

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permit for a Planned Unit Development, Variances,
Site Plan Review, and a Preliminary Plat
BZZ-2851 & PL-196

Date: April 10, 2006

Applicant: RMF Group/Sheridan Development Company

Address Of Property: 1215 Marshall Street NE and 130-135 13th Avenue NE

Project Name: Grain Belt Housing Phase I

Contact Person And Phone: Ross Fefercorn 612-824-7000

Planning Staff And Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: January 31, 2006

End of 60-Day Decision Period: April 1, 2006

Date Extension Letter Sent: February 24, 2006

End of 120-Day Decision Period: May 31, 2006

Ward: 3 **Neighborhood Organization:** Sheridan Neighborhood Association

Existing Zoning: I1 Light Industrial District, R3 and R5 Multiple-family Districts.

Proposed Zoning: C1 Neighborhood Commercial District and R5 Multiple-family District.

Zoning Plate Number: 9

Legal Descriptions: See attached sheet.

Proposed Use: 152 residential units in four buildings; one with ground floor retail.

Concurrent Review:

Rezoning: From I1 Industrial and R3 Residential to C1 Commercial and R5 Residential.

Conditional Use Permit for a Planned Unit Development: To allow 152 units.

Variance: To reduce the front yard setback on 13th Avenue NE from 15 feet to 7 feet for the buildings, to 4 feet for balconies, and to zero feet for stairs and landings.

Variance: To allow parking within 6 feet of a residential structure.

Variance: To allow parking between a principal structure and the front lot line.

Site Plan Review.

Preliminary Plat.

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Applicable Zoning Code Provisions: Chapter 525, Article VI, Zoning Amendments; Chapter 525, Article IX, Variances, Specifically Section 525.520(1) and (8); Chapter 527, Planned Unit Developments; Chapter 530 Site Plan Review; and Chapter 598 Subdivisions.

Background: The Grain Belt Brewery complex was acquired by the City in 1989 and placed on the National Register of Historic Places in 1990. In 1996, the City adopted development objectives for the area that were amended in 2000 to identify five sites within the complex as housing development sites. Sheridan Development Company's proposal to develop the sites was selected by the City and this application is Phase I of that redevelopment proposal.

The proposal consists of 152 condominium units in four buildings. Building A is closest to Marshal Street NE and will have first floor commercial (two tenant spaces) and 32 dwelling units. Buildings B and C front on 13th Avenue NE and will have 32 dwelling units each. The Long Bar building is at the south end of the site fronting on Main Street NE and will have 56 dwelling units.

The site is currently zoned industrial and residential and the applicant proposes to rezone to commercial and residential. The applicant is also requesting approval of a conditional use permit for a planned unit development, variances, site plan review, and a preliminary plat.

On March 14, 2006, the Heritage Preservation Commission (HPC) approved a Certificate of Appropriateness for the development subject to conditions (please see attached letter). The State Historic Preservation Office (SHPO) has reviewed the proposal as well and found that the development would have no adverse effect on surrounding historic properties (please see attached letter). SHPO required that the buried ruins of the former Orth Brewery not be disturbed, so they will be covered with a plaza and Building A will be set back from Marshall Street.

As of the writing of this report, staff has not received an official letter from the Sheridan Neighborhood Organization, but staff will forward any correspondence to the Planning Commission, if provided. Staff has received e-mails from the neighborhood group president that are included in this packet.

REZONING (from I1 Light Industrial and R3 Residential to C1 Commercial and R5 Residential)

Findings As Required By The Minneapolis Zoning Code:

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

The Minneapolis Plan does not place a specific designation on this area, but does indicate that the upper river area is appropriate for major housing sites. The plan states the following about major housing sites: "To prepare for the future and successfully add to the city's "quilt" of vital, livable neighborhoods, new development sites must be secured. Identifying project sites appropriate for redevelopment will focus on the surrounding context and on the market appeal of certain housing types. Although Minneapolis is one of the most developed areas in the metropolitan region, certain sites stand out as excellent candidates for new housing construction. These areas require further study to determine feasibility and answer planning concerns. Certain guiding principles, such as locating these sites close to amenities of all kinds and reserving prime sites for higher density structures, will direct future

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development. The city's approach in working with developers and other public agencies seeking to build on Major Housing Sites, in Growth Centers, or close to Commercial Corridors will be to focus attention on the surrounding environment, in terms of traffic impacts, connections to the transit system, and connections to amenities such as natural (ecological) features, pedestrian-friendly, walkable environments, connections to public facilities (e.g. schools, libraries and parks.) Potential housing sites are designated in the plan to draw attention, provoke discussion and encourage all interested parties to plan for the future of Minneapolis' residential neighborhoods. (See Map 1.4.5)"

The plan has the following policy and implementation steps for major housing sites:

4.17 Minneapolis will promote housing development that supports a variety of housing types at designated Major Housing Sites throughout the city.

