



**Request for City Council Committee Action from the Department of Community Planning
& Economic Development – Planning Division**

Date: October 21, 2010
To: Council Member Gary Schiff, Chair of Zoning and Planning Committee
Referral to: Zoning and Planning Committee
Subject: Referral from the October 18, 2010 City Planning Commission Meeting
Recommendation: See report from the City Planning Commission

Prepared by: Lisa Baldwin, Planning Commission Committee Clerk (612-673-3710)

Approved by: Jason Wittenberg, Supervisor, CPED Planning-Development Services

Presenter in Committee:

5. Minneapolis Public School (MPS) Education Service Center, BZZ-4962, 1250 West Broadway Ave, 2105 and 2119 Fremont Ave N, Becca Farrar, Princ. Planner, x3594

Community Impact (use any categories that apply)

Other: See staff report(s) from the City Planning Commission

Background/Supporting Information Attached

The attached report summarizes the actions taken at the City Planning Commission meeting held on October 18, 2010. The findings and recommendations are respectfully submitted for the consideration of your Committee.

**REPORT
of the
CITY PLANNING COMMISSION
of the City of Minneapolis**

The Minneapolis City Planning Commission, at its meeting on October 18, 2010 took action to **submit the attached comment** on the following items:

5. Minneapolis Public School (MPS) Education Service Center (BZZ-4962, Ward: 5), 1250 West Broadway Ave, 2105 and 2119 Fremont Ave N ([Becca Farrar](#)). This item was continued from the October 4, 2010 meeting.

A. Rezoning: Application by M.A. Mortenson Development, Inc., on behalf of Minneapolis Public Schools, for a petition to rezone the properties located at 2105 and 2119 Fremont Ave N from the R4 and R5 (Multiple-family) districts to the OR2 (High Density Office Residence District).

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classification of the properties located at 2105 and 2119 Fremont Ave N to the OR2 district.

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permit, Variances, and Site Plan Review
BZZ-4962

Date: October 18, 2010

Applicant: M.A. Mortenson Development, Inc., Attn: Tom Lander, 700 Meadow Lane North, Minneapolis, MN 55422, (763) 287-5487

Address of Property: 1250 West Broadway Avenue, 2105 and 2119 Fremont Avenue North

Project Name: Minneapolis Public School (MPS) Education Service Center

Contact Person and Phone: UrbanWorks Architecture, Attn: Tod Elkins, 903 North 3rd Street, Suite 145, Minneapolis, MN 55401, (612) 455-3104

Planning Staff and Phone: Becca Farrar, Senior City Planner, (612) 673-3594

Date Application Deemed Complete: September 3, 2010

End of 60-Day Decision Period: November 1, 2010

End of 120-Day Decision Period: On September 22, 2010, Staff sent a letter to the applicant extending the decision period to no later than December 31, 2010.

Ward: 5 **Neighborhood Organization:** Jordan Area Community Council

Existing Zoning: OR2 (High Density Office Residence) District with a Pedestrian Oriented (PO) Overlay District, R4 (Multiple-family) district and R5 (Multiple-family) District

Proposed Zoning: Rezone 2105 and 2119 Fremont Avenue North to the OR2 (High Density Office Residence) District

Zoning Plate Number: 8

Lot area: 191,228 square feet or approximately 4.38 acres

Legal Description: See attachment.

Proposed Use: A Planned Unit Development (PUD) for a new Minneapolis Public Schools Education Service Center.

Concurrent Review:

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- Petition to rezone 2105 and 2119 Fremont Avenue North from the R4 and R5 (Multiple-family) districts to the OR2 (High Density Office Residence) district.
- Conditional Use Permit for a Planned Unit Development (PUD) to allow a 4 and 5-story, approximately 173,000 square foot Minneapolis Public Schools Educational Service Center.
- Variance to allow parking between the principal structure and the front lot line.
- Variance of the Pedestrian Oriented (PO) Overlay District standards.
- Site Plan Review for a Planned Unit Development.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments, Article VII, Conditional Use Permits, Article IX, Variances, Chapter 527, Planned Unit Development, Chapter 530 Site Plan Review.

Background: The applicant is proposing a Planned Unit Development (PUD) on the subject parcels which would consist of a 4 and 5-story, approximately 173,000 square foot Minneapolis Public Schools (MPS) Educational Service Center as well as 354 surface parking stalls located on the north side of the site. The building footprint proposed on the site consists of two rectangular portions running east-west connected by a 90 foot link. A public plaza is proposed along West Broadway and a private plaza/courtyard area is proposed along the Girard Avenue North frontage. The site is composed of three parcels.

Property Addresses	Area of Parcel	Current Zoning	Proposed Zoning
1250 West Broadway Ave	82,068 SF	OR2 w/PO	-
2105 Fremont Ave N	100,183 SF	R5	OR2
2119 Fremont Ave N	8,412 SF	R4	OR2

The building site is currently occupied by an alternative high school. The structure would be demolished in order to allow for the proposed development. In order to develop the site, the applicant is proposing to rezone 2105 and 2119 Fremont Avenue North to the OR2 district. In addition to the rezoning, which would allow the site to be developed under one zoning classification, a Conditional Use Permit (CUP) is required for the Planned Unit Development (PUD) proposed on the site. As part of the PUD, the applicant is requesting alternatives from the Zoning Code standards which include: (1) an alternative request to allow an increase in the maximum height allowed for principal structures in the OR2 district as the proposed MPS facility is 5 stories or 72 feet at the tallest point; (2) (a) an alternative request to allow for a reduction in the periphery front yard requirement of 39 feet (due to a front yard increase) on the building site along Fremont Avenue North for surface parking stalls, drive-aisles, loading, and a transformer/generator; (b) an alternative request for a reduction in the periphery front yard requirement of 22 feet (due to a front yard increase) on the building site along Girard Avenue North for building placement and surface parking stalls; (c) an alternative request to allow the building to be located at 3 feet, 3 inches at the closest point along the required interior side yard on the east side of the site. The required interior side yard is 13 feet; (d) an alternative is also necessary to allow the proposed public plaza (and associated encroachments) within the required front yard along West Broadway; (3) an alternative request to allow building placement alternatives in the PO Overlay District along West Broadway, Girard Avenue North, and Fremont Avenue North. The first floor of buildings located in the PO must be located not more than 8 feet from the front lot line except where a greater yard is required by the zoning ordinance. In this case, the buildings along these three street frontages are subject to greater yards (West Broadway 15 feet, Girard Avenue North 22 feet, 3 inches, and Fremont

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Avenue North 39 feet, 1 inch). The building placement in these locations exceeds the greater setback requirement which requires an alternative.

Separate variances are also required for the project that cannot be processed as an alternative under the proposed PUD, (1) as parking is located between the principal structure and the front lot line along Girard Avenue North and Fremont Avenue North; and (2) (a) the proposal is not meeting the PO standards pertaining to the location of parking to the rear or the interior of the site, within the principal building served, or entirely below grade, and (b) the 40% window requirement on the Fremont Avenue elevation is noncompliant as well. Site plan review is also required for the proposed development.

Typically, as required by Section 527.60 of the Zoning Code, there is a platting requirement for PUDs. Due to the complexity of the applications requested and the potential acquisition of the properties to the north for future inclusion in the project, Staff did not require that the applicant submit a preliminary and final plat with this application. However, should the development be approved in some form or as proposed, Planning Staff will require that a preliminary and final plat be submitted for the entire development site within the next year in order to clean up the underlying platting as well as meet the platting requirement as outlined above.

The purpose of the proposed development is to construct a new MPS district headquarters. As proposed the building would include 4 major components including: (1) an Education Service Center which is the headquarters function of the school district and includes departments such as the Superintendent, Student Achievement and Academics as well as the Board of Education Board Room; (2) Adult Basic Education serving approximately 175-200 adult students in classroom settings during the morning, afternoon and evening; (3) Northside Welcome Center serving families that are new to the Minneapolis School District; (4) District Professional Development and Service Center which is a facility that supports the 6,000 plus employees of the school district in providing professional development training and access to the support functions of the district such as human resources.

Features of the proposed building and site design include the following: the project is being designed to LEED-NC silver level; the building located along West Broadway includes a public plaza and public art; there is a large courtyard on the east side of the building located along Girard Avenue North; pervious pavers are located in select areas within the proposed surface parking lots; rainwater is proposed to be captured and reused for irrigation.

The original submission for the project included several additional parcels (1310 21st Avenue North, 1311, 1313, 1315 22nd Avenue North, 2105, 2115 ½, 2121, 2125, 2131, 2135 and 2137 Girard Avenue North) located to the west across Girard Avenue North. This vicinity, which is currently owned by Minneapolis Public Schools, is an open space area which was proposed to be converted into a 229 space surface parking lot. This portion of the proposal required additional land use applications that have since been withdrawn. These applications included: a petition to rezone all of the above listed properties to the OR2 district and a conditional use permit for a principal parking facility. The applicant also chose to withdraw the rezoning request to remove the PO from the 1250 West Broadway site. The project has since been re-noticed acknowledging the formal withdrawal of these applications.

