

**Excerpt from the
CITY PLANNING COMMISSION MINUTES
Minneapolis Community Planning & Economic Development (CPED)**

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MEMORANDUM

DATE: December 9, 2013

TO: Zoning and Planning Committee

FROM: Jason Wittenberg, Manager, Community Planning & Economic Development – Land Use, Design and Preservation

SUBJECT: Planning Commission decisions of November 12, 2013

The following actions were taken by the Planning Commission on November 12, 2013. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

Commissioners present: President Tucker, Brown, Cohen, Huynh, Kronzer, Schiff, Slack and Wielinski – 8

Not present: Gagnon (excused) and Luepke-Pier (excused)

Committee Clerk: Lisa Kusz (612) 673-3710

7. Downtown East (BZZ-6309 and PL-279, Ward: 7), 627, 701, 713 and 719 3rd St S, 500, 501, 521, 628, 700, 716 and 728 4th St S, 301, 329, 416 and 425 Portland Ave, 520 5th St S and 350 Park Ave (Hilary Dvorak).

A. Conditional Use Permit: Application by Rick Collins, VP of Development with Ryan Companies US, Inc., for a conditional use permit for a planned unit development that includes approximately 1.5 million square feet of office space, approximately 20,000 square feet of commercial space, 203 dwelling units and a principal parking facility for the properties located at 627, 701, 713 and 719 3rd St S, 500, 501, 521, 628, 700, 716 and 728 4th St S, 301, 329, 416 and 425 Portland Ave, 520 5th St S and 350 Park Ave.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit application for a planned unit development that includes approximately 1.5 million square feet of office space, approximately 20,000 square feet of commercial space, 203 dwelling units and a principal parking facility located at 627, 701, 713 and 719 3rd St S, 500, 501, 521, 628, 700, 716 and 728 4th St S, 301, 329, 416 and 425 Portland Ave, 520 5th St S and 350 Park Ave subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.
2. The commercial, residential, office or hotel uses shall be included along Chicago Ave as part of the initial construction of the above ground parking garage.
3. The skyway over 5th Ave S shall be designed so as to not require a support column in the public sidewalk. If this is not feasible for structural reasons, the support column shall be designed so the sidewalk has a minimum unobstructed width of eight feet.
4. As required by section 527.120 of the zoning code, the development shall comply with the standards for some combination of the following amenities from Table 527-1, Amenities totaling a minimum of 20 points: Leadership in Energy and Environmental Design (LEED), plaza, energy efficiency, living wall system, shared vehicle, enhanced landscaping, enhanced storm water management and a recycling storage area.
5. The applicant shall submit the LEED checklist and documentation, approved by a LEED Accredited Professional (LEED-AP), that shows that the project will comply with LEED Platinum certification requirements prior to building permits being issued.
6. The applicant shall submit documentation, including a letter signed by the owner or a licensed design professional, which shows that the building systems are designed to operate efficiently and exceed the Minnesota State Energy Code by at least 40 percent of the annual energy costs.
7. The living wall system shall be composed of panels that total a minimum of 60 percent of the wall area (13,860 square feet) of the north elevation of the above ground parking garage.
8. A portion of the plantings used in conjunction with the living wall system on the above ground parking garage shall provide greenery year round, if possible, subject to staff review and approval.
9. The areas where the future phases of the PUD will be located, including the north side of the mixed-use buildings and the south side of the above ground parking garage, shall be seeded and/or sodded.
10. The land that will be developed as a public park shall be seeded and/or sodded in high quality organic soil of a depth of no less than six inches.
11. There shall be no signs located on the non-primary building walls of the mixed-use buildings facing S 3rd St.
12. The amenity, as applied near the corner of 4th St and 5th Ave, shall be a use regularly open to the public.

Aye: Brown, Cohen, Kronzer, Schiff, Slack and Wielinski

Recused: Huynh

Absent: Gagnon (excused) and Luepke-Pier (excused)

B. Site Plan Review: Application by Rick Collins, VP of Development with Ryan Companies US, Inc., for a site plan review for the properties located at 627, 701, 713 and 719 3rd St S, 500, 501, 521, 628, 700, 716 and 728 4th St S, 301, 329, 416 and 425 Portland Ave, 520 5th St S and 350 Park Ave.

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for a planned unit development located at 627, 701, 713 and 719 3rd St S, 500, 501, 521, 628, 700, 716 and 728 4th St S, 301, 329, 416 and 425 Portland Ave, 520 5th St S and 350 Park Ave subject to the following conditions:

1. Approval of the final site, landscaping, elevation and lighting plans by the Department of Community Planning and Economic Development.