Implementation Steps

Concentrate new housing developments in close proximity to amenities or in locations where value will be sustained over time.

Develop a citywide Housing Strategy for placing medium (10-30 units per acre) to high density (30+units per acre) new housing on major transportation and transit corridors and near commercial revitalization projects or neighborhood amenities (e.g. sites such as Growth Centers, Major Housing Sites, Commercial Corridors)

Protect Major Housing Sites for medium (10-30 units per acre) to high (30+units per acre) density residential development from development proposals which exclude housing through land use controls, redevelopment plans and other available means.

Designate Major Housing Sites as listed with the adoption of this Plan.

Promote the development of new housing that is compatible with existing development in the area. as well as to existing historic or older housing stock where appropriate.

Provide the flexibility in the City's ordinances to accommodate new housing development tailored to meet a range of different housing submarkets.

Improve access of low-income families to sources of housing financing.

The plan also says the following about housing:

"The diversity of Minneapolis housing reflects the diversity of its citizens. Minneapolis citizens are from different household sizes and have different means. Age, preferences in housing style, and individual needs also vary. The needs of many citizens are met in the existing housing stock. Housing in Minneapolis neighborhoods ranges from primarily owner-occupied single family homes, to areas where high-density residential development is the norm. Two-story homes, bungalows and Victorians dominate in different parts of town. Cooperatives, condominiums, and apartment buildings house many citizens. Newer developments are adding to this diversity with townhomes, row housing, and planned residential developments that use common space in creative ways. Some of these are uniquely viable in Minneapolis because of its unique character as the center of the region.

While condition and management of housing requires ongoing attention in many parts of the city, the diversity of housing in and between neighborhoods is to be embraced and protected. The city's amenities and its identity as the center of the region will continue to attract people with a diversity of needs and interests – from the working class, the creative class and the professional class. Choice in housing supports the vitality represented by this wide-ranging population."

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4.11 Minneapolis will improve the availability of housing options for its residents.

Implementation Steps

Increase the variety of housing styles and affordability levels available to prospective buyers and renters.

Provide and maintain moderate and high-density residential areas.

Provide and maintain areas that are predominantly developed with single and two family structures.

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

Promote accessible housing designs to support persons with disabilities.

Promote mixed-income housing development that offers a range of dwelling unit sizes and levels of affordability.

Diversify the location distribution of affordable housing in order to allay the historic patterns of concentration of poverty that characterizes some neighborhoods.

Implement city policies related to the provision of housing for homeless individuals and families.

Support the development of housing with supportive services that help households gain stability in areas such as employment, housing retention, parenting, mental health and substance challenges.

Encourage the rehabilitation and sensitive reuse of older or historic buildings for housing including affordable housing units.

The rezoning of this parcel from the I1 Light Industrial district to the C1 Commercial and R5 Residential districts is in conformance with the above noted policies of the comprehensive plan.

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

The rezoning will allow the applicant to redevelop the property and this is in their interest. However, it will also redevelop an industrial property into a residential development in conformance with city approved development objectives for the area. This is in the interest of the public.

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.

There is industrial zoning to the west and northwest of the site. There are industrial, commercial, and residential uses to the west and northwest of the site. There are single and multi-family residential zoning and uses to the north and east and commercial zoning and uses to the south. The C1 and R5 zoning should not be out of character with surrounding uses and zoning.

- 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.**

The I1 District allows a range of light industrial and office uses, but does not allow housing.

- 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.**

In general, the area is undergoing redevelopment. To the west the Grain Belt brewery has been converted to offices and a public library. New housing is proposed and being constructed to the north of the brewery as well. This pattern has emerged since the area was first zoned industrial.

CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT (to allow 152 units)

Findings as required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department 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.**

Any residential development of five units or more requires a conditional use permit. In this case there is more than one residential structure on a large site, so the applicant has chosen to apply for a planned unit development. The proposed buildings meet the required lot size, and floor area ratio requirements, but need some variances and an exception for height for two buildings. The buildings and site are required to meet the standards of the site plan review chapter and are required to have an erosion control and stormwater management plan as a part of the final site plan approval. If the development meets all of these standards and with appropriate conditions of approval the proposed development should not be detrimental to the public health, safety, or welfare.

- 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 proposed development meets all of the requirements of the zoning code, with the exception of a small increase in height and some setback and parking location variances. The site is near other multi-family housing and is part of the redeveloping Grain Belt complex. With proper conditions of approval it should not be detrimental to surrounding properties nor impede orderly development in the area.

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

Existing roads and utilities are adequate. An erosion control and a stormwater management plan are required as a part of the final site plan approval before building permits may be issued.

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

The zoning code requires 160 parking spaces. There are two retail commercial spaces that require four spaces each for a total of eight parking spaces. There are 152 dwelling units that require one space each, for a total of 152 spaces. The office building would be required to provide 17 parking spaces, but they are grandfathered, so the total required parking is 160 spaces. One handicapped van accessible space is required for the commercial parking area and one will be provided for the commercial area.