Staff has not received any official correspondence from the Jordan Area Community Council or any neighborhood letters/emails prior to the printing of this report. Any correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

REZONING

Findings as Required by the Minneapolis Zoning Code:

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

According to *The Minneapolis Plan for Sustainable Growth*, a portion of the development parcel which includes the proposed building is located along West Broadway which is a designated Commercial Corridor and along Fremont Avenue North which is a designated Community Corridor in this location. The entire development parcel is located within an area designated as an urban neighborhood. The properties along in the immediate vicinity West Broadway are predominantly zoned OR2 and C1. The properties located in the immediate neighborhood surrounding the site are zoned R4, R5 and R2B. The uses within the area are varied and include various residential uses, commercial and institutional uses.

As previously mentioned, the site consists of three parcels and in order to develop the site as submitted, the applicant proposes to maintain the OR2 zoning with a PO on the 1250 West Broadway parcel and rezone the remaining two parcels (2105 and 2119 Fremont Avenue North) to the OR2 district. Even though the lots are platted separately, the lots are part of a unified development. The residential parcels on the north side of this block would remain residentially zoned as they are not included in the proposed development at this time.

The following relevant provisions of *The Minneapolis Plan for Sustainable Growth* apply to the proposal to rezone the properties and pursue a PUD on the site as follows:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation steps: (1.1.3) “Encourage the use of flexible regulatory options that promote high quality development, such as the Planned Unit Development (PUD) tool”; (1.1.4) “Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives”; (1.1.5) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

Land Use Policy 1.2 of *The Minneapolis Plan for Sustainable Growth* states, “Ensure appropriate transitions between uses with different size, scale, and intensity.” This policy includes the following applicable implementation step: (1.2.1) “Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.”

Land Use Policy 1.3 of *The Minneapolis Plan for Sustainable Growth* states, “Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.” This policy includes the following applicable implementation step: (1.3.2) “Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.”

Land Use Policy 1.10 of *The Minneapolis Plan for Sustainable Growth* states, “Support development along Commercial Corridors that enhances the street’s character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.” This policy includes the following applicable implementation steps: (1.10.1) “Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character”; and (1.10.4) “Encourage a height of at least two stories for new buildings along Commercial Corridors, in keeping with neighborhood character.”

While the volume of surface parking has been significantly reduced on the premises and the proposed number of parking spaces doesn’t violate the maximum parking requirement in the zoning ordinance, Planning Staff remains concerned with the amount of surface parking proposed for the development and any potential future rezonings that would result in the expansion of surface parking for the use. Currently, a total of 354 surface parking stalls are proposed on the site with the potential of a future expansion to the north if the residential structures are purchased by the school. Effective parking management is an important strategy in a multi-modal transportation system. Excessive parking can promote automobile usage and traffic congestion, create pedestrian unfriendly environments, and damage the traditional urban character of an area. Planning Staff believes that the following policies apply to this specific proposal and any future proposals that increase the amount of surface parking proposed for the development:

Transportation Policy 2.8 of *The Minneapolis Plan for Sustainable Growth* states, “Balance the demand for parking with objectives for improving the environment for transit, walking and bicycling, while supporting the city’s business community.” This policy includes the following applicable implementation step: (2.8.7) “Promote transit, walking, and biking as safe and comfortable transportation alternatives through reduced parking requirements, encouragement of employee transit incentive programs, and improved facilities.”

Transportation Policy 10.18 of *The Minneapolis Plan for Sustainable Growth* states, “Reduce the visual impact of automobile parking facilities.” This policy includes the following applicable implementation steps: (10.18.1) “Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses”; (10.18.2) “Parking lots should maintain the existing street face in developed areas and establish them in undeveloped areas through the use of fencing, walls, landscaping or a combination thereof along property lines”; (10.18.3) “Locate parking lots to the rear or interior of the site”; (10.18.4) “Provide walkways within parking lots in order to guide pedestrians through the site”; (10.18.5) “Design parking structures so sloping floors do not dominate the appearance of the walls”; (10.18.6) “The ground floor of parking structures should be designed with active uses along the street walls except where frontage is needed to provide for vehicular and pedestrian access”; (10.18.17) “Minimize the width of ingress and egress lanes along the public right of way in order to provide safe pedestrian access

across large driveways”; (10.18.18) “Encourage appropriate land uses to share parking lots to reduce the size and visual impact of parking facilities.”

There is an additional plan that must be considered when evaluating the proposal which is the West Broadway Alive! Plan. This plan was adopted by the City Council in March of 2008. The future land use of the 1250 West Broadway parcel was anticipated as mixed-use at an urban scale and was further identified in the plan as a Development Opportunity (likely to attract redevelopment interest at some point in the future). The properties located to north behind the 1250 West Broadway parcel were anticipated to be an urban neighborhood type designation. According to the plan, 1250 West Broadway is in a transition area between the retail districts and The Curve, which is intended to support multifamily residential. While the proposal isn’t a mixed-use project, the office use proposed for the site, in addition to the massing proposed for the development is consistent with the objectives found within the West Broadway Alive! Plan. The proposed zoning district, on a parcel that maintains frontage on a commercial corridor, would be consistent with adopted policies.

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

A rezoning to the OR2 district could be considered both in the public interest and in the interest of the property owner, as it would allow for a uniform zoning classification on the site that allows for the proposed redevelopment. Typically, office residential zoning designations serve as transitional zoning districts. In this circumstance, the OR2 would continue to provide a buffer to the surrounding residential uses. Rezoning the entire development parcel to OR2 district is consistent with the objectives outlined in *The Minneapolis Plan for Sustainable Growth* which promote medium-density, office residential zoning classifications along Commercial Corridors (West Broadway) and Community Corridors (Fremont Avenue North).

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

The properties that are proposed to be rezoned are zoned R4 and R5. The development site as a whole is located along West Broadway which is a designated Commercial Corridor and along Fremont Avenue North which is a designated Community Corridor. The entire development parcel is located within an area designated as an urban neighborhood. The properties in the immediate vicinity along West Broadway are predominantly zoned OR2 and C1. The properties located in the immediate neighborhood surrounding the site are zoned R4, R5 and R2B. The uses within the area are varied and include various residential uses, commercial and institutional uses. Given the surrounding zoning classifications and the uses in the area, Staff believes that the OR2 zoning district would be appropriate and compatible in this location.

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

There are reasonable uses of the property permitted under the R4 and R5 zoning districts; however, the request to rezone the property to the OR2 district is consistent with adopted policy. Planning Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classification for the site.

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

Under the 1963 Zoning Code, the subject property was zoned somewhat differently to what it is zoned today. The property fronting on West Broadway had a portion that was zoned B3S-3 (Community Service District), and the remainder of the development site was R5. The surrounding properties along both sides of West Broadway were zoned differently as some were zoned B3S-1 (Community Service District), B3S-3 (Community Service District), M1-1 (Light Manufacturing District) and B3SP-2 (Community Service Parking District). The majority of the properties to the north, east and west were zoned similarly to what they are zoned today as they were predominantly zoned R2B. There has been a push for change in the character and trend of development within the general area. Staff believes that the rezoning request is reasonable and appropriate and is consistent with adopted policy.

CONDITIONAL USE PERMIT - for a Planned Unit Development

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Planning Division believes that the development of a PUD which includes the construction of a new 173,000 square foot office building should not have any negative impacts on the area provided the surface parking proposed for the development does not at any time spillover on to the property located to the west across Girard Avenue North. Overall, the proposed development complements other uses in the area and the establishment of the use should help to strengthen and improve the neighborhood. Staff does not believe that the project would prove detrimental to public safety, comfort or general welfare.

2. The conditional use 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.

There is currently an alternative high school located on the premises. The Planning Division does not believe that redeveloping the site to allow for a new 4 and 5-story, 173,000 square foot office building would be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property provided the surface parking proposed for the development does not at any time spillover on to the property located to the west across Girard

Avenue North. The establishment of the use should assist in the stabilization of the neighborhood and contribute to the overall redevelopment that has begun to take form on West Broadway.

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

The site would be accessed via two curb cuts located off of Girard Avenue North (which is a two-way street) and via one curb cut off of Fremont Avenue North (which is a one-way street heading south) to the 354 space surface parking lot located on the premises.

The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required to continue to work 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 should the applications be approved. This would be required to ensure that all procedures are followed and that the development complies with all city and other applicable requirements. The applicant is aware that all applicable plans are expected to incorporate any applicable comments or modifications as required by the Public Works Department.

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

For an office use, Chapter 541 would typically require a minimum of one off-street parking space per 500 square feet of gross floor area in excess of 4,000 square feet. Based on the total gross floor area of the building which is 173,000 square feet, a minimum of 338 parking spaces would typically be required. However, because the proposed structure is located in the PO, the minimum off-street parking requirement for nonresidential uses shall be 75% of the minimum. Therefore the minimum parking requirement is 254 spaces. The applicant is proposing to locate a total of 354 surface parking spaces on the premises which meets the minimum requirement. Further, a total of 36 bicycle parking spaces are also provided.