2. All lighting shall comply with the regulations of Chapter 535, Regulations of General Applicability and Chapter 541, Off-Street Parking and Loading.
3. All site improvements shall be completed by November 12, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
4. There is mechanical equipment shown between the mixed-use buildings and 5th Ave S, Portland Ave and Park Ave. There may also be mechanical equipment located between the stand-alone residential building and 5th Ave S. If the mechanical equipment is not located below ground, the mechanical equipment shall be screened with decorative fencing or landscaping.
5. There shall be stairs and entry stoops leading to at least three of the ground floor residential units within the stand-alone residential building facing 5th Ave S.
6. The building footprints shall be located where shown on the submitted plans.
7. There shall be no blank walls over 25 feet in length on the stand-alone residential building.
8. The sidewalk on 5th St, adjacent to the "stand-alone residential building," shall be a minimum of 20 feet in width.

Aye: Brown, Cohen, Kronzer, Schiff, Slack and Wielinski

Recused: Huynh

Absent: Gagnon (excused) and Luepke-Pier (excused)

C. Plat: Application by Rick Collins, VP of Development with Ryan Companies US, Inc., for a preliminary plat for the properties located at 627, 701, 713 and 719 3rd St S, 500, 501, 521, 628, 700, 716 and 728 4th St S, 301, 329, 416 and 425 Portland Ave, 520 5th St S and 350 Park Ave.

Action: The City Planning Commission adopted the findings and **approved** the preliminary registered land survey application for the property located at 627, 701, 713 and 719 3rd St S, 500, 501, 521, 628, 700, 716 and 728 4th St S, 301, 329, 416 and 425 Portland Ave, 520 5th St S and 350 Park Ave.

Aye: Brown, Cohen, Kronzer, Schiff, Slack and Wielinski

Recused: Huynh

Absent: Gagnon (excused) and Luepke-Pier (excused)

Staff Dvorak presented the staff report.

Commissioner Slack: Some of the graphics show the vacant lot that's directly northeast of the new stadium. Is that something we're going to see as part of a future development proposal? I think there are some graphics in here that show a building footprint in here the further back you get in the package.

Staff Dvorak: This is land owned by the Wilf family. As part of the stadium approvals that is where at the time an above ground parking garage was or is going to go and it's either going to remain surface parking or there will be an above ground parking garage, but it's not part of this planned unit development.

Commissioner Slack: Tied in with that, you made a point under the CUP item number two that some sort of commercial, residential, office, hotel use be located along Chicago Ave. Is there specific reasoning for that location versus something on Third? My only point is that based on some of the graphics that are in here and the fact that it's owned by the Wilf's, long term I do see some sort of parking structure there and if it's not a parking structure then it's a surface parking lot. Subsequently, we're going to have over two and a half blocks of parking along that edge. Was there any thought that maybe that first phase of development associated with the parking ramp be on Third versus Chicago?

Staff Dvorak: No. The way that it will be built is that there could be future commercial on Third Street as well. Chicago Ave is a designated commercial corridor in our Comprehensive Plan and we have policies both in the comp plan and then in the Downtown East North Loop Master Plan that talks about commercial uses along Chicago Ave and concentrating them there. Neither of those plans talk about concentrating commercial uses along Third Street. On the flip of that, we have zoning code regulations that say ground floors of parking garages everywhere, regardless of where they're built, should be...not knowing what the market will be like for commercial given the history of this area for so long and with the new stadium here and then 5000-6000 employees two blocks over, we felt that it was important to follow the comp plan and the Downtown East North Loop Master Plan policies about putting that commercial on Chicago first and then letting the market dictate when the market can handle additional commercial on Third Street.

Commissioner Slack: Makes perfect sense. My thought is that if we're requiring them as part of this submission to put in that use that maybe it should be best located on Chicago and Third because that's going to be a blank façade for a long time and it's going to be market driven. I envision that could be five, six, ten years down the line when we get any sort of infill on that side of the parking ramp. I think that's something we want to consider. How much potential square footage of commercial office mixed use is being proposed on the Fourth Street side of the parking ramp?

Staff Dvorak: How big is that lot? I can't tell. I have it in my other plans. (Audience members answers off mic.)

