the land on which the applicant proposes to construct the new alley is not owned by the applicant at this time. The applicant has entered into a purchase agreement with the current owner and anticipates a closing sometime this winter. Given this, the City of Minneapolis is recommending that the Planning Commission approve the alley vacation but that it not be approved by the City Council until the applicant has ownership of the property.

## **PRELIMINARY PLAT - PL-178**

### **Required Findings:**

- 1. The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the Zoning Code and policies of the Comprehensive Plan.**

### **DESIGN REQUIREMENTS**

Planned Commercial Developments are exempt from the requirement requiring frontage on a public street. However, this site does have frontage on four public streets.

The platting of the property does not result in more than one zoning classification on a single lot.

No nonconforming structures or uses result from this application.

### **RESIDENTIAL DEVELOPMENT DESIGN**

Planned Commercial Developments are exempt from these requirements.

## **ZONING CODE**

With the approval of the rezoning, the conditional use permits, the variances, the site plan review, the alley vacation and the preliminary plat this development will be in conformance with the applicable regulations of the zoning code.

### **THE MINNEAPOLIS PLAN**

The site is designated as retail-commercial in the comprehensive plan. According to the *Minneapolis Plan*, the subject site is located on West Lake Street, which is a designated Commercial Corridor and within the designated Uptown Activity Center. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Encourage both private and public development that provides gathering spaces in city neighborhoods (Policy 1.2).
- Support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered (Policy 4.3).
- Continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas (Policy 4.4).
- Improve the availability of housing options for its residents (Policy 4.11).

The development involves the expansion of the existing shopping center including office space, the construction of two residential buildings containing a total of 108 dwelling units and an expansion of the existing parking ramp. On the south side of the site the applicant is proposing to construct an outdoor plaza that is intended to be open to the public. The applicant intends on increasing the number and type of commercial uses within the building.

**2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

The Planning Division does not believe that a planned commercial development including a total of approximately 245,763 square feet of commercial and office space and 108 dwelling units would be injurious to the use and enjoyment of other property in the area. Constructing a new mixed-use development on the site would provide additional employment opportunities and will increase housing opportunities within the neighborhood.

**3. All land intended for building sites can be used safely without endangering the residents or uses of the subdivision and the surrounding area by peril from floods, erosion, high water table, severe soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.**

The site is relatively flat. The Planning Division believes that the site can be developed upon and used safely.

**4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access**

**to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration**

The parcel created by this application present no foreseeable difficulties for this development. No significant alterations to the land appear necessary.

**5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The stormwater drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.**

The Sewer Division of the Public Works Department will review and approve the drainage and sanitary system plans for this development prior to building permits being issued.

## **RECOMMENDATIONS**

### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for the rezoning:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the rezoning of the properties located at 1301 and 1311 West Lake Street from C2 to C3A.

### **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 conditional use permit application for a Planned Commercial Development including a total of approximately 245,763 square feet of commercial and office space and 108 dwelling units located at 1301 West Lake Street, 1311 West Lake Street, 3008 Fremont Avenue South, 3012 Fremont Avenue South, 1323 West Lake Street, 1401 West Lake Street, 1409 West Lake Street, 3003 Hennepin Avenue, 3027 Hennepin Avenue, 3037 Hennepin Avenue, 3043 Hennepin Avenue and 3045 Hennepin Avenue subject to the following conditions:

1. No more than five percent of each wall facing a public street in the newly constructed sections of the development shall be EIFS.

**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 conditional use permit application for a shopping center located at 1301 West Lake Street, 1311 West Lake Street, 3008 Fremont Avenue South, 3012 Fremont Avenue South, 1323 West Lake Street, 1401 West Lake Street, 1409 West Lake Street, 3003 Hennepin Avenue, 3027 Hennepin Avenue, 3037 Hennepin Avenue, 3043 Hennepin Avenue and 3045 Hennepin Avenue.

**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 conditional use permit application for 108 dwelling units located at 1301 West Lake Street, 1311 West Lake Street, 3008 Fremont Avenue South, 3012 Fremont Avenue South, 1323 West Lake Street, 1401 West Lake Street, 1409 West Lake Street, 3003 Hennepin Avenue, 3027 Hennepin Avenue, 3037 Hennepin Avenue, 3043 Hennepin Avenue and 3045 Hennepin Avenue.