A draft Travel Demand Management Plan (TDMP) has been reviewed by City Staff and recently a revised version was resubmitted by the applicant. The TDMP states that MPS will develop and implement measures to encourage non-single occupancy vehicle modes of transportation with the goal of having at least 45% of its transportation trips made by transit, bicycling, telecommuting or walking. Some of the strategies that are proposed within the TDMP are as follows: designation of an Employee Transportation Coordinator; various strategies for communication and education; carpool and vanpool incentives; promote rideshare, walking, transit and bicycling; and promote flex-time and telecommuting. The applicant will incorporate all Public Works and Planning comments into the final version of the TDMP.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

See the above listed response to finding #1 in the rezoning application. The policies and implementation steps outlined apply to the proposed PUD application as well.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

City Planning Commission can approve alternatives to the zoning regulations applicable to the zoning district in which the planned unit development is located where the planned unit development includes site amenities. Site amenities are subject to the following standards:

- All planned unit developments shall provide at least one amenity or a combination of amenities that total at least ten points, beyond those required for any alternative(s), and even if no alternative(s) is requested.
- For each alternative requested, an amenity or a combination of amenities totaling at least five points, in addition to the amenity(ies) required in section 527.120(1), shall be provided. For multiple requests of the same alternative only one amenity shall be required for those alternatives.
- Unless otherwise determined by the city planning commission, each phase of the planned unit development shall include the amenities provided for any alternatives in that phase, as a part of the construction of that phase.
- In no case shall any item be counted as an amenity for an alternative if it is utilized to qualify for a density bonus in any zoning district, a floor area ratio premium in the Downtown Districts, or any other amenity in Table 527-1, Amenities.
- Where an amenity is provided that meets the standards required in Table 527-1, Amenities, the full point value assigned to said amenity shall be obtained. Where the amenity does not meet all of the standards required in Table 527-1, Amenities, no points shall be awarded. Partial points for alternatives shall not be awarded, except as otherwise allowed in Table 527-1, Amenities.

Minimum required amenity(ies) of 10 points.

1. Leadership in Energy and Environmental Design (LEED) - The proposed development must meet the minimum standards for LEED Silver certification. The project does not have to achieve actual LEED certification; however, the developer must submit the LEED checklist and documentation to the city, approved by a LEED Accredited Professional (LEED-AP), that shows that the project will comply with LEED Silver requirements. The applicant has provided information that indicates that the project is currently registered in the LEED-NC program (Project Id#1000008875) and will meet the minimum standards for LEED Silver certification. Designing the building to LEED Silver certification is worth ten points.

Placement and number of principal residential structures: The applicant is requesting an alternative from the building placement requirement in the PO district as the proposed structure is located 25 feet from the property line along West Broadway, approximately 47 feet from Fremont Avenue North and approximately 51 feet from Girard Avenue North. The applicant must provide an amenity or a combination of amenities totaling at least five points in order to allow the alternative building placement proposed. See “amenities provided” section below.

Bulk regulations - floor area: No alternative requested.

Bulk regulations - height: The applicant is requesting an alternative to exceed the maximum height allowed in the OR2 district from 4 stories or 56 feet to 5 stories or 72 feet. The building footprint

consists of two rectangular portions running east-west connected by a 90 foot link. The portion of the building fronting on West Broadway would total 4 stories; the 5 story portion of the development would be set back from West Broadway more towards the interior of the site. The applicant must provide an amenity or a combination of amenities totaling at least five points in order to allow the alternative building placement proposed. See “amenities provided” section below.

Lot area requirements: No alternative requested.

Yards: The applicant is requesting an alternative to allow a reduction/elimination of several required yards along the periphery of the PUD: (1) The required front yard setback along Fremont Avenue North is 39 feet due to a front yard increase as the adjacent residential structure to the north is setback 39 feet from the property line. The reduction is requested in order to allow parking stalls, drive aisles, the loading area, an electrical transformer and an emergency generator in the required front yard. The applicant is proposing a 7-foot wide landscaped yard along this street frontage; (2) The required front yard setback along Girard Avenue North is 22 feet, 3 inches due to a front yard increase as the adjacent residential structure to the north is setback 22 feet, 3 inches. The reduction/elimination is to allow a portion of the building to be located up to the property line along Girard Avenue North and to allow parking within the front yard, although the applicant proposes to maintain a 15 foot landscaped yard along this street frontage. Further, a private plaza/courtyard area is located between the building and property line along this street frontage; (3) the required interior side yard on the east side of the site is 13 feet. The reduction is being requested to allow the building to be located at 3 feet, 3 inches at the closest point; (4) an alternative is also necessary to allow the proposed public plaza and associated encroachments including stairs that are 30 feet, 6 inches wide, public art, benches, etc., within the required front yard along West Broadway.

The applicant must provide an amenity or a combination of amenities totaling at least five points to reduce the periphery yard requirements of the PUD. See “amenities provided” section below.

On-premise signs: No alternative requested. No signage is proposed at this time.

Off-street parking and loading: No alternative requested. The proposal is meeting the minimum parking requirement.

Amenities provided: In addition to the 10-point minimum required for all planned unit developments, the applicant must provide amenities or a combination of amenities totaling at least **fifteen (15) points**. The applicant proposes the following amenities from Table 527-1: Art Feature, Shared Bicycles, Reflective Roof, Shared Vehicle, Decorative fencing, Enhanced Stormwater Management, and a Recycling Storage Area.

Art Feature - The applicant is proposing to include public art in the front plaza along West Broadway that would identify the main entry of the building and would promote quality design, enhance a sense of place, contribute to a sense of vitality, show value for artist and artistic processes, and use resources wisely. The art shall be maintained in good order for the life of the principal structure. The art shall be located where it is highly visible to the public. The applicant is budgeting one-fourth (.25) of one (1) percent of the capital cost of the principal structure towards the art feature. This provision is worth 3 points.

Shared Bicycles -The applicant is proposing to provide public access to shared bicycles available for short-term use as defined in section 541.180. A minimum of ten (10) shared bicycles per one (1) commercial use would be provided. Bicycle parking spaces and racks would be located in an area that is convenient and visible from the principal entrance of the building. This provision is worth 3 points.

Reflective Roof - The applicant is proposing to include reflective roofing materials for 75% or more of the total roof surface having a Solar Reflective Index (SRI) equal to or greater than the values as required by the US Green Building Council (USGBC) for low-sloped and steep-sloped roofs. This provision is worth 3 points.

Shared Vehicle – The applicant is proposing to provide access to a shared passenger automobile available for short-term use. This provision is worth 3 points.

Decorative Fencing -Decorative fencing requires the installation of high-quality decorative metal fencing where visible from the public street, public sidewalk or public pathway. The development will comply with this provision as a 4-foot tall aluminum fence is proposed around the perimeter of the parking lot. This provision is worth 1 point.

Enhanced Stormwater Management – The proposed development would provide capacity for infiltrating stormwater generated onsite with an artful bioswale design that serves as a visible amenity. The design of the rain garden shall be visually compatible with the form and function of the space and shall include for long-term maintenance of the design. The design shall conform to the requirements of the stormwater management plan approved by Public Works. This provision is worth 1 point.

Recycling Storage Area – A recycling storage area is provided entirely within the building and allows an easily accessible area that serves the entire building and is dedicated to the collection and storage of non-hazardous materials for recycling, including but not limited to paper, corrugated cardboard, glass, plastics and metals. This provision is worth 1 point.

Phasing plan: There is no phasing plan associated with this project. The proposed development would be completed in one phase.

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

- 1. That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:**
 - a. The character of the uses in the proposed planned unit development, including in the case of residential uses, the variety of housing types and their relationship to other site elements and to surrounding development.**

The proposal to construct an approximately 173,000 square foot office building serving the Minneapolis Public Schools headquarters functions, would fit in well with the neighborhood context as the surrounding area includes a mixture of residential, commercial and institutional uses that are of varying heights, style, and designs.

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

The development would not be expected to have a negative impact on traffic movement in the vicinity according to the submitted Travel Demand Management Plan. The applicant is proposing to provide parking that meets the minimum and maximum parking requirements for the use as outlined in the Zoning Code. Further, a total of 36 bicycle parking spaces are provided. The draft TDMP that has been submitted to City Staff states that MPS will develop and implement measures to encourage non-single occupancy vehicle modes of transportation with the goal of having at least 45% of its transportation trips made by transit, bicycling, telecommuting or walking. Some of the strategies that are proposed within the TDMP are as follows: designation of an Employee Transportation Coordinator; various strategies for communication and education; carpool and vanpool incentives; promote rideshare, walking, transit and bicycling; and promote flex-time and telecommuting.

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

The site amenities include the pursuance of LEED certification, inclusion of an art feature within the public plaza proposed along West Broadway, shared bicycles, reflective roof, a shared vehicle, decorative fencing, enhanced stormwater management through the collection of stormwater runoff in the parking areas via bio swales, pervious pavers and below ground water tanks for irrigation, and a recycling storage area.

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

The building footprint consists of two rectangular portions running east-west connected by a 90 foot link. The building proposed on the site would be 4 stories tall along West Broadway, and 5 stories tall towards the interior of the site. The entire north side of the site is covered by surface parking. While staff is concerned about the amount of land covered by surface parking, the proposed parking lot would be thoroughly landscaped and screened. The surrounding context and uses within the vicinity are varied. Overall the proposed PUD has contextually appropriate scale and massing, likely minimal microclimate effects on the surrounding neighborhood and results in a development along a designated Commercial Corridor that should not only improve the neighborhood but be a catalyst for future redevelopment opportunities within the area.

e. An appropriate transition area shall be provided between the planned unit development and adjacent residential uses or residential zoning that considers landscaping, screening, access to light and air, building massing, and applicable policies of the comprehensive plan and adopted small area plans.

