

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permits, Variances and Site Plan Review  
BZZ-2861

**Date:** April 24, 2006

**Applicant:** The Lander Group

**Address of Property:** 2622 West Lake Street

**Project Name:** 2626 West Lake Street

**Contact Person and Phone:** Michael Lander with The Lander Group, (612) 822-7668

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

**Date Application Deemed Complete:** March 15, 2006

**End of 60-Day Decision Period:** May 14, 2006

**End of 120-Day Decision Period:** Not applicable

**Ward:** 10      **Neighborhood Organization:** CIDNA

**Existing Zoning:** OR2, High Density Office Residence District and the SH Shoreland Overlay District

**Proposed Zoning:** Not applicable

**Zoning Plate Number:** 23

**Legal Description:** Not applicable

**Proposed Use:** mixed-use development including 46 dwelling units and one neighborhood serving retail sales and services space

**Concurrent Review:**

**Conditional use permit:** to increase the height of the building located in the SH Shoreland Overlay District from the permitted 2.5 stories/35 feet to 7 stories/84 feet

**Conditional use permit:** for 46 dwelling units

**Variance:** to reduce the front yard setback along West Lake Street from the required 15 feet to 7 feet for a staircase, ground level patio, trellis and canopies

**Variance:** to reduce the corner side yard setback along Thomas Avenue South from the required 15 feet to zero feet for elements such as staircases, an accessible ramp, a canopy, an entrance landing, a ground level patio, a trellis and a transformer

**Variance:** to reduce the east interior side yard setback from the required 17 feet to 7 feet for ground level patios and trellises

**Variance:** to reduce the north rear yard setback from the required 17 feet to 10 feet for balconies (was noticed for ground level patios and trellises)

**Site Plan Review**

**Applicable zoning code provisions:** 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” and Chapter 530, Site Plan Review.

**Previous Actions:** In October of 2005 the applicant applied for a similar development on this site. The original proposal included 70 dwelling units and had an overall height of 10 stories. Ultimately, the applicant withdrew the applications with the intention of revising the design and resubmitting for review.

**Background:** The property located at 2622 West Lake Street has an existing two-story office building located on it. The current business, Weisman Enterprises, has been sold and is moving out of the area. Prior to Weisman Enterprises occupying the building Coldwell Banker and JCPenny occupied the building. The applicant is proposing to demolish the existing building and construct a new 46-unit residential development including a 2,000 square foot commercial space. The applicant has not identified a tenant for the commercial space. The development will be made up of four buildings all sitting on top of a two-story parking garage. For purposes of the zoning code the development is considered one building as the parking garage, which connects all of the buildings together, is visible above grade and therefore looks like one building.

The zoning code requires 0.9 parking spaces per dwelling unit and four parking spaces for a 2,000 square foot neighborhood serving retail sales and services use. The resulting parking requirement for this development is 45 spaces; 41 spaces for the residential component and four spaces for the neighborhood serving retail sales and services use. Within the building the applicant is providing a total of 104 parking spaces. The applicant has designated four spaces for the neighborhood serving retail sales and services use, nine for guests and the remaining 91 for the residential portion of the development.

All of the parking will be located in two levels of structured parking within the building. One level of the parking garage will be constructed below grade and the other will be constructed partially above grade. The applicant has indicated that because of the unusually high ground water table on this site that both levels of parking will not be constructed below grade. The lower level of the parking garage will be accessed from Thomas Avenue South and will be utilized by the residents of the building only. The upper level of the parking garage will also be accessed from Thomas Avenue South but will be utilized by residents, guests and customers of the commercial space.

The height of the building varies between four and seven stories. When measured from West Lake Street the southwest portion of the building would be seven stories, the southeast portion would be six stories and the north portion of the building would be four stories. The size of the dwelling units range between 1,200 square feet and 6,000 square feet. Based on past projects that the applicant has worked on it is anticipated that some of the dwelling units may be combined together to make larger units.

**Travel Demand Management Plan:** Public Works requested that a discretionary Travel Demand Management (TDM) plan be done for this project.

**CONDITIONAL USE PERMIT** - to increase the height of the building located in the SH Shoreland Overlay District from the permitted 2.5 stories/35 feet to 7 stories/84 feet

**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 height requirement in the OR2 zoning district is 4 stories or 56 feet, whichever is less. However, the property is also located within 1,000 feet of the high-water mark of Lake Calhoun and Lake of the Isles and is therefore subject to the height requirements of the SH Shoreland Overlay District, which is 2.5 stories or 35 feet, whichever is less.