**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 conditional use permit application for a parking ramp expansion located at 1301 West Lake Street, 1311 West Lake Street, 3008 Fremont Avenue South, 3012 Fremont Avenue South, 1323 West Lake Street, 1401 West Lake Street, 1409 West Lake Street, 3003 Hennepin Avenue, 3027 Hennepin Avenue, 3037 Hennepin Avenue, 3043 Hennepin Avenue and 3045 Hennepin Avenue subject to the following conditions:

1. The middle section of green screen shall be extended to the bottom of the top floor of the parking ramp.

**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 conditional use permit application for 24-hour operations of the parking ramp located at 1301 West Lake Street, 1311 West Lake Street, 3008 Fremont Avenue South, 3012 Fremont Avenue South, 1323 West Lake Street, 1401 West Lake Street, 1409 West Lake Street, 3003 Hennepin Avenue,

3027 Hennepin Avenue, 3037 Hennepin Avenue, 3043 Hennepin Avenue and 3045 Hennepin Avenue.

**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 variance application to increase the gross floor area of six individual commercial spaces within the shopping center from the maximum 9,600 square feet each located at 1301 West Lake Street, 1311 West Lake Street, 3008 Fremont Avenue South, 3012 Fremont Avenue South, 1323 West Lake Street, 1401 West Lake Street, 1409 West Lake Street, 3003 Hennepin Avenue, 3027 Hennepin Avenue, 3037 Hennepin Avenue, 3043 Hennepin Avenue and 3045 Hennepin Avenue subject to the following conditions:

1. Any use that exceeds 9,000 square feet and has frontage along a public street shall provide at least one public entrance directly to the public sidewalk during the business hours of the individual use.

**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 **return** the variance application to reduce the front yard setback along Fremont Avenue South from the required 17 feet to five feet to allow a surface parking lot located at 1301 West Lake Street, 1311 West Lake Street, 3008 Fremont Avenue South, 3012 Fremont Avenue South, 1323 West Lake Street, 1401 West Lake Street, 1409 West Lake Street, 3003 Hennepin Avenue, 3027 Hennepin Avenue, 3037 Hennepin Avenue, 3043 Hennepin Avenue and 3045 Hennepin Avenue.

**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 adopt the above findings and **approve** the site plan review for a mixed-use development for the properties located at 1301 West Lake Street, 1311 West Lake Street, 3008 Fremont Avenue South, 3012 Fremont Avenue South, 1323 West Lake Street, 1401 West Lake Street, 1409 West Lake Street, 3003 Hennepin Avenue, 3027 Hennepin Avenue, 3037 Hennepin Avenue, 3043 Hennepin Avenue and 3045 Hennepin Avenue subject to the following conditions:

1. At least 40 percent of the window area in the commercial portions of the building facing the public streets shall allow views into and out of the building and be free of shelving, mechanical

Department of Community Planning and Economic Development – Planning Division  
BZZ-2558, Vac-1469 and PL -178

equipment or other similar fixtures that block views so as to comply with the regulations of section 530.120.

2. Approval of the final site, elevation and landscaping plans by the Department of Community Planning and Economic Development – Planning Division.
3. All site improvements shall be completed by December 20, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the vacation application of all that part of the public alley as dedicated in Block 12, Calhoun Park Addition, lying South of Lake Street, and North of the South line of Lot 9, Block 12, extended East and the South line of Lot 4, Block 12 extended West, all in the plat of Calhoun Park, Hennepin County, Minnesota subject to the retention of an easement in favor of the Qwest and Xcel Energy.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the preliminary plat:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission **approve** the preliminary plat application for Calhoun Square located at located at 1301 West Lake Street, 1311 West Lake Street, 3008 Fremont Avenue South, 3012 Fremont Avenue South, 1323 West Lake Street, 1401 West Lake Street, 1409 West Lake Street, 3003 Hennepin Avenue, 3027 Hennepin Avenue, 3037 Hennepin Avenue, 3043 Hennepin Avenue and 3045 Hennepin Avenue.

**Attachments:**

1. December 9, 2005, update from the applicant
2. Zoning Map
3. NEW Civil drawings, site plan, floor plans, elevations and section drawings
4. Civil drawings, site plan, floor plans, elevations and section drawings from the November 28, 2005, City Planning Commission meeting
5. Written materials from adjacent property owners