The proposed building would be located on the south side of the site along West Broadway. The surface parking areas are located on the north side of the site adjacent to the residential uses. An appropriate transition area is proposed between the PUD and the adjacent residential uses as landscaping and screening are being provided. As noted in the site plan review section below, the 354 space on-site surface parking lot requires a 9-foot landscaped yard along Girard Avenue North and Fremont Avenue North. A 15-foot landscaped yard is being provided along Girard Avenue North which complies with the requirement, but only a 7-foot yard is being provided along Fremont Avenue North. Planning Staff would recommend that the Planning Commission require compliance with this provision as it would be practical to incorporate two additional feet of landscaped area. The applicant is proposing 354 surface parking stalls on the premises, all are full size (8.5 feet x 18 feet), and none are proposed to be compact spaces (8 feet x 15 feet). By merely modifying those surface parking spaces adjacent to Fremont Avenue North to compact spaces, the proposal would meet the minimum perimeter landscaped yard.

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

The applicant would need to continue to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements. The City of Minneapolis will review and approve the applicant's stormwater management plan and erosion control plan. The applicant has stated that the project would comply with all applicable City requirements for permanent and temporary erosion control. Additionally, the project would use stormwater to irrigate the landscaping proposed on the premises.

g. The consideration, where possible, of sustainable building practices during the construction phases and the use of deconstruction services and recycling of materials for the demolition phase.

As proposed, the development would utilize a construction waste recycling program. The project as proposed is also pursuing both LEED and B3 certifications.

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

Typically, as required by Section 527.60 of the Zoning Code, there is a platting requirement for PUDs. Due to the complexity of the applications requested and the potential acquisition of the properties to the north for future inclusion in the project, Staff did not require that the applicant submit a preliminary and final plat with this application. However, should the development be

approved in some form or as proposed, Planning Staff will require that a preliminary and final plat be submitted for the entire development site within the next year in order to clean up the underlying platting as well as meet the platting requirement as outlined above.

VARIANCE – (1) to allow parking between the principal structure and the front lot line; (2) of the Pedestrian Oriented (PO) Overlay District standards.

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.

To allow parking between the principal structure and the front lot line: Staff would argue that it would be difficult for the property to be put to a reasonable use under the conditions allowed and that based on the size of the structure and the parking that is needed for the prospective users, strict adherence to the regulations of the zoning ordinance would cause undue hardship. As proposed, surface parking is located between the principal structure and the front lot lines along Girard Avenue North and Fremont Avenue North. Based on the configuration of the site and the fact that property has three designated front yards, strict reliance on adherence to the regulations of this zoning ordinance would cause undue hardship.

PO standards: Staff would argue that the property could not be put to a reasonable use under the conditions allowed; and strict adherence to the regulations of the zoning ordinance in this circumstance would cause undue hardship. As proposed the development is noncompliant with two PO provisions, as the location of parking is not to the rear or the interior of the site, within the principal building served or entirely below grade and the 40% window requirement is not being met on the Fremont Avenue elevation. As previously mentioned, the site has three designated front yards. As it pertains to the location of parking, the only way that the project could be compliant in this circumstance would be if the parking were underground or if structured parking were provided with liner uses. Due to the amount of surface parking and the orientation of the site, it would not be reasonable to require compliance. As far as the 40% window requirement, the development is subject to a 40% window requirement along West Broadway, Girard Avenue North and Fremont Avenue North. As proposed, the loading, receiving area, mechanical and data rooms are located in the north wing of the building located along Fremont Avenue North. The floor plans as proposed as well as the configuration of all of these service functions would need to be relocated in order to comply with the window requirement. From a functional and security standpoint, it would not make sense due to the programmed floor plan to require compliance with this provision.

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.

To allow parking between the principal structure and the front lot line: The site is unique in that the property has three designated front yards. This circumstance has not been created by any persons presently having an interest in the property. Allowing parking between the principal structure and the

front lot line in this circumstance would allow parking that is needed for the prospective users. Perimeter landscaping has also been incorporated in order to lessen the visual impacts.

PO standards: This site is unique in that the property has three designated front yards. This circumstance has not been created by any persons presently having an interest in the property. In order to allow parking for the proposed use and to maintain service functions for the building, the PO standards must be relaxed in this circumstance.

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.

To allow parking between the principal structure and the front lot line: The Planning Division believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance and would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Allow parking between the principal structure and the front line along both street frontages would not be expected to interrupt the orderly development of surrounding land and would not create conflicts between adjacent land uses. Staff believes that varying this standard is reasonable on the subject site given the context. Further, the perimeter landscaping that is proposed along both street frontages should mitigate the visual impacts.

PO standards: The Planning Division believes that the granting of this variance would likely be in keeping with the spirit and intent of the ordinance and would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Staff is recommending that the east elevation be modified to not include blank walls. The elevation includes a generous amount of window area on the upper floors. While the relative lack of ground-floor windows facing Fremont Avenue is not ideal, staff recognizes the challenge of the need to providing service functions on a building with frontage on three public streets.

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.

To allow parking between the principal structure and the front lot line: The Planning Division believes that the granting of the variance would have no impact on congestion of area streets or fire safety, nor would the proposed setback variance be detrimental to welfare or public safety. In fact, allowing the variance would likely minimize the congestion of area streets as it allows additional parking for the proposed use.

PO standards: The Planning Division believes that the granting of the variance would have no impact on congestion of area streets or fire safety, nor would the proposed setback 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 DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- 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, windows, and active functions:
 - Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.

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

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

- Ground floor active functions: Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- The form and pitch of roof lines shall be similar to surrounding buildings.
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

The development is subject to required yards along all sides of the property, including three street frontages. The applicant is requesting several alternatives under the PUD to allow reductions/eliminations which include: (a) an alternative request to allow for a reduction in the periphery front yard requirement of 39 feet (due to a front yard increase) on the building site along Fremont Avenue North for surface parking stalls, drive-aisles, loading, and a transformer/generator; (b) an alternative request for a reduction in the periphery front yard requirement of 22 feet (due to a front yard increase) on the building site along Girard Avenue North for building placement and surface parking stalls; (c) an alternative request to reduce the required interior side yard on the east side of the site from 13 feet to 3 feet, 3 inches at the closest point; (d) an alternative is also necessary to allow the proposed public plaza and associated encroachments including stairs that are 30 feet, 6 inches wide, public art, benches, etc., within the required front yard along West Broadway; (e) as well as an alternative request to allow building placement alternatives in the PO Overlay District along West Broadway, Girard Avenue North, and Fremont Avenue North.

The first floor of buildings located in the PO must be located not more than 8 feet from the front lot line except where a greater yard is required by the zoning ordinance. In this case, the buildings along these three street frontages are subject to greater yards (West Broadway 15 feet, Girard Avenue North 22 feet, 3 inches, and Fremont Avenue North 39 feet, 1 inch). The building placement in these locations exceeds the greater setback requirement which requires an alternative. Alternative compliance is also necessary along all three street frontages as the location of the building along West Broadway exceeds the 15 foot setback as it is located approximately 25 feet

from the property line in order to allow for a public plaza; a portion of the building link located along Girard Avenue North is setback 90 feet, 10 inches from the property line, and the bulk of the north building along Girard Avenue North is setback 50 feet, 10 inches; and the building located along Fremont Avenue North is setback 46 feet, 11 inches. Planning Staff would recommend that in this specific circumstance that the Planning Commission grant alternative compliance. Along West Broadway, the public plaza feature is one that is recommended within the applicable small area plan, The West Broadway Alive! Plan. Due to the institutional type nature of the building, incorporation of a greater setback to allow a public gathering space would be a practical deviation from the requirement to locate the building at 15 feet, as opposed to 25 feet. Along the Girard Avenue North elevation, the building setback allows a private outdoor gathering space and extensive landscaping, the south segment of building is located up to the street along this street frontage. The location of the building on the Fremont Avenue North side is setback in order to accommodate loading and other service functions. Planning Staff would recommend that the Planning Commission grant alternative compliance from the building placement provision as outlined above.

The proposed structure is oriented towards the West Broadway and towards the surface parking lot located on the north side of the site. Principal entries to the structure are located off of West Broadway (via the public plaza) and off of the surface parking lot. Planning Staff would anticipate that employees arriving by car would likely utilize the entrance facing the surface parking lot, and visitors and employees arriving by transit would likely utilize the principal entry facing West Broadway. The design of the structure maximizes natural surveillance and visibility with one exception on the Fremont Avenue North elevation, and facilitates pedestrian access. Alternative compliance is necessary. As previously discussed, the programmed space behind the Fremont Avenue North elevation consists of service functions. While the relative lack of ground-floor windows facing Fremont Avenue is not ideal, staff recognizes the challenge of the need to providing service functions on a building with frontage on three public streets. The area between the buildings and the public streets would have new shrub and/or tree plantings along all three street frontages.