Commissioner Slack: Next two questions relate to the park residential. I appreciate that the applicant has taken some of the comments we made at CoW and at least located some of the ground floor uses for some sort of commercial use. My problem is in the plans it identifies it as future commercial retail and/or amenity; do we have a definition of amenity in our ordinance that ensures that it's going to be commercial retail or is it going to be a building amenity at some point?

Staff Dvorak: We don't have a definition. I think that can be a condition that the Planning Commission could add to approval tonight if you wanted to call it out specifically as retail. Our zoning code would call it retail sales and service uses or commercial uses.

Commissioner Slack: Related to the park on some of the park plans, there are rain gardens being proposed along Fourth. Is that to support the development or is that to support the big open green field at this point? I don't have copies of this.

Staff Dvorak: I don't know if the rain gardens are actually going to be put in because the park implementation committee that's been formed and is working on what this park should be, I don't know if they would want rain gardens there. What's in your packets is part of the civil set of plans so maybe back up 100 or so pages closer to the pages closer to the beginning of all the drawings. This piece of infrastructure is a tunnel that connects the two existing StarTribune buildings. I don't talk about this in the staff report because this really is a Public Works issue. We had a meeting at noon today to talk about this in a little bit more detail. This is a tunnel that was used to get paper between the two buildings. The council, back in 1969, adopted a resolution that allowed this to be constructed. The applicants are proposing to waterproof this and use this as an underground storage storm water cistern that would be used to irrigate the landscaping on the building sites and then irrigate the park. There are some things that need to be worked out between Public Works and the applicant. We had a meeting today and there was going to be another conversation this afternoon with the Director of Public Works. I didn't hear if there was any resolution that came out of that; maybe the applicant can speak to that. That's the storm water plan right now. If the City and applicant can't come to terms on this, different storm water systems for each block will have to be investigated.

Commissioner Slack: I will just hope that what was shown on these plans doesn't limit future development potential of the park.

Commissioner Cohen: On page 36, it says the city of Minneapolis will eventually purchase the land for the public park. Have we formally actually specifically agreed to do this or is this still in the proposal stage? When you say "will purchase", it suggests to me that some formal action has been taken. Has it been taken?

Staff Dvorak: Not officially, no.

Commissioner Cohen: It's a proposal, but we have not specifically as a city agreed to this? Ok.

Staff Dvorak: The city has not purchased the land yet, no.

Commissioner Cohen: I had not realized that the StarTribune building itself was scheduled to be demolished for a future use in connection with this. This is news to me. I'm surprised about that.

President Tucker opened the public hearing.

Mike Ryan [not on sign-in sheet]: The building that faces the park front is divided into three individual buildings that are massed that way. Our thought was locate nearest to Fourth Street, a retail space that could be accessed with the street traffic there so people could come and go conveniently and service could access it. We think that's tough in the middle of the block and down at the side with the light rail. That's why we proposed the retail on the north edge. It really sits within that first third of the mass. A few questions came out about the space, retail versus amenity. Our intention is to use it as commercial space. This is a new idea for us and we certainly don't have a tenant nor do we have tenants for any of our commercial space. That's something we will work toward, but we don't know what that will be, but it could certainly be a bar, a restaurant and many of those things would serve as an amenity to the residents upstairs. That's why that's labeled retail/amenity space because we're going to try to find something that's compatible. There are 1.2 million square feet of office that we're proposing, two 17 story buildings with a capacity of about 5000-6000 employees to the area, 28k square feet of retail. This is something we're quite sensitive to because this area is devoid of any retail and for us to go out there, it's a big risk for us. Two hundred residential units are part of phase one and those are the three buildings – the park building and two buildings that face the park attached to the Wells Fargo project and then a second phase would happen on the north. There is a 1600 stall parking garage, 4.2 acre green space and then the skyway connection. We have re-ran our video with the park building in it. I think the video is helpful and I will run that. Looks like it's not working. I will toggle through some of the graphics here. Here is the plan with the streets going through the building. Here is a view of what the property looks like today and then you can see the park being inserted. There is your winter view of that same. Here is the view from the lip of the Metrodome today. The light rail stays in take. We're taking many liberties with the park here just for renderings sake, but the public realm committee will ultimately be the authority that goes through the process of implementing that. This rendering, we added the park building so you can get a sense of the scale and background. That's where you can see those three masses, the right mass of which would have the retail space. There are our park comparables and we've shown these many times to this group. Here is a better shot of the scale and massing of this use. We have all active uses on the park front. The retail, the lobby, some of the amenity space and then units with patios. That's a view of Fifth Ave with the park building. There is a shot of that retail space and how it would interact with the north edge of the park. I want to walk through the signage and the two main areas we are concerned with and disagree with the staff report and would like to ask for reconsideration on the signage that faces north toward the river. We find several precedents of non-primary walls that have signage that are that size in the city such as the DoubleTree Hotel,