The applicant proposes 182 parking spaces, of which six are handicapped accessible. Thirty of the spaces (3 accessible) are proposed to be dedicated for the commercial use and office building in three surface lots, but the five in the east lot can not be used for commercial or office parking, because they are zoned residential, so only 25 are available for the commercial and office uses; 152 spaces (3 accessible) will be in an underground garage for the residential units. A portion of the commercial parking will be reserved for the office building. A discretionary Travel Demand Management plan for the development is under review by Public Works.

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

See finding number 1 under the rezoning section of this staff report.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of the rezoning, conditional use permit for a planned unit development, variance, site plan review, and preliminary plat.

Exceptions to the Zoning Ordinance standards: Chapter 527, Planned Unit Developments 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 upon a finding that adequate site amenities to address the adverse impacts are provided.

Loading space: One small (10 foot by 25 foot) loading spaces is required for the retail. The residential loading space is as determined by the conditional use permit/planned unit development. The applicant proposes an on street loading area in the surface commercial lot. Due to the small scale of the commercial uses, a larger space should not be necessary. The smaller space is acceptable if approved by Public Works. The applicant is providing a public plaza, a pedestrian promenade, and an integrated design that is compatible with the historic Grain Belt Brewery complex as amenities.

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Building interior yard setback: An 11 foot setback is required on the interior lot line between the Office building and the Long Bar Building. The majority of the Office Building is 15 feet from the property line but a few portions are within eight feet of the property line. The Long Bar Building is 10 feet from the property line. Staff recommends that this setback requirement be eliminated because the lots are both part of the PUD. If the lot to the north is ever sold or split from the PUD a setback variance will be required.

Lot area per dwelling unit: The C1 District requires not less than 1,500 square feet of lot area per dwelling unit. With 64 proposed dwelling units (in the C1 zoned area) on lots of 75,788 square feet, the applicant proposes 1,148 square feet of lot area per dwelling unit. One building qualifies a 20 percent density bonus for first floor retail, so the lot area per dwelling unit is met with the bonus.

The R5 District requires not less than 900 square feet of lot area per dwelling unit. With 88 dwelling units (in the R5 zoned area) on lots of 56,345 square feet, the applicant proposes 640 square feet per dwelling unit. The development qualifies for a 20 percent density bonus for enclosed parking, which brings the lot area per dwelling unit to 761 square feet. The planned unit development regulations allow an additional 20 percent reduction in the minimum lot area per dwelling unit. A reduction of 15 percent brings the required lot area to 640 square feet per dwelling unit, the amount the applicant is proposing.

The applicant is providing a public plaza, a pedestrian promenade, and an integrated design that is compatible with the historic Grain Belt Brewery complex as amenities for the increased density.

Building height: Building height in the C1 District is limited to 2.5 stories or 35 feet, whichever is less. In the C1 District, if residential uses are located above a ground floor in which at least 50 percent of the gross floor area is devoted to commercial uses, then the maximum height of the structure may be increased to 3 stories or 42 feet, whichever is less. Building A qualifies for this bonus. The R5 Residential District limits maximum height to 4 stories or 56 feet, whichever is less.

Buildings A and B are proposed to have C1 zoning. Both will be 5 stories, so an exception for height is necessary as a part of the conditional use permit/planned unit development application. Building D and the Long Bar Building are proposed to have R5 zoning. Both will be 4 stories and comply with the height limits.

The city planning commission shall consider, but not be limited to, the following factors when determining maximum height:

(1) Access to light and air of surrounding properties.

The increase in height should not impede access to light and air for surrounding properties significantly more than if the height for buildings A and B were limited to 2.5 stories.

(2) Shadowing of residential properties or significant public spaces.

An increase from 2.5 stories to five stories should not significantly increase the amount of area on adjacent properties that is shadowed as the building is separated from the north properties by a public right-of-way.

(3) The scale and character of surrounding uses.

To the north of the building are single-family homes and one to two story commercial uses. To the south is a bank. Across Marshall Street to the west is Grain Belt Brewery that is seven stories with taller architectural features. To the east there is a three story apartment building and across Main Street are 2.5 story single-family homes. The increase in height from 2.5 stories to three stories should not be out of character with the surrounding area as the height increase is at the west end of the site near the taller brewery building.

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

The additional stories should not further block views of the river for properties to the west and the taller brewery building is between the site and the river. The buildings have been set back from Marshall, so this should help to preserve views of the historic Grain Belt Brewery. The increase in height for buildings A and B is due to the grade change of the site from a higher elevation to the east to a lower elevation to the west. They will not be taller, as seen from the west looking at the Grain Belt Brewery, than Building C and the Long Bar Building.

The site has been designed to comply with HPC and SHPO regulations and to relate to the historic Grain Belt Brewery complex. There should be no adverse impact from granting the exception to the height requirements. The applicant is providing a public plaza, a pedestrian promenade, and an integrated design that is compatible with the historic Grain Belt Brewery complex as amenities for the increased height.