Alternative compliance is also required as on-site accessory parking facilities are required to be located to the rear or interior of the site, within the principal building served, or entirely below grade. As previously noted, this proposal does not meet this requirement. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance due to the fact that the site is unique in that the property has three designated front yards and it would not be practical to require compliance in this instance.

The façade of the building along West Broadway (south elevation), Girard Avenue North (west elevation) and Fremont Avenue North (east elevation) must incorporate windows that meet the 40% ground-level window requirement as the building is located in the PO. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. The south elevation of the building along West Broadway provides 61% windows, the west elevation of the building along Girard Avenue North provides 51% and the east elevation of the building along Fremont Avenue North that faces the public street has 0% windows. Alternative compliance would be necessary for the east elevation of the building. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific instance. While ground level windows would likely not be appropriate due to the service functions behind the elevation, windows that provide day-lighting may be an attractive alternative in this

specific circumstance.

The north elevation of the building that faces the on-site surface parking lot is subject to a 30% window requirement. A total of 46% windows are provided along the north elevation of the building. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. The proposed development meets the 10% window requirement on each floor above the first floor that faces the public street and public sidewalk.

The building complies with the active functions provision as outlined above with an exception along the east elevation of the building location along Fremont Avenue North. The portion of the elevation abutting Fremont Avenue North is entirely dedicated to mechanical, loading and receiving, as well as a data room. These are not active uses and do not comply with the active functions provision; alternative compliance would be necessary. While not ideal, Planning Staff recognizes the challenge of the need to providing service functions on a building with frontage on three public streets, therefore Planning Staff would recommend in this specific circumstance that alternative compliance be granted.

The exterior materials and appearance of the rear and side walls of the proposed building would be similar to and compatible with the front of the building. The materials on the proposed structure would include brick, metal panels and various metal elements. The proposed building incorporates architectural elements including recesses and projections, windows and entries. The floor area of the proposed structure has been divided into two distinct buildings with a linking connection. There are blank uninterrupted walls that exceed 25 feet in width on the north elevation (area 1 and 1), east elevation (area 1 and 2) and west elevation (area 1 and 2) of the elevations. Planning staff would recommend that the Planning Commission require compliance with this provision as it is practical for the applicant to incorporate required architectural elements into these building elevations.

There is no structured parking proposed as part of the development. A 354 surface parking lot is located on the north side of the site.

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.**

The principal entrances to the buildings are connected to the public sidewalk via walkways that are greater than 4 feet in width. There are two main entrances to the proposed structure. One is located off of the proposed public plaza along West Broadway and the other is located on the north side of the building facing the surface parking lot. The walkway to Fremont Avenue is interrupted by a loading area. Staff recommends that the applicant include striping through the loading area to more clearly

delineate a walkway connection to Fremont Avenue.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. Curb cuts to the site have been minimized.

There are no transit shelters within the development, however, the site is located in close proximity to several bus lines.

There is no public alley adjacent to the site.

A considerable amount of the site is composed of a surface parking lot. A total of 151,544 square feet or approximately 79% of the total site is composed of impervious surfaces. Approximately, 39,810 square feet or 21% of the total site is pervious including 9,200 square feet of pervious pavement in the parking area and also pervious pavement in the private plaza/courtyard of approximately 1250 square feet.

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.**

The proposal meets the 20% landscape requirement. The total site area is 191,228 square feet or 4.38 acres and the proposed building footprint on the site would be 38,071 square feet. A total of 30,631 square feet of landscaping would be necessary to meet the 20% requirement. The applicant is providing

40,075 square feet or approximately 26% of the site not occupied by buildings. The zoning code requires that there be at least 61 trees and 306 shrubs. The applicant is proposing to provide 70 canopy trees, 39 ornamental trees, 175 coniferous trees, 311 deciduous shrubs, and various perennials/grasses. The proposal is exceeding the landscape quantity requirements.

The 354 space on-site surface parking lot requires a 9-foot landscaped yard along Girard Avenue North and Fremont Avenue North. A 15-foot landscaped yard is being provided along Girard Avenue North which complies with the requirement, but only a 7-foot yard is being provided along Fremont Avenue North which requires alternative compliance. Planning Staff would recommend that the Planning Commission require compliance with this provision as it would be practical to incorporate two additional feet of landscaped area. While the applicant is proposing 354 surface parking stalls on the premises, all are full size (8.5 feet x 18 feet), none are proposed to be compact spaces (8 feet x 15 feet). By merely modifying those surface parking spaces adjacent to Fremont Avenue North to compact spaces, the proposal would meet the minimum perimeter landscaped yard. Landscaping and screening are required adjacent to the north, east and west property lines. The plan meets the landscaping and screening standards along the north, east and west property lines. As proposed, the surface parking lot would be gated around the perimeter with a 4 foot tall decorative fence, and screening would be provided by a 3-foot tall hedge. No parking space is located more than 50 feet from the center of on-site deciduous tree and the tree islands located within the interior of the parking lot have a minimum width of seven (7) feet in any direction. The surface parking lot also meets the 25 foot linear tree requirement along Girard Avenue North and Fremont Avenue North.

ADDITIONAL STANDARDS:

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

There is a 354 space surface parking lot located on the north side of the subject site that is accessed via two curb cuts on Girard Avenue North and via one curb cut on Fremont Avenue North. 5th Street SE. The site has been designed to accommodate on-site retention and filtration. The applicant is proposing to incorporate enhanced stormwater management through the collection of stormwater runoff in the parking areas via bio swales. Pervious pavers are also located in the parking lot and plaza areas.

Staff would not expect the proposal to result in the blocking of significant views. The proposed structure would be expected to have minimal shadowing impacts on adjacent properties, however, not

on public spaces. The proposed structure would also be expected to have some minimal impacts on light, wind and air in relation to the surrounding area as well.

Planning Staff would expect to review a detailed lighting plan upon submission of final plans. The site has been developed in such a manner that it appears to adhere to the crime prevention standards outlined in the Zoning Code. The site appears to have adequate site lighting and the majority of the window openings that are provided allow for adequate natural surveillance and visibility.

There are no eligible or designated historic structures on the subject site. Staff to the Minneapolis Heritage Preservation Commission (HPC) has analyzed the properties for potential historic significance and concluded that the demolitions needed to clear the site can be reviewed administratively at this time.

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

ZONING CODE - The proposed use of the site as a PUD is conditional in the OR2 District.

If all land use/zoning applications are approved, including the rezoning, conditional use permit for a planned unit development and implementation of associated amenities, variances, site plan review, as well as a future submittal of a preliminary and final plat, the proposal would comply with all provisions of the OR2 District.

Parking and Loading:

Minimum automobile parking requirement: Chapter 541 would typically require 1 off-street parking space per 500 square feet of gross floor area in excess of 4,000 square feet for office uses. Based on the proposed gross floor area of 173,000 square feet, a total of 338 parking spaces would be required. However, the use is located in the PO, thus the minimum off-street parking requirement for nonresidential uses is 75% of the minimum requirement or 254 spaces. The applicant is proposing a total of 354 surface parking stalls for the proposed development which exceeds the minimum requirement.

Maximum automobile parking requirement: According to Chapter 541, the maximum parking requirement for office uses is 1 off-street parking space per 200 square feet of gross floor area. Based on the proposed gross floor area of 173,000 square feet, a maximum of 865 off-street parking spaces apply to this proposal. However, the use is located in the PO, thus the maximum off-street parking allowance for nonresidential uses is 75% of the maximum requirement or 649 spaces. The applicant is proposing a total of 354 surface parking stalls for the proposed development which is less than the parking maximum.

Bicycle parking requirement: Office uses require a total of 3 bicycle parking spaces or 1 space per 15,000 square feet of gross floor area, whichever is greater. Based on the proposed gross floor area of 173,000 square feet, a total of 12 bicycle parking spaces would be required. A total of 36 bicycle parking spaces are provided which meets the requirement. Not less than 50% of the required bicycle parking shall meet the standards for long-term bicycle parking which are as follows:

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- *Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. With permission of the zoning administrator, long-term bicycle parking spaces for non-residential uses may be located off-site within three hundred (300) feet of the site.*

The proposal meets the requirements for bicycle parking.

Loading: Offices uses over 100,000 square feet require a minimum of two large loading spaces plus one additional large loading space per additional 300,000 square feet of gross floor area or fraction thereof. The applicant is proposing two large loading spaces which meets this requirement.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The development complies with this provision as there is a trash and recycling room located within the building adjacent to the loading dock on the east side of the site adjacent to Fremont Avenue North.

Signs: No signs have been proposed or approved. All signs must comply with Chapter 543 of the Zoning Code. While there are several references on the elevations, no sign plan was submitted, and no signage was evaluated or approved. Any new signage requires a separate permit from the Zoning Office.

Lighting: The project includes decorative bollard style lighting, parking lot lighting and other decorative lighting fixtures in the public plaza. A photometric plan was not submitted as part of the application and will be required with the final submittal. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

Maximum Floor Area: The maximum F.A.R. for the proposed office use within the OR2 district is the gross floor area of the building which would be approximately 173,000 square feet divided by the area of the lot which is 191,228 square feet. The outcome is .9 which is less than the maximum of 2.5 that is permitted in the OR2 District. The proposal is in compliance with this requirement.