The purpose of the SH Shoreland Overlay District is established to “preserve and enhance the environmental qualities of the surface waters and the natural and economic values of Shoreland areas within the city, to provide for the efficient and beneficial utilizations of those waters and Shoreland area, to comply with the requirements of state law regarding the management of Shoreland areas, and to protect the public health, safety and welfare”.

The Planning Division does not believe that increasing the height of the building from 2.5 stories/35 feet to 7 stories/84 feet would be detrimental to or endanger the public health, safety, comfort or general welfare as the building has been designed with varying heights and incorporates several setbacks to reduce the impact on the surrounding properties.

**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 increasing the height of the building from 2.5 stories/35 feet to 7 stories/84 feet would be injurious to the use and enjoyment of other property in the area. The site is a block onto itself as it is boarded by two streets, the Midtown Greenway and public park land. The tallest portion of the development is seven stories however the rest of the building ranges between four and six stories in height. The applicant submitted a rendering of the development which also shows the existing trees in the area. According to the rendering provided by the applicant, the building would be constructed approximately at the top of the tree line along the north side of Lake Calhoun. For reference, the existing 12-story building to the west of the site extends above the tree line. The building has been designed with two “corridors”. One “corridor” goes from north to south and the other goes from east to west. The “corridors” help to break up the mass of the building into smaller portions.

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

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

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

Increasing the height of the building will have no impact on traffic congestion in the public streets.

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

The site is located on West Lake Street which is a designated Commercial Corridor. In addition, the site is located on the south side of the Midtown Greenway, an existing greenway. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs (Policy 9.16).
- Encourage the design of all new buildings to fulfill light, privacy and view requirements for the subject building as well as for adjacent buildings (Implementation Step for Policy 9.16).
- Promote the preservation and enhancement of view corridors that focus attention on natural or built features, such as the downtown skyline, landmark buildings, significant open spaces or water bodies (Implementation Step for Policy 9.16).

The Planning Division believes that the proposed height of the development is in conformance with the above policies of the comprehensive plan. A seven story building will serve as a transition between the taller buildings to the west and the mature trees to the east.

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

**In addition to the conditional use permit standards, the Planning Commission shall consider, but not be limited to, the following factors when determining the maximum height:**

**1. Access to light and air of surrounding properties.**

The proposed development should not diminish access to light and air for surrounding properties given that the building will be constructed on a block that is onto itself. The closest property is located across the street from the site.

**2. Shadowing of residential properties or significant public spaces.**

According to the shadow study that was submitted by the applicant the residential properties to the west and north and the Midtown Greenway to the north will be shadowed by this building at various times throughout the year. Please note that for those residential properties to the north it is not the dwellings

themselves that will be shadowed but portions of the yards. Shadowing of those properties has been reduced significantly from the applicant's previous proposal.

**3. The scale and character of surrounding uses.**

The Planning Division does not believe that a seven story building would be out of scale or character with the surrounding area given the height of the buildings to the west. The development may be considered to be out of scale and character with the one and two-story single family dwellings to the north, however given the context of the immediate properties the Planning Division believes that the proposed development is appropriate. The scale of the building has been significantly reduced from the applicant's previous proposal.

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

Constructing a building either 2.5 stories in height or seven stories in height would block views of Lake Calhoun and the open space around it from the properties to the north given the height of those properties. A seven story building will block views of the park land on the east side of the site from the residential building to the west much more than a 2.5 story building would, however, the "corridors" that have been designed into the building will help to alleviate this.

**In addition to the conditional use permit standards, the Planning Commission shall consider the following in the Shoreland Overlay District:**

**1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**

Public Works will review and approve an erosion control plan and a stormwater management plan prior to the issuance of building permits. The applicant has indicated that the proposed stormwater system will significantly improve the quality of the storm water leaving the site in the future.

**2. Limiting the visibility of structures and other development from protected waters.**

The requested height increase would significantly increase the visibility of the development from Lake Calhoun compared to a development built to comply with the Shoreland Overlay District or the restrictions of the base zoning district. However, according to the renderings provided by the applicant the building would be constructed approximately at the top of the tree line along the north side of Lake Calhoun.

**3. The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.**

This development will not impact watercraft usage on Lake Calhoun.