Findings Required For Planned Unit Developments:

In addition to the conditional use permit standards contained in Chapter 525, 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 site will provide 152 condominium units in four separate buildings, one of which has first floor retail that have been designed to relate to the historic Grain Belt brewery complex and to be compatible with the historic district.

- 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 proposed development will provide parking as required by the zoning ordinance. An exception to the loading provisions is necessary and staff recommends that it be granted, subject to Public Works approval. A Travel Demand Management is required by Public Works to address traffic impacts of the development.

- 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.**

Approximately 38 percent of the site is landscaped. The site will have landscaping on all sides and along the pedestrian promenades. The parking lots will be landscaped per the requirements of the site plan review chapter. Other amenities include a public plaza that preserves the Orth Brewery ruins, a pedestrian promenade, and an integrated design that is compatible with the historic Grain Belt Brewery complex.

- 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 buildings have been designed to be compatible with the Grain Belt brewery complex and have received HPC and SHPO approvals, subject to conditions. The buildings have been designed to be of an appropriate scale for the area.

- 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 site is required to comply with the City's stormwater management and erosion control ordinances. Public Works has given a preliminary review to these items and finds them acceptable. Public Works will approve the stormwater management and erosion control plans at the final site plan stage.

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

The development will be platted into two lots that will meet the requirements of the subdivision ordinance. Please see the plat section of this report.

VARIANCE (to reduce the required front yard setback on 13th Avenue NE)

Findings Required by the Minneapolis Zoning Code:

- 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.**

In general, setbacks are not required for properties in the commercial districts, except where adjacent to residential districts or residential uses and for residential uses that contain windows facing an interior side lot line. The C1 zoned part of the development is bordered on two sides by public streets, so no setbacks are required on the westerly and northerly sides of the development along Marshall Street NE and 13th Avenue NE except for 40 feet of Lot 4 running westerly from Lot 5, because Lot 5 is zoned residential. A front yard setback of 15 feet is required in this area. There is also a 15 foot front yard setback required on Main Street NE. The south setback for Lot 1, which is proposed to be zoned residential, has a required setback of five feet plus two feet for each additional floor above the first floor for a total of 11 feet ($5 + 2(3) = 11$). A variance is necessary to allow buildings B and C to encroach into the front yard setback on 13th Avenue NE.

The applicant is proposing that Buildings A, B, and C be setback seven feet, that three balconies be setback four feet, and that one of the stair landings be setback zero feet. Building A and all but the west 14 feet of Building B are not subject to setbacks. In addition the residential apartment building to the east is setback 5 feet. This makes a larger setback less necessary as the block face will still be uniform.

If the 15-foot setback is required, then two of the buildings will not be in line with the Building A or the apartment building to the east and the underground parking will be difficult to build. There is a grade change on the site and it is irregularly shaped. In addition, SHPO required that no building be placed over the historic Orth Brewery ruins. All of these factors create a hardship for developing the site. The reduction of the required setback in this case would be a reasonable use of the land.

- 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.**

The site is irregularly shaped and there is a grade change from east to west. In addition, SHPO required that no building be placed over the historic Orth Brewery ruins. Building A and all but the west 14 feet of Building B are not subject to setbacks. In addition the residential apartment building to the east is setback 5 feet. This makes a larger setback less necessary as the block face will still be uniform. These are conditions that are not generally applicable to other properties in the area and have not been created by the applicant.

- 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.

The intent of setbacks is to provide a uniform building line down a block face, to preserve views up and down the street, and to ensure access to light and air. Since the buildings will be setback 7 feet from the sidewalk and will have a uniform setback up and down the block the proposed variance does not circumvent the intent of the ordinance.

- 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.**

The variance will not increase congestion in the public streets, or increase the danger of fire. There will be a uniform building wall along the entire block so it should not be detrimental to the surrounding area or endanger public welfare and safety.

VARIANCE (to allow parking with 6 feet of a residential structure)

Findings Required by the Minneapolis Zoning Code:

- 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.**

If the variance were denied the applicant would lose at least 11 commercial and office parking spaces. There is a grade change on the site and it is irregularly shaped. In addition, SHPO required that no building be placed over the historic Orth Brewery ruins. All of these factors create a hardship for developing the site. And make it difficult to move the location of the buildings. This parking has been placed as close as possible to the Office Building and commercial uses and there is no other practical place for it to be located. This can be considered a hardship. Granting the variance is a reasonable use of the property.

- 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.**

The site is irregularly shaped and there is a grade change from east to west. In addition, SHPO required that no building or parking be placed over the historic Orth Brewery ruins. It is difficult to meet these conditions without having the buildings in their proposed locations. These are conditions that are not generally applicable to other properties in the area and have not been created by the applicant.

- 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.