Minimum Lot Area: The minimum lot area for office uses in the OR2 district is 4,000 square feet. The lot area for the proposed development is 191,228 square feet, which is in compliance with this requirement.

Dwelling Units per Acre: Not applicable for this development.

Height: Maximum building height for principal structures located in the OR2 district is 4 stories or 56 feet, whichever is less. The applicant is requesting an alternative under the PUD to allow an increase in the maximum height allowed for principal structures in the OR2 district as the proposed MPS facility is 5 stories or 72 feet at the tallest point.

Yard Requirements: The required yards are as follows:

- *Front yards–*

- *West Broadway: 15 feet*
- *Girard Avenue North: 22 feet, 3 inches (subject to a front yard increase per Section 547.160(b))*
- *Fremont Avenue North: 39 feet, 1 inch (subject to a front yard increase per Section 547.160(b))*
- *Interior side yard (5+2x): 13 feet*

The applicant proposes alternatives for several elements of the project that pertain to the yard requirements. Please see the PUD alternatives section and variance findings listed above.

Building coverage: The maximum building coverage in the OR2 district is 70 percent. Buildings would cover approximately 20 percent of the site.

Impervious surface area: The maximum impervious surface coverage in the OR3 district is 85 percent. Impervious surfaces would cover approximately 79 percent of the site.

PLAZA:

A 3,182 square foot plaza is located on the south side of the structure, between the building and West Broadway. The City recently passed an ordinance requiring design standards for all plazas over 2,000 square feet in area.

The plaza is designed with the primary access points located off of West Broadway; a large concrete stairway leads to the entrance, as does an accessible walkway from the corner of West Broadway and Girard Avenue North. The public plaza also incorporates public art. The lobby of the new MPS headquarters would open up directly onto the plaza space. The plaza extends to the public sidewalk adjacent to West Broadway to maximize interaction with the public right-of-way. The plaza is unobstructed to the sky and faces south, maximizing access to sunlight year-round.

A minimum of one linear foot of seating is required for each 50 square feet of plaza area, or 63 linear feet in this case. The site plan complies with this requirement. A landscaped area of 1,408 square feet equivalent to 44 percent of the total plaza area is provided within the plaza, including 3 trees and numerous shrubs, perennials and ornamental grasses.

Bicycle parking spaces are also located within the plaza area. A minimum of one trash receptacle and one recycling receptacle shall be required.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH:

See the above listed response to finding #1 in the rezoning application. The policies and implementation steps outlined apply to the proposed site plan review application as well.

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.**

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

□ *Building placement:* Alternative compliance is necessary along all three street frontages as the location of the building along West Broadway exceeds the 15 foot setback as it is located approximately 25 feet from the property line in order to allow for a public plaza; a portion of the building link located along Girard Avenue North is setback 90 feet, 10 inches from the property line, and the bulk of the north building along Girard Avenue North is setback 50 feet, 10 inches; and the building located along Fremont Avenue North is setback 46 feet, 11 inches. Planning Staff would recommend that in this specific circumstance that the Planning Commission grant alternative compliance. Along West Broadway, the public plaza feature is one that is recommended within the applicable small area plan, The West Broadway Alive! Plan. Due to the institutional type nature of the building, incorporation of a greater setback to allow a public gathering space would be a practical deviation from the requirement to locate the building at 15 feet, as opposed to 25 feet. Along the Girard Avenue North elevation, the building setback allows a private outdoor gathering space/courtyard/plaza and extensive landscaping, the south segment of building is located up to the street along this street frontage. The location of the building on the Fremont Avenue North side is setback in order to accommodate loading and other service functions. Planning Staff would recommend that the Planning Commission grant alternative compliance from the building placement provision as outlined above.

□ *Natural surveillance and visibility:* The design of the structure maximizes natural surveillance and visibility with one exception on the Fremont Avenue North elevation, and facilitates pedestrian access. Alternative compliance is necessary. As previously discussed, the programmed space behind the Fremont Avenue North elevation consists of service functions. While the relative lack of ground-floor windows facing Fremont Avenue is not ideal, staff recognizes the challenge of the need to providing service functions on a building with frontage on three public streets.

□ *Location of accessory parking facilities:* Alternative compliance is also required as on-site accessory parking facilities are required to be located to the rear or interior of the site, within the principal building served, or entirely below grade. As previously noted, this proposal does not meet this requirement. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance due to the fact that the site is unique in that the property has three designated front yards and it would not be practical to require compliance in this instance.

□ *40% window requirement – Fremont Avenue North:* The façade of the building along Fremont Avenue North (east elevation) must incorporate windows that meet the 40% ground-level window

requirement as the building is located in the PO. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. The east elevation of the building along Fremont Avenue North that faces the public street has 0% windows. Alternative compliance would be necessary for the east elevation of the building. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific instance. While ground level windows would likely not be appropriate due to the service functions behind the elevation, windows that provide day-lighting may be an attractive alternative in this specific circumstance.

□ Active functions provision - The building complies with the active functions provision as outlined above with an exception along the east elevation of the building location along Fremont Avenue North. The portion of the elevation abutting Fremont Avenue North is entirely dedicated to mechanical, loading and receiving, as well as a data room. These are not active uses and do not comply with the active functions provision; alternative compliance would be necessary. While not ideal, Planning Staff recognizes the challenge of the need to providing service functions on a building with frontage on three public streets, therefore Planning Staff would recommend in this specific circumstance that alternative compliance be granted.

□ Blank wall provision: The exterior materials and appearance of the rear and side walls of the proposed building would be similar to and compatible with the front of the building. The materials on the proposed structure would include brick, metal panels and various metal elements. The proposed building incorporates architectural elements including recesses and projections, windows and entries. There are blank uninterrupted walls that exceed 25 feet in width on the north elevation (area 1 and 1), east elevation (area 1 and 2) and west elevation (area 1 and 2) of the elevations. Planning staff would recommend that the Planning Commission require compliance with this provision as it is practical for the applicant to incorporate required architectural elements into these building elevations.

□ Perimeter landscaping and screening: The 354 space on-site surface parking lot requires a 9-foot landscaped yard along Girard Avenue North and Fremont Avenue North. A 15-foot landscaped yard is being provided along Girard Avenue North which complies with the requirement, but only a 7-foot yard is being provided along Fremont Avenue North which requires alternative compliance. Planning Staff would recommend that the Planning Commission require compliance with this provision as it would be practical to incorporate two additional feet of landscaped area. While the applicant is proposing 354 surface parking stalls on the premises, all are full size (8.5 feet x 18 feet), none are proposed to be compact spaces (8 feet x 15 feet). By merely modifying those surface parking spaces adjacent to Fremont Avenue North to compact spaces, the proposal would meet the minimum perimeter landscaped yard.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the properties located at 2105 and 2119 Fremont Avenue North to the OR2 district.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for a new Planned Unit Development which includes the construction of a new 4 and 5-story, 173,000 square foot office building and a total of 354 surface parking stalls located on the properties at 1250 West Broadway Avenue, 2105 and 2119 Fremont Avenue North 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 one year of approval.
2. As required by section 527.120 of the zoning code, the development includes the following amenities from Table 527-1, Amenities: Leadership in Energy and Environmental Design (LEED), Art Feature, Shared Bicycles, Reflective Roof, Shared Vehicle, Decorative fencing, Enhanced Stormwater Management, and a Recycling Storage Area.

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 allow parking between the principal structure and the front lot line along Girard Avenue North and Fremont Avenue North for properties located at 1250 West Broadway Avenue, 2105 and 2119 Fremont Avenue North.

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 of the Pedestrian Oriented (PO) Overlay District standards pertaining to the location of parking to the rear or the interior of the site, within the principal building served, or entirely below grade, and the 40% window requirement on the Fremont Avenue elevation for properties located at 1250 West Broadway Avenue, 2105 and 2119 Fremont Avenue North.

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 application for a planned unit development which includes a new 4 and 5-story building with

Department of Community Planning and Economic Development – Planning Division
BZZ-4962

approximately 173,000 square feet for the properties located at 1250 West Broadway Avenue, 2105 and 2119 Fremont Avenue North subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans.
2. All site improvements for the PUD shall be completed by November 19, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The Travel Demand Management Plan shall be approved prior to CPED-Planning approval of the final plans.
4. The plaza shall be maintained in good order by the property owner for the life of the plaza. Proper maintenance shall include, but not be limited to, snow and ice removal, annual maintenance of vegetation and green space and annual inspection and repair and/or replacement of furnishings.
5. Incorporation of windows, entries, recesses, projections or other architectural elements along the north, east and west elevations of the proposed building to break up the blank uninterrupted wall that exceeds 25 feet in width per Section 530.120 of the Zoning Code.
6. All fencing shall comply with Section 535.420 of the Zoning Code.
7. Compliance with the 9-foot wide perimeter landscaping requirement along Fremont Avenue North per Section 530.170 of the Zoning Code.
8. Striping shall be provided through the loading area to more clearly delineate a walkway connection to Fremont Avenue.