the Old Spaghetti Factory [tape ended]...building on to the back of this and it will have a real presence. It's not as if it faces an alley. The roof signage is another area that we would ask for reconsideration from the commission. This is the size of the roof signage. I think it's important to point out that it's about half the size that was formerly submitted. The signage as we read the zoning code speaks to rooftop signage as signage that would be affixed to or mounted to the roof. To us it sounds like it's referencing a billboard that's being placed on the roof, not something that lays flat on the roof structure. A few precedents of that, the Metrodome itself has currently has Mall of America signage on its rooftop. Also, the signage at the Target Plaza Commons, which is on the basketball court, faces upward and is a very similar setting where many other buildings look down at that. I want to introduce Brent Hanson of Wells Fargo. I think he can offer a unique perspective on the signage.

Brent Hanson (90 S 70th St): I'm the Vice President of real estate for Wells Fargo. We agree with the majority of the recommendations. I'm here to talk about the conditions of approval related to the signage package. Not just the rooftop signage, but also the north building signage. As you know, Wells Fargo and the City have had opportunities to work together in the past, including the Minneapolis Home Mortgage campus in south Minneapolis. We've been working with the City and Ryan. We've gone forward with Ryan with the expectation and assumption that our signage package would move forward as we had submitted it. In fact, it's so important to Wells Fargo that we had put a contingency of the deal that we need to get that signage package approved. The reasons for that are multiple. We are investing over \$300 million on the east side of downtown, we will be building a million square feet out of office space for approximately 5000-6000 employees and we believe that it's a reasonable expectation for us to be allowed this type of signage. I understand it's unique, but I also feel the area that we're building in is unique. It's an opportunity for us and one of the reasons we're in this area of town is because of the unique, vibrant and active environment that's going to be around it. This is a factor that's important to Wells Fargo and we hope the commission will take into consideration as we move forward through the process.

Mike Ryan: The only other items that we disagree with, and again we thank Hilary for her work on the report – it's very thorough and it's a lot of development...on page 38, item two, about the commercial, residential, office, hotel uses being included along Chicago Ave as part of the initial construction of the above ground parking structure. We would like to present that this is not really our decision to make. This is the MSFAs and the City as the owners of that ramp. The decision to include development there of retail will really be determined by the development rights for that block and that's not something that Ryan is in control of at the moment so we can't speak toward that. Regarding the rain gardens, those are only proposed on the park side or on the north side, on the development side of the park, not on the park side.

Commissioner Wielinski: Could you tell me, when you demolish and leave this block and three quarters for a public park at some time in the future to be purchased by the City of Minneapolis, what will be under that sod or seed?

Mike Ryan: When the buildings are demolished, we would take out the building remains and replace that with soils that are appropriate to be planted for a park on top of and we would restore that...that's the basic level that you could plant seed on. What is put on top of that is really up to the public realm community that's been assembled.

Commissioner Wielinski: Will there still be the sidewalk all the around the block or is that also being demolished as part of this so there will be...

Mike Ryan: We will leave some of the sidewalk around the blocks and we will replace some where it needs to be replaced. The thought this that the park is improved in tandem with this whole project so it opens at once

and all the sidewalks are rethought in a comprehensive way as part of the public realm committee that's been established to lead the design of that park. My hope is that what is out there today and just the basic park would get built is not ultimately what happens, that this park is there and active and very comprehensive and designed with intent. That's what our retail spaces are going to face on to, that's what our residents are going to face on to and that's Wells Fargo's front door so we have a very vested interest in this being a great park.

Commissioner Cohen: In our description of the parking ramp or parking spaces, we state that there will be 1625 parking in the garage which will be used in conjunction with activities taking place at the new stadium. I'm looking at the Downtown East descriptions of the parking spaces, does it describe the parking spaces in the same terms as an amenity for the stadium or does it describe it as an amenity for the housing and office spaces that you're building? I want to be sure that I understand what the description of what this use will be is consistent between the City and your organization.

Mike Ryan: Those discussions are ongoing and have been for some time. They are consistent. The parking space will be used by the NFL and Vikings on game day. Many of the spaces, those that meet a certain level of classification that are appropriate for that, other days of the year they will be used to support the retail functions and the general community.

Commissioner Cohen: Does your description in the Downtown East materials state something like that?