The intent of the ordinance is to provide an adequate separation between parking and residential structures to reduce the impact from vehicles, such as noise and fumes, on residents of the building. In this case, the parking is below grade, but not enclosed, so that these impacts on the residential structure are mitigated. Therefore, the granting of this variance should not circumvent the intent of the ordinance.

- 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.**

The variance will prevent a reduction in parking spaces, so it should not be detrimental to the surrounding area or the public welfare. It should not increase the danger of fire.

VARIANCE (to allow parking between the principal structure and the front lot line)

Findings Required by the Minneapolis Zoning Code:

- 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.**

The applicant is proposing five parking spaces off of Main Street NE at the east end of the site. The parking is between the principal buildings and the front lot line and this is prohibited in residential districts. Office and commercial parking is not allowed in the R5 District, so it could only be used for guest or resident parking. While staff agrees that there are hardships in developing the site, they do not warrant placing parking in this area. It is the staff's opinion that the site can be put to reasonable use if the parking lot is eliminated so that it is not between the building and the public sidewalk.

- 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.**

While staff agrees that there are unique circumstances on the site, they do not warrant placing parking in this area. The lot can not be used for commercial or office parking and the site already provided the required amount of residential parking spaces. It is the staff's opinion that the site can be put to reasonable use if the parking lot is eliminated so that it is not between the building and the public sidewalk.

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.**

The intent of the ordinance is to encourage traditional urban design and to prevent the dominance of the streetscape by parking facilities. Granting the variance would create an extension of the apartment building parking lot to the north and the bank parking lots to the south on the block. This does not meet the intent of the ordinance and may create a less pedestrian friendly streetscape on Main Street NE.

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.**

The proposed variance will not increase congestion in the public streets and would not increase the danger of fire. It may be detrimental to the public welfare in regard to the pedestrian activity on the public sidewalks. It should not endanger the public safety.

SITE PLAN REVIEW

Required Findings for Site Plan Review

A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)

B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

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

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- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
 - Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
 - Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
 - The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
 - The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
 - Entrances and windows:
 - Residential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:

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

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.
- Minimum window area shall be measured as indicated in section 530.20 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.

Buildings A, B, and C are located within eight feet to the property line on 13th Avenue NE. Building A is setback from Marshall Street NE, because SHPO has required that no building or parking be built over the ruins of the Orth Brewery. Staff recommends granting alternative compliance to preserve this historic ruin. The applicant is providing a landscaped planter along the Marshall Street frontage as an amenity and to establish the street wall in lieu of the building. The Long Bar Building is not located up

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to the 15 foot setback line. Staff recommends that the building be brought up to the setback line or that three foot decorative wrought iron fence or brick wall be installed along the public side walk to help reinforce the street wall as alternative compliance. The area between the buildings and the right-of-way will contain plaza space or landscaping.

The principal entrances for the commercial spaces face Marshall Avenue NE, but are setback due to SHPO requirements for the building placement. The principal entrances for the residential structures face 13th Avenue NE and Main Street NE with a promenade link to Marshall Street NE.

There is an accessory parking lot proposed between the principal structure and Main Street that requires a variance. Staff is recommending denial of the variance. The applicant proposes nine surface spaces to the north of the Office Building. While not prohibited by code, CPED – Planning staff is concerned that it will have a negative impact on the design of the site, by breaking up the line of the promenade to the street and by placing cars adjacent to the pedestrian plaza. CPED – Business Development staff has indicated that the parking is necessary to enhance the market value of the building and to make it easier to lease the building. Therefore, CPED Planning staff encourages that applicant to consider removing the parking from this area. If it is not removed a five foot landscaped buffer is required between the parking and the public sidewalk along Marshall Street NE and between the parking and the plaza. All other parking is to the side of the buildings in the interior of the site or within an enclosed building.

The building facades will contain architectural detail and will utilize metal and brick for exterior materials. The material and design have been approved by the HPC, subject to conditions. However, there are blank uninterrupted walls of greater than 25 feet and along 13th Avenue NE and the retaining wall for the west side of the Long Bar Building behind the Office Building that are required to include architectural elements. Staff recommends that the applicant provide architectural detail or windows in these areas and consider lowering the building entrances to closer to sidewalk level at the final site plan stage. The structure has a flat roof similar to other structures in the area.

The windows on the building meet the requirements of the site plan chapter, with the exception of the first floor elevations of buildings A, B, and C on 13th Avenue NE. Staff recommends alternative compliance for buildings B and C due to the grade change. This would require additional landscaping or architectural detail. For building A, staff recommends additional windows to achieve 30 percent windows along 13th Avenue. The proposed windows are vertical in proportion and distributed in a more or less even manner. The design has been approved by HPC staff with conditions.