Attachments:

1. Rezoning Matrix
2. Preliminary Development Review report
3. Statement of use and description
4. Findings – rezoning, conditional use permit, variances
5. Correspondence
6. Zoning Map
7. Plans - Civil plans, site plan, landscaping plans, floor plans, elevations
8. TDMP (not all figures attached)

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

250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385
(612) 673-2597 Phone
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(612) 673-2157 TDD

MEMORANDUM

DATE: October 21, 2010

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of October 18, 2010

The following actions were taken by the Planning Commission on October 18, 2010. 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 Motzenbecker, Carter, Cohen, Gorecki, Huynh, Luepke-Pier and Tucker – 7

Not present: Bates (excused), Bourn and Schiff (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

5. Minneapolis Public School (MPS) Education Service Center (BZZ-4962, Ward: 5), 1250 West Broadway Ave, 2105 and 2119 Fremont Ave N ([Becca Farrar](#)). This item was continued from the October 4, 2010 meeting.

A. Rezoning: Application by M.A. Mortenson Development, Inc., on behalf of Minneapolis Public Schools, for a petition to rezone the properties located at 2105 and 2119 Fremont Ave N from the R4 and R5 (Multiple-family) districts to the OR2 (High Density Office Residence District).

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classification of the properties located at 2105 and 2119 Fremont Ave N to the OR2 district.

B. Conditional Use Permit: Application by M.A. Mortenson Development, Inc., on behalf of Minneapolis Public Schools, for a conditional use permit for a Planned Unit Development (PUD) to allow a 4 and 5-story, approximately 178,000 square foot Minneapolis Public Schools Educational Service Center including a total of 587 surface parking stalls for the properties located at 1250 West Broadway Ave, 2105 and 2119 Fremont Ave N.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit application for a new Planned Unit Development which includes the construction of a new 4 and 5-story, 173,000 square foot office building and a total of 354 surface parking stalls located on the properties at 1250 West Broadway Ave, 2105 and 2119 Fremont Ave N 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 one year of approval.
2. As required by section 527.120 of the zoning code, the development includes the following amenities from Table 527-1, Amenities: Leadership in Energy and Environmental Design (LEED), Art Feature, Shared Bicycles, Reflective Roof, Shared Vehicle, Decorative fencing, Enhanced Stormwater Management, and a Recycling Storage Area.

C. Variance: Application by M.A. Mortenson Development, Inc., on behalf of Minneapolis Public Schools, for a variance to allow parking between the principal structure and the front lot line for the properties located at 1250 West Broadway Ave, 2105 and 2119 Fremont Ave N.

Action: The City Planning Commission adopted the findings and **approved** the variance application to allow parking between the principal structure and the front lot line along Girard Ave N and Fremont Ave N for properties located at 1250 West Broadway Ave, 2105 and 2119 Fremont Ave N.

D. Variance: Application by M.A. Mortenson Development, Inc., on behalf of Minneapolis Public Schools, for a variance of the Pedestrian Oriented (PO) Overlay District standards pertaining to the location of parking to the rear or the interior of the site, within the principal building served, or entirely below grade, and the 40% window requirement on the Fremont Ave elevation for properties located at 1250 West Broadway Ave, 2105 and 2119 Fremont Ave N.

Action: The City Planning Commission adopted the findings and **approved** the variance of the Pedestrian Oriented (PO) Overlay District standards pertaining to the location of parking to the rear or the interior of the site, within the principal building served, or entirely below grade, and the 40% window requirement on the Fremont Ave elevation for properties located at 1250 West Broadway Ave, 2105 and 2119 Fremont Ave N.

E. Site Plan Review: Application by M.A. Mortenson Development, Inc., on behalf of Minneapolis Public Schools, for a site plan review for a Planned Unit Development for the properties located at 1250 W Broadway Ave, 2105 and 2119 Fremont Ave N, 1310 21st Ave N, 1311, 1313, 1315 22nd Ave N, 2105, 2115 ½, 2121, 2125, 2131, 2135 and 2137 Girard Ave N.

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for a planned unit development which includes a new 4 and 5-story building with approximately 173,000 square feet for the properties located at 1250 West Broadway Avenue, 2105 and 2119 Fremont Avenue North subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans.
2. All site improvements for the PUD shall be completed by November 19, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The Travel Demand Management Plan shall be approved prior to CPED-Planning approval of the final plans.
4. The plaza shall be maintained in good order by the property owner for the life of the building. Proper maintenance shall include, but not be limited to, snow and ice removal, annual maintenance of vegetation and green space and annual inspection and repair and/or replacement of furnishings.
5. Incorporation of windows, entries, recesses, projections or other architectural elements along the north, east and west elevations of the proposed building to break up the blank uninterrupted wall that exceeds 25 feet in width per Section 530.120 of the Zoning Code.
6. All fencing shall comply with Section 535.420 of the Zoning Code.
7. Compliance with the 9-foot wide perimeter landscaping requirement along Fremont Avenue North per Section 530.170 of the Zoning Code.
8. Striping shall be provided through the loading area to more clearly delineate a walkway connection to Fremont Avenue.

Staff Farrar presented the staff report.

Commissioner Gorecki: Can you go over stormwater management coming off the parking lot, how's that being taken care of?

Staff Farrar: My understanding is that they will be doing all sorts of on site retention and filtration. They will be collecting stormwater from the site and they will be using that to water the vegetation in the landscape beds that are on the premises. Because they are doing enhanced stormwater management as one of the points systems of one of the amenities needed for the alternatives it is very extensive. It more than complies with what we require out of the Public Works section.

Commissioner Tucker: Just a question on the wording for condition number four under the site plan review, it says "keep it in good order by the property owner for the life of the plaza." Should that not be "life of the building"? This is an amenity that's allowing the building.

Staff Farrar: I think we'd be open to any language changes that you'd like to make.

Commissioner Tucker: I'd suggest we put "building."

Commissioner Luepke-Pier: I have a question about the nine foot requirement along Fremont Ave, have they submitted a landscaping plan to what that median area might look like?

Staff Farrar: It looks very similar to the last time that you saw this. I know these are really small drawings. This is the area in question and basically the treatment around the perimeter of the parking lot is consistent. They are going to be having a screened hedge, there's going to be trees planted in that area and there's also going to be a decorative metal fence included around the perimeter. It's our hope that we can expand that a bit and just increase the buffer a little more so it's a little greener.

Commissioner Tucker: Can you show me where the windows are?

Becca Farrar: As you'll recall, just because of the configuration of this site, there's a cutout out of the corner so when we're looking at this particular elevation, it corresponds with this specific elevation here. What they've attempted to do is they are breaking up the blank walls by having these sort of brick patterned areas that are located within here but this is the elevation that would face Fremont.

President Motzenbecker opened the public hearing.

Steven Liss [not on sign-in sheet]: Thank you and thank the staff for all the work. We knew there were some challenges with this building. We wanted to work flexibly with the department and to come back with a plan that worked for us and for the city as well as the neighborhood. We're glad to be part of the West Broadway community. We can live within the conditions that are proposed by staff. We want to be flexible, be good neighbors and we want to comply with city requirements. On the parking issue, we're devoting considerable energies now to reducing the number of cars we need to develop a policy that we'd be proposing to the board in the next month dealing with carpools, Metropasses, we've already got bike parking, shower rooms for those who do bike. The fifth story that's mentioned in the plan is necessary to have an educational component, one thing our board has pressed us as we develop an education services center that we provide an educational program so that is where our adult based education program will be on that fifth floor of the north building. We have added a number of functions so that we're not an administrative building, we really are an educational service center so we will have a professional development center and our north side welcome center. We also plan on working with the neighborhood to make some of our meeting rooms, community meeting rooms especially, in the evenings. We have our architect, Todd Elkins, who is here to answer any questions. Thank you.

Commissioner Gorecki: I want to commend you and your staff for your flexibility over the past couple months, I think your entire team has done an excellent job. My colleague brought up the Fremont elevation and the brick infill that you had there and I think that's an interesting way to treat the wall but I think there also might be an opportunity for some public art there as well and I'd hope you'd consider that in the future.

Commissioner Tucker: I wonder if you could just expand a little bit on the policies you think you'll be recommending to the board to increase transit use.

Steven Liss: There are a number of features. We're looking at whether or not we can provide any subsidy for metro cards, it's a little bit of a challenge as a public entity to do that, but to certainly establish pretax accounts to pay for those bus passes. We'll be working with establishing carpooling. Having someone on staff, part of their job would be to look at ways to increase items like carpooling, public transportation, we are in communication with the Nice Ride

folks to have a station at our building, working with MetroTransit, we met with some senior CPED who will be making some contact with MetroTransit to hopefully get us some discounted passes for our employees. We're trying to cover anything we can to reduce our parking.

Commissioner Tucker: I'm wondering how this design responds to the Broadway Alive plan.

Todd Elkins [not on sign-in sheet]: I'm with UrbanWorks Architecture. Hopefully the design responds to a lot of different requirements, some from the school district and some from West Broadway Alive. A couple of the items specific to West Broadway Alive are the use of the brick material and also looking at the rhythm and pattern of the windows and the vertical orientation and also some of the general massing of four stories on Broadway. There is quite a variety of historic building types along West Broadway that are gorgeous, some that are currently loved and some that need a little more love. We're trying to be respectful with the basic massing and shape and form but we're not trying to replicate the historic buildings. Part of it is also just setting the building back to create a bit of a plaza with public art in the front.