**CONDITIONAL USE PERMIT** - for 46 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 46-unit, for-sale condominium development would be detrimental to the surrounding area. 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 a 46-unit, for-sale condominium development would be injurious to the use and enjoyment of other property in the area. Utilizing the site for a 46-unit, for-sale condominium development 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.**

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 residential portion of the development has a parking requirement of 41 spaces. The applicant proposes to have 91 parking spaces located within the building for the residents of the building. Access to the parking spaces is via Thomas Avenue South. As part of this development the curb cut on West Lake Street will be removed which will help alleviate traffic build-up on West Lake Street.

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

The site is located on West Lake Street which is a designated Commercial Corridor. In addition, the site is located on the south side of the Midtown Greenway, an existing greenway. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- 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 Planning Division believes that the proposed development is in conformance with the above policies of the comprehensive plan. The applicant is proposing to construct a 46-unit, for-sale condominium development on the site. The site is located on a designated Commercial Corridor where the plan calls for higher-density housing developments to be located. Given the lot size the applicant could construct up to 80 dwelling units on the site without any density bonuses.

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

**In addition to the conditional use permit standards, the Planning Commission shall consider the following in the Shoreland Overlay District:**

**1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**

Public Works will review and approve an erosion control plan and a stormwater management plan prior to the issuance of building permits. The applicant has indicated that the proposed stormwater system will significantly improve the quality of the storm water leaving the site in the future.

**2. Limiting the visibility of structures and other development from protected waters.**

The requested height increase would substantially increase the visibility of the development from Lake Calhoun compared to a development built to comply with the Shoreland Overlay District or the restrictions of the base zoning district. However, according to the renderings provided by the applicant the building would be constructed approximately at the top of the tree line along the north side of Lake Calhoun.

**3. The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.**

This development will not impact watercraft usage on Lake Calhoun.

**VARIANCE** - to reduce the front yard setback along West Lake Street from the required 15 feet to 7 feet for a staircase, ground level patio, trellis and canopies

**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.**

**Front yard setback:** The applicant is seeking a variance to reduce the front yard setback along West Lake Street from the required 15 feet to 7 feet for a staircase, ground level patio, trellis and canopies. Specifically, the canopies are located 10 feet from the property line and the staircase, ground level patio and trellis are located seven feet from the property line. In order to divide the mass of the building up so as to not construct one large building on the site the building has been designed to look like four individual buildings each positioned on the four corners of the property. In order to achieve this open feel the building walls have been designed to be built up to the property lines leaving as much space between the buildings as possible. The applicant has indicated that the front property line is not straight as it follows the curve of West Lake Street. The elements requiring the setback variance are all located along the first floor of the building. All of the elements are permitted obstructions but exceed the zoning code dimension requirements that would allow them to be constructed without a variance.

**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.**

**Front yard setback:** The fact that the site is irregularly shaped and is situated between Lake Calhoun and a residential neighborhood and park land and a residential development is a unique condition of this parcel of land. Maintaining views of these two land features for the surrounding residential dwellings is important.

**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.**

**Front yard setback:** The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. In this case there are no adjacent uses therefore no conflicts should be created by allowing the elements in the required front yard. The Planning Division believes that the granting of this variance would not alter the essential character of the area. Locating the proposed building close to the front property line along West Lake

Street would be similar to the placement of the buildings to the west of the site which have also been constructed close to the front property line. In addition, the site is located along West Lake Street which *The Minneapolis Plan* designates as a Commercial Corridor. The comprehensive plan supports the construction of buildings that reinforce the street wall and provide eyes on the street.

**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.**

**Front yard setback:** 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 corner side yard setback along Thomas Avenue South from the required 15 feet to zero feet for elements such as staircases, an accessible ramp, a canopy, an entrance landing, a ground level patio, a trellis and a transformer

**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.**

**Corner side yard setback:** The applicant is seeking a variance to reduce the corner side yard setback along Thomas Avenue South from the required 15 feet to zero feet for elements such as staircases, an accessible ramp, a canopy, an entrance landing, a ground level patio, a trellis and a transformer. Specifically, the canopies are located nine feet from the property line, the entrance landing is located 11 feet from the property line, the staircases are located five feet six inches from the property line, the transformer is located eight feet from the property line, the accessible ramp is located three feet nine inches from the property line and the ground level patio and trellis are located nine feet six inches from the property line. In order to divide the mass of the building up so as to not construct one large building on the site the building has been designed to look like four individual buildings each positioned on the four corners of the property. In order to achieve this open feel the building walls have been designed to be built up to the property lines leaving as much space between the buildings as possible. The applicant has indicated that the grade rises approximately 10 feet when moving from the southwest corner of the site to the northwest corner of the site. The elements requiring the setback variance are all located along the first floor of the building. All of the elements are permitted obstructions but exceed the zoning code dimension requirements that would allow them to be constructed without a variance.