For the façade of Building A facing Marshall Street NE, the commercial part of the building on the first floor is 82 percent windows (30 percent required) and the residential floors above have 30 percent (10 percent required). For the façade facing 13th Avenue NE, the commercial part of the building on the first floor is 18 percent windows (30 percent required) and there is 22 percent (10 percent required) on the residential floors above. For the façade of Building B facing 13th Avenue NE, the first floor is 11 percent windows (20 percent required) and 22 percent (10 percent required) windows on the floors above. For the façade of Building C facing 13th Avenue NE, the first floor is 17 percent windows (20 percent required) and 22 percent (10 percent required) windows on the floors above. Staff is recommending alternative compliance for Buildings B and C,

ACCESS AND CIRCULATION:

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

The entrances to the buildings open onto the public sidewalks. There are no transit shelters on the site. Public Works and the Fire Department have reviewed the site plan for access and circulation and find them acceptable with changes. The applicant has designed the site to minimize curb cuts. There are no public alleys adjacent to the site. The site has a green area throughout the site and the applicant has made efforts to reduce impervious surfaces wherever possible.

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.

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Approximately 38 percent of the site minus the building is landscaped. The lot area is 132,133 square feet and the building footprints are 44,394 square feet. This leaves 87,739 square feet, of which 20 percent (17,548 square feet) is required to be landscaped. The applicant is providing 33,027 square feet of landscaping.

The surface parking lots on 13th Avenue and Main Street are screened per code. The proposed surface lot off of Marshall is not screened per code. Staff is encouraging the applicant to remove this lot, but if it remains three-foot high screening that is 60 percent opaque is required between the parking and the public sidewalk. The lot off of 13th Avenue does not have all of its parking spaces within 50 feet of a deciduous tree. Because this surface lot is between two buildings and is part of the ramp to the enclosed parking, it is not possible to plant trees next to the lots or in the lot. Staff recommends alternative compliance because strict adherence is impractical due to site conditions.

The development is required to provide 35 trees (17,548/500) and 176 shrubs (17,548/100). The project will provide 69 trees and 990 shrubs. Staff does recommend that additional trees (1 per every 25 linear feet) be planted around the perimeter of the plaza along the north, south, and west sides if allowed by SHPO.

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.

Curbing is not provided for the surface lot adjacent to the plaza. Staff recommends alternative compliance to allow an integrated design with the plaza (decorative bollards will provide separation). Curbing is provided in the other lots.

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The lighting will comply with Chapters 535 and 541 including the following standards:

535.590. Lighting. (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

The adjacent residential use should not be affected by headlight glare due to screening. The design of the buildings has been planned to minimize the blocking of important views of the city, to minimize the shadowing of public spaces and adjacent properties, and to minimize the generation of wind currents at ground level.

The site has been designed to consider CPTED principals.

The site is located in a historic district and does include a historically designated building (the Office Building). The site has been reviewed and approved, subject to conditions, by the HPC.

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

ZONING CODE: The proposed use is a conditional use in the C1 Neighborhood Commercial and R5 Multiple-family Residential Districts.

Off-Street Parking and Loading: The zoning code requires 160 parking spaces. There are two retail commercial spaces that require four spaces each for a total of eight parking spaces. There are 152 dwelling units that require one space each, for a total of 152 spaces. The office building would be required to provide 17 parking spaces, but they are grandfathered, so the total required parking is 160 spaces. One handicapped van accessible space is required for the commercial parking area and one will be provided for the commercial area.

The applicant proposes 182 parking spaces, of which six are handicapped accessible. Thirty of the spaces (3 accessible) are proposed to be dedicated for the commercial use and office building in three surface lots, but the five in the east lot can not be used for commercial or office parking, because they are zoned residential, so only 25 are available for the commercial and office uses; 152 spaces (3 accessible) will be in an underground garage for the residential units. A discretionary Travel Demand Management plan for the development is under review by Public Works.

One small (10 foot by 25 foot) loading space is required for the retail. The residential loading space is as determined by the conditional use permit/planned unit development. The applicant proposes on street loading area in the surface commercial lot that will require an exception to be granted as a part of the conditional use permit/planned unit development. This is acceptable if approved by Public Works.

Maximum Floor Area: The applicant proposes that the site be rezoned to the C1 and R5 Districts. The maximum FAR in the C1 District is 1.7. The lots in question to be zoned C1 are 75,788 square feet in area. The applicant proposes 80,985 square feet of gross floor area on these lots in addition to the existing 16,940 square feet of the office building, an FAR of 1.29. The maximum FAR in the R5 District is 2.0. The lots in question to be zoned R5 are 56,345 square feet in area. The applicant proposes 101,716 square feet of gross floor area on these lots, an FAR of 1.8.

Building Height: Building height in the C1 District is limited to 2.5 stories or 35 feet, whichever is less. In the C1 District, if residential uses are located above a ground floor in which at least 50 percent of the gross floor area is devoted to commercial uses, then the maximum height of the structure may be increased to 3 stories or 42 feet, whichever is less. Building A qualifies for this bonus. Building height in the R5 District for multiple-family structures is limited to 4 stories or 56 feet, whichever is less.