Mike Ryan: I can't say with certainty that it does, but that's our intention.

Commissioner Kronzer: Can you walk us around the front of the mixed use buildings, around the residential building and the park. I'm curious to get a sense on width of the sidewalks.

Mike Ryan: The sidewalks that you're seeing there on 4th St that would face the park, in front of the residential building we have a 14 foot right of way to the property line that's already a robust sidewalk and we're adding another 12 feet to that. Some of that area will be taking up by a front patio for those residential units that Hilary described; others will be set back. Right in front of that residential building there is a sidewalk that is wider than what you experience on most parts of Nicollet Mall. That's going to be very compatible for outdoor dining. As you get in front of the plaza, that sets back an additional 20-25 feet. It's quite a large plaza and meets the definition of a PUD plaza. We would expect with that lie pattern in front of the ramp that that would carry that same line, but it doesn't necessarily have to. It could extend out. It's up to the development that's ultimately there. Typical sidewalk width in front of the park residential building as you face 5th Ave, we've set back another three or four feet extra and that's for those walkups that we've shown on 5th St.

Commissioner Kronzer: Is that sidewalk or landing space for the stairs?

Mike Ryan: It's landing space for the stairs. With the sidewalk you'd still have that 12 foot section there and then in addition to that the building is set back about four feet from the property line.

Commissioner Kronzer: What about 4th St and 5th St?

Mike Ryan: The 4th St side would mirror what's going on on the other side of the block. I don't know if that full 12 feet is experienced there, but it's intended to be sort of a framed entryway to the park. The south side facing the armory would extend close to the property line much like 5th Ave does.

Commissioner Kronzer: One of the landscape drawings shows landscaping between the building and the sidewalk and also there's a stair on 5th St as well.

Mike Ryan: Yes, that's correct.

Commissioner Cohen: Why would Ryan and the MN Sports Facility be negotiating a deal involving the purchase of land from a third party, the StarTribune? Why isn't the StarTribune a participant in that negotiation?

Rick Collins [not on sign-in sheet]: I'm Vice President of Development with Ryan. Ryan Companies has a fully executed purchase agreement with the StarTribune that provides a very specific price and terms and conditions and a closing date of December 27th with the StarTribune. We are proposing a specific set of terms to the MSFA for their purchase of the block based upon our agreement with the StarTribune. The StarTribune was a party in agreement with us. We now have control of that site through our purchase agreement and we're negotiating with the MN Sports Facilities Authority.

Commissioner Cohen: And that will determine the price the StarTribune pays for the property?

Rick Collins: No. The StarTribune is the current owner and we have a purchase price that we will pay that is fixed based on our purchase agreement with them.

Commissioner Cohen: But it's contingent, isn't it?

Rick Collins: When you say "contingent", I'm not sure I understand your question.

Commissioner Cohen: It's contingent on the deal going through in some fashion.

Rick Collins: That's correct. The purchase price is fixed so the contingency is whether or not the whole development proceeds. If it does not proceed, we are not obligated to purchase the StarTribune land. If we do purchase it, we know exactly the terms of which we will and that has allowed us to negotiate the terms with the MN Sports Facilities Authority.

David Thiene (250 Park Ave #704): I emailed this document to Hilary yesterday and she was gracious enough to include it in your 450 page packet. You have it if you look for it. Basically, my observations and ideas are covered in there, I just want to point out a couple of major points. Minneapolis doesn't have a stellar history of preserving historic buildings in Minneapolis, not when you look back a ways. The record has improved immensely in recent history and I would like to see that continue. We have a situation here where I just want to make sure we don't move away from treating historic buildings the way they should be treated and ignoring them. One other observation is that there are a number of pedestrian barriers around the development we're talking about here. We have HCMC to the south. There's not real inviting aspects of the building at the street level. We also have that situation with the Metrodome. The new stadium looks like it will go a long way towards correcting that as long as we don't have a lot of above ground parking structures right around it. The third barrier is on the west side and that is the mega parking structures that are all along 5th Ave there. I was glad to see the change of adding the residential building on the west end of the park. I think that's a good improvement as far as the park is concerned for really making the pedestrian pathways to downtown more pedestrian friendly. What I would like to see is that we also work on making pedestrian pathways to the mill district. With that in mind, this is a photo I took where I added the iron gateway. I just wanted to present the idea of providing a gateway from the stadium and park development into the mill district. I'm making a case for Park Ave being the best choice there because we have two 100 year plus buildings on the corner of Park