**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.**

**Corner side yard setback:** The fact that there is a 10-foot grade change on the site and is situated between Lake Calhoun and a residential neighborhood and park land and a residential development is a

unique condition of this parcel of land. Maintaining views of these two land features for the surrounding residential dwellings is important.

**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.**

**Corner side yard setback:** The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. In this case there are no adjacent uses therefore no conflicts should be created by allowing the elements in the required corner side yard. The Planning Division believes that the granting of this variance would not alter the essential character of the area. Locating the proposed building close to the corner side property line along Thomas Avenue South would be similar to the placement of the building to the west of the site which has also been constructed close to the corner side property line.

**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.**

**Corner side yard setback:** 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 east interior side yard setback from the required 17 feet to 7 feet for ground level patios and trellises

**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.**

**Interior side yard setback:** The applicant is seeking a variance to reduce the east interior side yard setback from the required 17 feet to 7 feet for ground level patios and trellises. Specifically, there are four ground level patios with trellises above them on the east side of the building. One is located seven feet from the property line, one is located nine feet from the property line, one is located 11 feet from the property line and the other is located 12 feet from the property line. In order to divide the mass of the building up so as to not construct one large building on the site the building has been designed to look like four individual buildings each positioned on the four corners of the property. In order to achieve this open feel the building walls have been designed to be built up to the property lines leaving as much space between the buildings as possible. The elements requiring the setback variance are all located along the first floor of the building. All of the elements are permitted obstructions but exceed the zoning code dimension requirements that would allow them to be constructed without a variance.

**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.**

**Interior side yard setback:** The fact that the site is situated between Lake Calhoun and a residential neighborhood and park land and a residential development is a unique condition of this parcel of land. Maintaining views of these two land features for the surrounding residential dwellings is important.

**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.**

**Interior side yard setback:** The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. In this case there are no adjacent uses therefore no conflicts should be created by allowing the elements in the required interior side yard.

**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.**

**Interior side yard setback:** 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 north rear yard setback from the required 17 feet to 10 feet for balconies

**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.**

**Rear yard setback:** The applicant is seeking a variance to reduce the north rear yard setback from the required 17 feet to 10 feet for balconies. All six of the balconies are located 10 feet from the property line. Please note that there are three bays of double balconies. In order to divide the mass of the building up so as to not construct one large building on the site the building has been designed to look like four individual buildings each positioned on the four corners of the property. In order to achieve this open feel the building walls have been designed to be built up to the property lines leaving as much space between the buildings as possible. The rear yard setback is determined by the overall height of the building. The seven story portion of the building is setback between 90 and 96 from the north property line and the six story portion of the building is setback between 92 and 98 feet from the north property line. If the rear yard setback were determined by the height of the four-story portion of the

building, which is located on the north end of the site, the setback would be 11 feet. If this was the case the variance would be for one foot instead of seven feet.

**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.**

**Rear yard setback:** The fact that the building has been designed with a four-story structure on the north end of the site is a unique circumstance. The rear property line is set at an angle. Given this, the taller portions of the building are located between 90 and 98 feet from the rear property line.

**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.**

**Rear yard setback:** The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. In this case there are no adjacent uses therefore no conflicts should be created by allowing the elements in the required rear yard.

**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.**

**Rear yard setback:** 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.

## **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:**

- This development reinforces the street wall and facilitates pedestrian access but it does not maximize natural surveillance. The building is set close to the property lines and there are entrances and exits located along both West Lake Street and Thomas Avenue South. However the majority of the first floor of the building wall along Thomas Avenue South is blank which is not desired as blank walls do not allow for natural surveillance of the street or the site to occur.
- The site is located on a corner lot which requires that both walls abutting the streets be located within eight feet of the property line. However, the OR2 zoning district requires a 15-foot setback along both property lines. The building is located 15 feet from West Lake Street and 15 feet from Thomas Avenue South. The areas in between the building and the property lines are landscaped and contain residential patios and other architectural building elements.
- There are several residential entrances leading into the development. One is located along Thomas Avenue South and serves the seven-story portion of the development and another is located on the interior of the site and serves the six-story portion of the development. The dwelling units located on the first floor of the six and seven story portions of the building have their own entrances either from the interior of the site or along the east side of the site. In addition, the dwelling units in the four-story portion of the development have individual entrances that are accessed from within the courtyard.
- The commercial space within the building has its own entrance. It is located along the Thomas Avenue South side of the building.
- All of the on-site parking associated with this development is structured parking and located within the building.