Buildings A and B are proposed to have C1 zoning. Both will be 5 stories, so an exception for height is necessary as a part of the conditional use permit/planned unit development application. Building D and the Long Bar Building are proposed to have R5 zoning. Both will be 4 stories and comply with the height limits.

Minimum Lot Area: The C1 District requires not less than 1,500 square feet of lot area per dwelling

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unit. With 64 proposed dwelling units (in the C1 zoned area) on lots of 75,788 square feet, the applicant proposes 1,148 square feet of lot area per dwelling unit ($75,788/64=1,184$). One building qualifies a 20 percent density bonus for first floor retail, and both qualify for a 20 percent bonus for enclosed parking, so the lot area per dwelling unit is met with the bonus ($75,788/1500=50$; $50*20\%=10$; $50+10+10=70$ allowed).

The R5 District requires not less than 900 square feet of lot area per dwelling unit. With 88 dwelling units (in the R5 zoned area) on lots of 56,345 square feet, the applicant proposes 640 square feet per dwelling unit ($56,345/88=640$). The development qualifies for a 20 percent density bonus for enclosed parking, which brings the lot area per dwelling unit to 761 square feet. The planned unit development regulations allow an additional 20 percent reduction in the minimum lot area per dwelling unit. A reduction of 16 percent brings the required lot area to 640 square feet per dwelling unit, the amount the applicant is proposing ($56,345/900=62$; $62*20\%=12$; $62+12=74$; $56,345/74=761$; $761*16\%=121$; $761-121=640$).

Yard Requirements: In general, setbacks are not required for properties in the commercial districts, except where adjacent to residential districts or residential uses and for residential uses that contain windows facing an interior side lot line. The C1 zoned part of the development is bordered on two sides by public streets, so no setbacks are required on the westerly and northerly sides of the development along Marshall Street NE and 13th Avenue NE except for 40 feet of Lot 4 running westerly from Lot 5, because Lot 5 is zoned residential. A front yard setback of 15 feet is required in this area. There is also a 15 foot front yard setback required on Main Street NE. The south setback for Lot 1, which is proposed to be zoned residential, has a required setback of five feet plus two feet for each additional floor above the first floor for a total of 11 feet ($5+ 2(3) = 11$). A variance is necessary to allow buildings B and C to encroach into the front yard setback on 13th Avenue NE. An exception for the interior yard between the Office Building and the Long Bar Building is required as apart of the planned unit development.

Specific Development Standards: No specific development standards are applicable for this project. Future retail or restaurant uses may be subject to specific development standards.

Hours of Operation: In the C1 District, uses may be open to the public during the following hours: Sunday through Thursday from 6:00 a.m. to 10:00 p.m. and Friday and Saturday from 6:00 a.m. to 11:00 p.m.

Signs: Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. The final sign plan is not yet finalized, but the applicant is aware that signs require zoning office approval and permits.

Refuse storage: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The applicant will provide trash enclosures that meet the requirements of the code.

MINNEAPOLIS PLAN: Please see finding number 1 under the rezoning section and finding number 5 under the conditional use permit/ planned unit development sections of the staff report.

SMALL AREA PLANS ADOPTED BY COUNCIL: The *Above the Falls* plan (adopted 2000) seeks the highest and best use adjacent to riverfront parks, including the development of new residential communities. The land use plan on page 59 shows this area as commercial with a plaza along Marshall Street NE. The Urban Design chapter shows a plaza with commercial and residential development in a drawing on page 91 and indicates that residential development should front on the square with small shops too. The proposed development is in conformance with the plan.

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

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

Alternative compliance is necessary to allow Building A to be setback more than eight feet from Marshall Street NE to meet SHPO requirements to preserve the unexcavated foundation of the Orth Brewery ruins. Staff recommends granting alternative compliance to preserve this historic ruin. The applicant is providing a landscaped planter along the Marshall Street frontage as an amenity and to establish the street wall in lieu of the building.

Alternative compliance is necessary to allow the Long Bar Building to be setback further than the 15 foot setback line. Staff recommends that the building be brought up to the setback line. If the Planning Commission believes that alternative compliance is warranted, then the applicant shall provide a three foot decorative wrought iron fence or brick wall be installed along the public side walk to help reinforce the street wall as alternative compliance.

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Alternative compliance is necessary to allow the residential portion of buildings A, B, and C on 13th Avenue NE to have less than the required amount of windows adjacent to grade on the first floors. Staff recommends granting alternative compliance for buildings B and C due to the grade change if additional architectural detail is provided. Staff recommends that Building A meet the window requirement.

Alternative compliance is necessary to allow the lot off of 13th Avenue have some of the parking spaces be located greater than 50 feet of a deciduous tree. Staff is recommending alternative compliance, because this surface lot is between two buildings and is part of the ramp to the enclosed parking, which makes it difficult to plant trees next to the lots or in the lot.