and Third. They kind of form a gateway themselves with very little additional work. In order to accomplish this though, it'd certainly be nice to have what we're talking about backed off a little bit from Park Ave to make it a view that pedestrians in the park or coming from the stadium can see there's a pathway for them into another neighborhood. I feel this would benefit the new development and the mill district. Where things are at today, if it's too late to move the multiuse buildings away from Park Ave, my first choice would be that the parking garage we're discussing is totally below ground level. An alternative to that is certainly that it from the outside be a building with purpose. I was glad to hear there is a requirement that it be built to allow for a future build out of commercial space at the street level. I also would propose that the initial development being along Park or Third would be preferable to Chicago Ave. The building we live in was built in 1910. This is normally referred to as the Thresher Square building and typically listed as 1902.

President Tucker: Is this building visible from your gateway that you're talking about? I don't see the connection to our project. You're trying to talk about moving the buildings further apart.

David Thiene: I was going to give some of the historic aspects.

President Tucker: We're not HPC. How far apart did you want these buildings moved? More than the other buildings in your gateway picture?

David Thiene: I would leave that up to the experts.

President Tucker: The view is open as proposed right now.

Frank James (250 Park Ave): I appreciate the presentations. This project will do a lot for the area. In general, I think it's a good thing for the area. However, as a member of the only residential building that's being impacted at all, we have concerns. I heard there was a shadow study done. One of the concerns of the residents of our building is that with these two very large buildings going right across the street throwing shadows on the American Trio building and I had not heard there was a shadow study. I would like to see that. Our residents would like to know the times studied.

President Tucker: Staff can provide that.

Frank James: I also wonder if there was something looked at...we have a rooftop deck that has a pretty spectacular view of downtown now and there is a lot of concern about how much that view is going to be impacted. That would be something that we'd like to see if that's available. It seems that a lot of attention for this development has been paid to the area facing 4th St and the park whereas the impact on 3rd St has taken a back seat to that and I know that a third of the blocks facing 3rd St on the two mixed use buildings have a planned residential component that I understand may be put forth to the city pretty soon, but I would caution the city that 3rd St needs as much attention as 4th St does and we're going to have a great amenity with the stadium and park there and we want it to look nice and vibrant and active and safe. I think we want the exact same thing for 3rd St and we need to give that the attention that it's due. Right now we're going to have a seeded lot with a sidewalk and a big blank wall and hopefully a proposal is coming for that residential soon, but who knows. I think that needs to be looked at and some considerations need to be taken for what's going to happen on 3rd St there for the next month, year or 10 years depending on what happens with that proposed residential development. The parking structure that is proposed along 3rd St just to the west closer to the new stadium, I like the addition of the commercial residential on the corner of Chicago and 4th, but on 3rd St, what is going to happen there? I think the recommendation from staff to enhance the living wall is good and we have the potential for future commercial retail uses along 3rd St that would take the place of some of that parking on the ground floor, but as of right now it's going to be dark and nobody using it at night. I understand market

forces are key to that, but it's one thing to say it could be used for that in the future but then 20 years from now it's not. I'm wondering what mechanisms are in place that needs to be utilized by a particular time or a particular percentage because just saying it has to be doesn't mean it's going to happen ever. The pedestrian impact and vibrancy of this development needs to be looked at on all sides of the development and I just feel that there is a lot more on 4th St than on 3rd St.

Graeme Webster (250 Park Ave): I support the findings from CPED that the signs facing S 3rd St should not be allowed. They do face historic districts and buildings. I didn't hear anything from Wells Fargo or Ryan to say they were addressing the fact that...the true purpose of the denial was about where they were facing and what they were adding to the environment. It was more about giving them a new opportunity in this space in this new neighborhood, which I do appreciate. It's just more about addressing the true purpose of the denial of those two signs to S 3rd St.

President Tucker closed the public hearing.

Commissioner Cohen: I support this and I think it will be a healthy project for the City of Minneapolis. I think this will be a major addition to our downtown area. I would like to make one comment though about the underlying nature of the proposal. It's not our business to go into the financing of this. We don't deal with those particular subjects, but that's the elephant in the room. The irony of this whole thing is that we have a major player in this which is the Minneapolis newspaper which is ironically the most secretive institution that I have ever encountered. Be that as it may, the project itself is worthy of our support. I think it will make a great contribution to the city and I'm pleased to vote for it. I'd like to move staff recommendation [tape ended] ...with the 12 conditions as set forth by staff (Brown seconded).