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- The exterior materials of the structure will be a combination of brick, metal, concrete, stone, stucco and glass. All sides of the building will be compatible with one another.
- The east and west sides of the mechanical level on top of the seven-story building contain areas where there are blank, uninterrupted walls over 25 feet in length that are void of windows, entries, recesses or projections, or other architectural elements. In order to break up these areas of the building the Planning Division is recommending that architectural detailing be added as required by Section 530.120.
- At least 30 percent of the first floor of the building that is commercial, at least 20 percent of the first floor that is residential and at least 10 percent of the upper floors of the West Lake Street, Thomas Avenue South and the Midtown Greenway sides of the building are required to be windows. The analysis of the project's compliance with these requirements follows:
  - West Lake Street: the percentage of windows on the commercial portion of the first floor is 50 percent and the percentage of windows on the residential portion of the first floor building is 32 percent. All floors above the first floor meet the minimum window requirement.
  - Thomas Avenue South: the percentage of windows on the commercial portion of the first floor is 46 percent and the percentage of windows on the residential portion of the first floor building is 7 percent. All floors above the first floor meet the minimum window requirement. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than the full 20 percent windows on the residential portion of the first floor of the building facing Thomas Avenue South. Given the grade change on the site a portion of the first floor is below grade which limits the amount of windows the applicant can have on the first floor of the building. In addition, the majority of the first floor that is above grade is the exterior of the parking garage area. The Planning Division believes that it would be impractical to require an additional 225 square feet of windows on this side of the building.
  - Midtown Greenway: the percentage of windows on the residential portion of the first floor is 9 percent. All floors above the first floor meet the minimum window requirement. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than the full 20 percent windows on the residential portion of the first floor of the building facing the Midtown Greenway. Given the grade change on the site a portion of the first floor is below grade which limits the amount of windows the applicant can have on the first floor of the building. The Planning Division believes that it would be impractical to require an additional 106 square feet of windows on this side of the building.
- For non-residential uses, the zoning code requires that at least 30 percent of the windows allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views. The Planning Division is recommending that the applicant comply with this requirement.
- The windows in the building are vertical in nature and are evenly distributed along the building walls.
- The principal roof line of the building will be flat. This roofline is similar to other buildings found in the area.

**ACCESS AND CIRCULATION:**

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**

- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

**PLANNING DEPARTMENT RESPONSE:**

- The residential entrances and the entrance to the commercial space are connected to the public sidewalks along West Lake Street and Thomas Avenue South via walkways.
- There is an existing transit stop located on West Lake Street at Thomas Avenue South. Incorporated into the bust stop is a piece of public art. The City has requested that the applicant remove, store and reinstall the art on the site once construction is complete. The City has also requested that the piece of art be moved closer to the site in order to remain free of the snow plows. The applicant is proposing to meet these requests.
- All of the on-site parking associated with this development is structured parking and located within the building. As part of this development the curb cut on West Lake Street will be removed which will help alleviate conflicts with pedestrians on the public sidewalk.
- There are no public alleys adjacent to the site.
- The OR2 zoning district requires that no more than 85 percent of the site be impervious. Approximately 46,891 square feet of the site, or 83 percent, is covered by the building, patios, driveways and walkways.

**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 56,305 square feet. The footprint of the building is 39,199 square feet. When you subtract the footprint from the lot size the resulting number is 17,106 square feet. Twenty percent of this number is 3,421 square feet. The applicant has a total of 9,414 square feet of open space on the site, or 55 percent of the site not occupied by the building.
- The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement for this site is 7 and 34 respectfully. The landscaping plan that was submitted shows several plantings but does not specifically indicate what the individual species of plants will be. The Planning Division is recommending that the canopy tree and shrub requirement be met on the site. Please note that in addition to the plantings on the site the applicant is also proposing to install green boulevards along both West Lake Street and Thomas Avenue South including canopy trees.
- No fences are proposed to be located on the site..