PRELIMINARY PLAT

Required Findings:

- 1. The subdivision is in conformance with the land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the comprehensive plan.**

The comprehensive plan shows this area as appropriate for residential and commercial uses (see finding number 1 in the rezoning section of this report). All of the lots will be in conformance with the requirements of the zoning ordinance.

The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.230 (5), which requires utility easements to be 5 feet wide on interior side lot lines and 10 feet on rear lot lines. In order to be in conformance with the land subdivision regulations, the easements are required to be shown or a variance of Section 598.230 (5) is required to allow the elimination of drainage and utility easements on the interior and rear lot lines. This can be addressed at the final plat stage. The applicant has provided a drainage and utility plan that will be reviewed and approved by Public Works. When these plans are finalized they will determine the necessity and location of the easements. At the final plat stage a deed restriction is required that complies with Section 598.260 of the subdivision ordinance regarding common space, the owner's association, and other items.

If the Planning Commission allows the nine surface spaces on Lot 3 for the office building, staff recommends that the lot lines be moved so that this parking area is made part of Lot 2, so that the parking is on the same lot as the use served.

- 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 proposed subdivision is to replat various lots into five lots for a planned unit development. The redevelopment of the site for residential and small scale retail is in conformance with the comprehensive plan, the *Above the Falls* plan, and development objectives for the area. The development is subject to site plan review, storm water management regulations, and is required to have a Travel Demand Management plan approved by Public Works. It has received Heritage preservation Commission approval. With proper conditions of approval and compliance with the various regulations the replatting and development of the site should not be detrimental to the surrounding area, nor cause congestion in the public streets.

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

The site has a grade change from west to east, but no steep slopes. The site does not present the other noted hazards and conditions.

- 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 site has a grade change from west to east, but no steep slopes that would hinder obtaining a building permit or driveway access. Public Works and the Fire Department have reviewed and preliminarily approved the access and parking design with alterations. There will be grading of the site, but Public Works will review and approve an erosion control plan before building permits may be issued.

- 5. The subdivision makes adequate provision for stormwater runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development will not exceed the amount occurring prior to development.**

The utility and drainage provisions should be adequate for the proposed development. Drainage and utility easements will be determined on the final plat after Public Works review and approval of the drainage and utility plans. A stormwater management plan will be reviewed and approved by Public Works before building permits may be issued.

RECOMMENDATIONS

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning application from I1 Light Industrial and R3 and R5 Multiple-family Residential to C1 Neighborhood Commercial and R5 Multiple-family Residential for property located at 1215 Marshall Street NE and 130-135 13th Avenue NE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the conditional use permit for a planned unit development:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit for a planned unit development application with an exceptions 152 units for property located at 1215 Marshall Street NE and 130-135 13th Avenue NE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance for the front yard setback:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the front yard setback variance application from 15 feet to 7 feet for the building, to 4 feet for the balconies, and to zero feet for the stairs and landings for property located at 1215 Marshall Street NE and 130-135 13th Avenue NE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance to allow parking within 6 feet of a residential structure:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to allow parking within 6 feet of a residential structure for property located at 1215 Marshall Street NE and 130-135 13th Avenue NE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance to allow parking between a principal structure and the front lot line:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance application to allow parking a principal structure and the front lot line for property located at 1215 Marshall Street NE and 130-135 13th Avenue NE.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for property located at 1215 Marshall Street NE and 130-135 13th Avenue NE subject to the following conditions:

- 1) Staff review and approve the site plan, lighting plan, landscaping plan, and elevations before building permits may be issued. The location of all exterior mechanical equipment and screening of this equipment shall be shown on the plan. All site improvements shall be completed by May 12, 2007 (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 2) The applicant consider eliminating the 9 surface parking spaces immediately to the north of the Office Building. If the spaces remain they shall be screened per the standards of the zoning code.
- 3) Provision of additional architectural detailing along all blank walls facing 13th Avenue NE on building A, B, and C and provision of 30 percent windows on the first floor of Building A facing 13th Avenue NE as required by section 530.120 of the zoning code.
- 4) The east façade of the Long Bar Building shall be built up to the 15 foot setback line on Main Street NE.
- 5) Compliance with all HPC approvals.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary plat subdivision application for property located at 1215 Marshall Street NE and 130-135 13th Avenue NE subject to the following conditions:

- 1) Drainage and utility easements shall be shown on the final plat unless a variance is obtained to eliminate this requirement.
- 2) Provision of a deed restriction that meets the requirements of Section 598.260 of the subdivision ordinance.
- 3) If surface parking is allowed on the northerly side of the office building, then the lot lines between Lot 2 and Lot 3 shall be reconfigured to have the parking as a part of Lot 2.

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Attachments:

- 1) Rezoning legal description.
- 2) Findings from applicant.
- 3) Letters.
- 4) PDR Report.
- 5) Site and zoning map.
- 6) Site plan, floor plans, and elevations.
- 7) Photos of the site and surrounding area.