Commissioner Slack: My question is more of a point of clarification related to the CUP in item number two. I think Mr. Ryan made a comment regarding item number two as it relates to a new commercial residential office hotel use at the corner of Chicago and 4th and the fact that Ryan doesn't have development rights so we're recommending that they develop...

Staff Dvorak: That's our recommendation. It's a tricky area given the stadium legislation that was drafted that this block is subject to because it is stadium related infrastructure. I guess from the staff perspective we felt that the condition was warranted given our policy language and that as the development moves through construction drawings and the negotiations between all the parties, which the City is a part of, continue and conclude that this would be made part of those agreements. Notwithstanding any of that, we do recognize that the stadium legislation can trump this condition of approval.

Commissioner Wielinski: I'd like to propose a little different wording for items eight and ten. For condition number eight, I would like it to read: "A portion of the plantings used in conjunction with the living wall system on the above ground parking garage shall provide greenery year round, if possible." Item number 10, I'd like it to read: "The land that will be developed as a public park shall be seeded and/or sodded in high quality organic soil of a depth of no less than six inches."

Commissioner Schiff: I'd like to make an amendment that makes it clear that with the vines, whatever gets used that it's per final staff approval.

Commissioner Kronzer: I think this is a good development. There are lots of great things in this project. They're taking on quite a bit of risk here. The one area I think needs a little more attention are the sidewalks on 4th and 5th St at the residential building in the park. The site plan that I have here shows approximately 10 foot sidewalks on both 4th and 5th with additional five feet on 4th St and a stair protruding into that additional

five feet on 5th St. If we look at the jail across 5th Ave, that sidewalk is 23 feet in width. If we go west to City Hall it's even greater than that. When light rail was built on 5th Ave, the north side of 5th St, the sidewalk was increased 20 feet or more from 5th Ave all the way into Nicollet Mall, maybe up to Marquette. I would propose that we have a minimum of 20 feet of sidewalk on both 5th and 4th at this building. I know it could impact the unit count in the building and maybe the parking count as well, but given the fact that the park is directly adjacent to this building and 5th St is a very active pedestrian street, I think having a slightly wider sidewalk at these locations is required.

President Tucker: That would be measured from the current curb line?

Commissioner Kronzer: Yes.

President Tucker: Ok, you want to add the condition that sidewalks on either side of the residential building of block 75 must be at least 20 feet measured from the current curb.

Commissioner Slack: Is that 4th St and 5th or 4th St and 5th Ave?

President Tucker: Streets.

Mike Ryan: The widening of the sidewalks, I'd ask for a couple of considerations. Residential uses almost demand if you're going to have street level units that you have a landscape buffer. That landscape buffer is going to be very important and that's included in the design now. The second thought is that we've gone through what I'd say is great lengths to try to provide maximum sidewalk widths where we thought it was most important. We've worked with Committee of the Whole to get there. Those are two areas where we've tried to take lesser area from the park to drive a unit count and a project that made sense. Decreasing those areas could be very problematic and we don't understand the repercussions of that at this moment so that's something I would ask consideration if that's been a precedent that has been looked at at other projects and required of other projects.

President Tucker: As it's currently proposed, how far between the curb line and your building?

Mike Ryan: Seventeen feet.

Commissioner Kronzer: Those are 10 foot sidewalks. I was out there today.

Mike Ryan: Our setback from the property line is that landscape buffer that I'm talking about so if you add that to the 10 foot sidewalk, 15 feet to 17 feet is where we're at.

President Tucker: So your proposal would move the buildings at least another 10 feet. All in favor of this motion? Opposed?

The motion failed.

Commissioner Schiff: I want to know the impact on the site plan review before we take such a large action and I'm wondering if there's some other action we can take to ensure that there's adequate pedestrian space without picking a number out of the air. I don't know if staff has any suggestions.

Staff Dvorak: The Downtown East North Loop Master Plan does have a minimum sidewalk width of 10 feet and I do agree that we should have wider sidewalks downtown. The guidance is a minimum of ten feet. When

looking at the elevations, we have just about 11 feet on 5th St, 11 feet on 5th Ave and I didn't see a good number on 4th St, but it looks comparable to 5th St so maybe just about 11 again. The building is set back between five and seven feet on 4th and five feet on 5th St. Those areas are used to access the doorways or then for landscape buffer around the edges. This is the entrance to the building and this didn't get updated to reflect the entrance into that retail space. One area to get a wider sidewalk where you're going to be attracting more people because of the retail would be here and maybe the...you could lose the landscaping here and have just a wider sidewalk or decorative sidewalk and then your clear unobstructed zone would be just about 15-17 feet or you could cut that landscaping in half and you could cut the difference there and have about 13-14 feet. There's a little notch here, that's where it's five and the rest of the building is about seven feet back. I would let the applicant speak to that. On 5th St then, this is a five foot green space here. You do have residential units at the edge of that building.