**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:**

- The majority of the site is covered by the building. Stormwater runoff will be drained to an underground stormwater treatment system and the remainder will be directed to the green spaces on the site.
- A lighting plan showing footcandles was not submitted as part of the application materials. The Planning Division is recommending that the applicant submit a lighting plan so staff can verify that the lighting levels comply with the requirements of Chapter 535.
- The first floor of the residential building to the west is utilized for loading purposes. Given this, headlight glare should not impact the residential use.
- Constructing a building either 2.5 stories in height or seven stories in height would block views of Lake Calhoun and the open space around it from the properties to the north given the height of those properties. A seven story building will block views of the park land on the east side of the site from the residential building to the west much more than a 2.5 story building would, however, the “corridors” that have been designed into the building will help to alleviate this.
- According to the shadow study that was submitted by the applicant the residential properties to the west and north and the Midtown Greenway to the north will be shadowed by this building at various times throughout the year. Please note that for those residential properties to the north it is not the dwellings themselves that will be shadowed but portions of the yards.
- The building has been designed with varying heights and incorporates several setbacks. Given this, ground level winds should be minimized along both West Lake Street and Thomas Avenue South.
- The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. To be in compliance with the CPTED guidelines, the landscaping plan should maintain a “window” into the site between three and six feet and proper lighting should be utilized throughout the site. The majority of the first floor of the building wall along Thomas Avenue South is blank which is not desired as blank walls do not allow for natural surveillance of the street or the site to occur.
- This site is neither historically designated nor located in a historic district.

**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:** Residential uses over five dwelling units require a conditional use permit in the OR2 zoning district.

- **Off-Street Parking and Loading:** The zoning code requires 0.9 parking spaces per dwelling unit and four parking spaces for a 2,000 square foot neighborhood serving retail sales and services use. The resulting parking requirement for this development is 45 spaces; 41 spaces for the residential component and four spaces for the neighborhood serving retail sales and services use. Within the building the applicant is providing a total of 104 parking spaces. The applicant has designated four spaces for the neighborhood serving retail sales and services use, nine for guests and the remaining 91 for the residential portion of the development.
- **Maximum Floor Area:** The maximum FAR in the OR2 District is 2.5. Section 548.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for this density bonus which, when calculated, would result in a permitted FAR of 3.0. The lot in question is 56,305 square feet in area. The applicant proposes a total of 156,425 square feet of gross floor area, an FAR of 2.78.
- **Building Height:** Building height in the OR2 District is limited to 4 stories or 56 feet, whichever is less. However, the site is located in the Shoreland Overlay District, which limits building height to 2.5 stories or 35 feet, whichever is less. The applicant is proposing a seven-story building or approximately 84 feet. The applicant has applied for a conditional use permit to increase the height of the building.
- **Minimum Lot Area:** The minimum lot area per dwelling unit in the OR2 District is 700 square feet. With 46 proposed dwelling units on a lot of 56,305 square feet, the applicant proposes 1,224 square feet of lot area per dwelling unit.
- **Yard Requirements:** This development is located in the OR2 District. The front yard setback requirement is 15 feet. The interior side yard and rear yard setback requirements for this development are  $5+2x$ , where  $x$  equals the number of stories above the first floor. The resulting setback along these two sides of the building is 17 feet. The corner side yard setback for this development is  $8+2x$ , where  $x$  equals the number of stories above the first floor. In this case the corner side yard setback is 20 feet. However, in the OR2 District the corner side yard setback shall not exceed the applicable front yard setback. So in this case the corner side yard setback is 15 feet. The applicant has applied to vary all four of the required setbacks.
- **Specific Development Standards:** There are no specific development standards for residential uses. The applicant has not identified a use for the neighborhood serving retail sales and services space.
- **Hours of Operation:** Residential uses are not subject to hours of operation. The hours of operation for nonresidential uses in the OR2 District are Sunday through Thursday, 7 am to 10 pm and Friday and Saturday, 7 am to 11 pm.
- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the OR2 District one can have 1.5 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 30 square feet in size. Projecting signs are limited to 12 square feet in size. The maximum height of any sign is 14 feet. Freestanding signs are limited to 32 square feet and can be no taller than 8 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one.