President Tucker: I'd like to add a condition that the amenity as applied to that space at the corner of 4th and 5th Ave amenity be a space regularly open to the public.

Commissioner Schiff: On condition eleven that roof signs shall be prohibited, I wasn't aware that our zoning code prohibited roof signs until this issue came up. I don't have an objection and I've talked to my colleagues and we don't have objections to the idea of an advertisement being viewable from a blimp, which is what this is all about. It doesn't conflict with any urban planning policies that I'm aware of. I think a code amendment may be coming because I don't think we should approve this as presented, there are too many consequences that could happen in different neighborhoods if people are looking from one residential building down at another residential building and they're staring at advertisement. I can understand how that would affect particularly height differences between commercial and residential buildings in parts of downtown. I think we need to do this carefully and thoughtfully and introduce a code amendment that sets some parameters for it. That's not here today, but I would like to strike number 11 because I think should the code amendment pass, the applicants can come forward with a new proposal when these are expressly permitted by our zoning code. I wouldn't want to have this embedded into these approvals and it can't be undone at a future time as a result.

President Tucker: It is part of their proposal right now so if we approve the CUP without speaking to those signs, they are approved are they not?

Commissioner Schiff: I don't think so. I think our staff has interpreted the plans correctly and that our code does prohibit these signs without us restating it as a condition of approval.

Staff Wittenberg: I agree with Commissioner Schiff that regardless of whether it's a condition here we still have the ordinance language that addresses it and subject to a potential future amendment that would determine whether the applicant has to come back for this application as well.

President Tucker: So striking condition 11 does not approve the signs.

Commissioner Schiff: Correct. It just doesn't embed a denial in the case then in the future that it would be permitted.

Aye: Brown, Cohen, Kronzer, Schiff, Slack and Wielinski

Recused: Huynh

Absent: Gagnon (excused) and Luepke-Pier (excused)

Commissioner Wielinski: I will move staff recommendation for the site plan review (Cohen seconded).

Commissioner Kronzer: I'm talking about the residential building in the park, the landscape area between the sidewalk and the building is very important for the residential pieces there. It's really 5th St that I have a very serious concern that we're creating a bottleneck. Game days, people like to ride the train into downtown. We're going to have another line up here in a couple months. Southwest might get up and bring Vikings fans from southwest into downtown. We have a large warehouse district that supports pre-game and post-game activities for football fans. Those trains going through downtown will be full. There will not be access for people to get on those trains to go from the warehouse district to the new stadium. People will be on the street and they'll be on 5th St. We're providing a bottleneck here on 5th St on the north side. We've got very wide 20 foot sidewalks coming up to this point, which will be necked down call it 12 or 10 feet, whatever the current design is, and I think that's a problem. I would propose on 5th St only that we have a minimum of 20 feet of sidewalk and then whatever landscape barrier the applicant chooses to install is great. That would be an additional condition that I'm proposing.

President Tucker: Do you want that sidewalk to be in addition to the buffer between the sidewalk and the dwellings or it can be handled any way?

Commissioner Kronzer: Back of curb to back of sidewalk.

Commissioner Slack: I agree with Commissioner Kronzer. I think during some of the conversations that we had with Ryan at CoW, we had a lot of concerns about how to deal with that end of the park to activate the uses at the end of the park. That's a question that hasn't been answered and it's not going to be answered. It's going to be answered by the Park Implementation Committee. Going to games, 5th is what we use. People walk up and down 5th because they try to time access to light rail and the stations. That is the busiest street for that kind of activity. Without having the opportunity to extend those active uses all the way up to 5th, I know there will be residences and some amenity spaces, there needs to be another way to really enhance the public realm and I think wider sidewalks will go to that point.

Aye: Brown, Cohen, Kronzer, Schiff, Slack and Wielinski

Recused: Huynh

Absent: Gagnon (excused) and Luepke-Pier (excused)

President Tucker: I will move the plat as recommended by staff (Wielinski seconded).

Aye: Brown, Cohen, Kronzer, Schiff, Slack and Wielinski

Recused: Huynh

Absent: Gagnon (excused) and Luepke-Pier (excused)