The applicant is not proposing to have any freestanding signs on the site. Given the width of the building the applicant could have up to 264 square feet of signage on the West Lake Street side of the building and up to 436 square feet of signage on the Thomas Avenue South side of the building. The applicant is proposing to have 21 signs on the building. Nineteen of the signs are wall signs. Eleven of the wall signs are 12 square feet and the other eight are three square feet. The remaining two signs are proposed to be projecting signs. Both of the projecting signs are 12 square feet and are 12.5 feet off of the ground.

- **Refuse storage:** The applicant is proposing to have a trash room located within both the six-story and the seven-story building. The residents of the dwelling units located within the four-story portion of the development will have access to the trash rooms through the parking garage.

#### **MINNEAPOLIS PLAN:**

This site is located on West Lake Street which is a designated Commercial Corridor. In addition, the site is located on the south side of the Midtown Greenway, an existing greenway. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods (Implementation Step for Policy 9.6).
- Maintain and strengthen the character of the city's various residential areas (Policy 9.8).
- Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings (Implementation Step for Policy 9.8)
- Support urban design standards that emphasize a traditional urban form in commercial areas (Policy 9.11).
- Orient new buildings to the street to foster safe and successful commercial nodes and corridors (Implementation Step for Policy 9.11).

The Planning Division believes that the development is in conformance with the foregoing policies of the comprehensive plan. The design of the building, the outward orientation and the building materials are compatible with surrounding structures.

#### **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 less than the full 20 percent windows on the residential portion of the first floor of the building facing Thomas Avenue South. Given the grade change on the site a portion of the first floor is below grade which limits the amount of windows the applicant can have on the first floor of the building. In addition, the majority of the first floor that is above grade is the exterior of the parking garage area. In order to provide visual interest along the first floor of the building the applicant is proposing to have planting areas which the Planning Division believes is a reasonable alternative to windows.
- The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than the full 20 percent windows on the residential portion of the first floor of the building facing the Midtown Greenway. Given the grade change on the site a portion of the first floor is below grade which limits the amount of windows the applicant can have on the first floor of the building. In order to provide visual interest along the first floor of the building the applicant is proposing to have planting areas which the Planning Division believes is a reasonable alternative to windows.

**RECOMMENDATIONS**

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to increase the height of the building located in the SH Shoreland Overlay District from the permitted 2.5 stories/35 feet to 7 stories/84 feet located at 2622 West Lake Street.

**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 46 dwelling units located at 2622 West Lake Street.

**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 reduce the front yard setback along West Lake Street from the required 15 feet to 7 feet for a staircase, ground level patio, trellis and canopies located at 2622 West Lake Street.

**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 reduce the corner side yard setback along Thomas Avenue South from the required 15 feet to zero feet for elements such as staircases, an accessible ramp, a canopy, an entrance landing, a ground level patio, a trellis and a transformer located at 2622 West Lake Street.

**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 reduce the east interior side yard setback from the required 17 feet to 7 feet for ground level patios and trellises located at 2622 West Lake Street.

**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 reduce the north rear yard setback from the required 17 feet to 10 feet for balconies located at 2622 West Lake Street.

**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 the property located at 2622 West Lake Street subject to the following conditions:

1. Architectural detailing shall be added along the east and west sides of the mechanical level on top of the seven-story building in order to break up the blank façade as required by Section 530.120.

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2. Thirty percent of the commercial windows shall allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views as required per section 530.120.
3. The applicant shall remove, store and reinstall the piece of public art that is currently located at the transit stop along West Lake Street at Thomas Avenue South. The piece of public art shall be located as close to the building as possible in order to protect it from being damaged by snow plows.
4. The canopy tree and shrub requirement shall be met on the site as required by section 530.160(a) of the zoning code.
5. The applicant shall submit a lighting plan that conforms to the requirements of Chapter 535.
6. Approval of the final site, elevation and detailed landscaping plans by the Department of Community Planning and Economic Development – Planning Division.
7. All site improvements shall be completed by April 24, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**Attachments:**

1. Statement of proposed use
2. Conditional use permit and variance findings
3. February 24, 2006, letter to Council Member Remington
4. February 24, 2006, letter to CIDNA
5. February 2006 resolution from CIDNA
6. August 23, 2005, e-mail from Greg Mathis regarding the historical status of the site
7. Preliminary Development Review comments
8. Correspondence from surrounding property owners
9. Zoning Map
10. Site plan, floor plans and elevations
11. Photographs of the site and surrounding area