Commissioner Tucker: Can you talk a little bit more about how this plaza is going to work for the pedestrian?

Todd Elkins: There is some grade change located at this site. What the plaza allows us to do is have a direct focus where the first floor of the building, the public level, is about four feet above the grate directly in front of where the door is. We have sort of the grand wide stairs going directly up to the front door as well as we have a raised seating area, plaza area, where we're going to be adding public art. We don't have that fully designed yet. In addition, right off the corner of Broadway and Girard we have the accessible route to the front door. Because of the grade change, we're using that length to have a diagonal walkway up through there where there's some seating area as well as adding some landscape.

Commissioner Tucker: Can you identify the place where the Nice Ride station might go and will that be in addition to your bike racks?

Todd Elkins: That would be in addition to our bike racks and we don't have a final location for that.

Commissioner Luepke-Pier: In regard to the first floor east elevation of the southern most wing of your building, can you tell me what's going on in that wing of the building and why there aren't any windows there either?

Todd Elkins: That is the loading and unloading area.

Commissioner Luepke-Pier: No, in the front wing.

Todd Elkins: That is the boardroom.

Commissioner Luepke-Pier: There's not an opportunity to puncture anything on the side?

Todd Elkins: We wrapped the corner. The side that does not have windows is a portion of the boardroom sort of where they sit so that falls along the entire length of the boardroom on that side.

Commissioner Tucker: On condition five it suggests getting rid of uninterrupted walls that exceed 25 feet, do you have any problem complying with that?

Todd Elkins: I think we can work to comply with that. We have lot of windows, we'd like to do something besides just adding windows and I think we can work with staff to come up with a great design.

Peter Rickmyer (2118 25th Ave N): Most of my neighbors and I, who live up on 26th and Penn, support the project here. What we're concerned about is the poisonous gas that comes from car exhaust and that they're planting some trees and shrubs around the school which is great, however, the cars are coming from Penn, Broadway, Fremont, Emerson, Lowry...Mr. Bolinger has politely responded positively to me at my suggestion that he works with Jordan Area Community Council and the Minneapolis Forestry Division to plant trees in the boulevard which are now missing. I took small data, taking it to the whole Jordan neighborhood, we're missing approximately 500 trees. The oxygen that the trees would produce would negate any extra emissions in the neighborhood. Thank you.

Rod Hick (911 W Broadway): I'm the Executive Director of the West Broadway Business and Area Coalition. To be brief, the Coalition supports the changes to make this project happen and feels that because of the scale it cannot help but bolster the ongoing effervescence of West Broadway.

President Motzenbecker closed the public hearing.

Commissioner Tucker: I would like to thank the school board and designers and all associated with this project working with the commission at the Committee of the Whole meetings. I think we had frank discussions at the beginning, particularly over the number of parking places proposed and I think we're very pleased to see it's much reduced and that you are working on a policy to reduce the need for that parking. I know you talked about that for sometime in the future, but we very much thought that now would be a good time to start with that so we were very pleased to see that and we're pleased to see that you did listen carefully to what we had to say and to respond to that. I will move the rezoning as recommended by staff (Gorecki seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 5-0 (Huynh recused).

Commissioner Tucker: I will move staff recommendation on item B, the conditional use permit for the planning unit development (Carter seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 5-0 (Huynh recused).

Commissioner Tucker: I will move variances C and D (Carter seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 5-0 (Huynh recused).

Commissioner Tucker: I will move the site plan with the conditions recommended by staff, changing one word that the property owner maintain the plaza for the life of the building (Carter seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 5-0 (Huynh recused).

6. Zoning Code Text Amendment (Ward: All), ([Brad Ellis](#)). This item was continued from the September 7 and October 4, 2010 meetings.

A. Text Amendment: Amending Title 20 of the Minneapolis Code of Ordinances related to the Zoning Code, as follows:

Amending Chapter 543 related to Zoning Code: *On-Premise Signs*

The purpose of the amendment is to make changes to how dynamic signs are regulated.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the zoning code text amendment, amending chapter 543, with the following changes:

1. Dynamic and dynamic changeable copy signs shall continue to be allowed in the C3A and C3S Zoning Districts.
2. 543.330 (f) *Duration of message*. The copy of the dynamic changeable copy sign shall remain static for a period of not less than ~~one (1) hour~~ 15 minutes.

Staff Ellis presented the staff report.

President Motzenbecker: Did you guys look at the typical square footage needed for a convenience store or gas station, some of the uses that would probably use one of these signs when you took the 12,000 into consideration and kind of weigh that?

Staff Ellis: I didn't break out each commercial property in the city.

President Motzenbecker: In general, what are the types of sizes?

Staff Ellis: It is sort of all over the board. I referenced the 12,000 in this particularly because that is the minimum lot area in order to do a drive-thru use in the city, it's also the minimum usage for an automobile convenience facility. Other types of uses do have a smaller one depending on zoning districts, for example, a place of assembly in certain districts has a minimum lot area of 10,000 square feet and in other ones it's larger. An early childhood learning center has a minimum lot area of 20,000 square feet in all districts but that may be a use that

would be willing to use one in a commercial zoning district. That's where the 12,000 sort of falls into, the way we regulated automobile type uses for example.

President Motzenbecker: Then the 660?

Staff Ellis: That corresponds with the way we would regulate locations for fast food restaurants, that's kind of how that comes along. The 660 is the length of a block, of a standard north-south block and so you have to have at least two blocks on a short block way to have this sort of zoning, or a continuous block on a north-south.

President Motzenbecker opened the public hearing.

Mike Cronin (8809 W Bush Lake Rd, Bloomington) [not on sign-in sheet]: We think that the present proposal is greatly improved from the original proposal which you had and I want to thank the commissioners and staff for helping move to that point. Given that, we would ask you to look at two additional changes. We ask that the tables on page three be amended to allow the dynamic sign on walls and freestanding in the C3 and the Industrial Districts. They have been permitted there, we think it continues to be appropriate. We think in the C3, for example, that the signs might even be appropriate where you want the activity, energy and color and in Industrial Districts, I think it's a situation where there's nobody around to really bother it. For example, our store by the Twins Stadium on 5th St, that's an Industrial District so we wouldn't be able to have that sign under the present code so we would ask you to give strong consideration to allowing them with the conditions that are in the C2, in the C3 and the Industrial Districts as pretty much as going forward now. The second comment would be in Chapter 543.342 which is the 12,000 square foot minimum, we would ask you to consider a change to look at 10,000 square feet. The 12,000 square feet is a standard for a new store. The store in 5th St is about 27,000 square feet. If you're going to build a new store in the city, one of our issues is the scale just changes. I think that a lot of the people that could use this will be existing sites and some of those sites are on irregular shaped sites that might not quite make the 12,000, they're also in areas where the lots were platted at 5000 square feet rather than 6000 square feet so the two lots don't get you that. I think it was very innovative to use that 660 facing. I think if you meet that standard as well as meet the 150 radius standard, it puts you in a commercial district and hopefully having the 10,000 square feet I think will still give you the spacing and the frontage that I think is one of the benefits of using that. We would ask you to consider those changes to the tables to allow the wall entry standing in the C3 and the Industrial Districts and to decrease the minimum lot size to 10,000. Thank you.

Commissioner Luepke-Pier: I would like your input on 543.340 (f), the duration of the message. Doesn't 60 seconds seem a little long?

Mike Cronin: I had a chance to meet with all the neighborhood groups because we thought we were getting conditional use permits for all these things and then the ordinance came out and that really was a concern. In the city, moving into these big commercial block faces and keeping the residents 100 feet away, you still have people that might be living there and I think that we err on the side of...it isn't just motorists and pedestrians, like maybe in a suburban situation where you're blowing down the road at 40 mph or something like that. A minute cuts off the temptation to do a sequential message where people try to scroll or read. This ordinance is greatly improved from the present ordinance, but again, I ask that you continue the present ordinance of allowing them in the C3 and the Industrial Districts.

Commissioner Gorecki: Do you make a distinction between the dynamic changeable copy signs and the dynamic signs when you're saying "the C3 District" or do you see those as one in the same and you'd like to see that throughout all C3 districts?

Mike Cronin: The difference is that you can use an image in color in the dynamic signs. I think being able to use images and being able to use that are fine. With just text, I haven't thought about that that much. My hope is that people would make the investment to buy the high quality, get the dense pixels. You guys are really moving towards that. In the C3A, the images and the color, which you get with a dynamic sign the way you defined it, really are appropriate. In industrial districts, there's no sense for people to see it.

Carol Lansing [not on sign-in sheet]: I'm not here speaking on behalf of Holiday, although I am working with them, but just to the question about the C3A. I'm on the board of the Jungle Theater, which is in a C3A district and the Bryant Lake Bowl is there and I know we've had some discussion at the Jungle about using a dynamic sign for...and it could end up being a changeable copy...for the shows and showtimes. I just thought I'd put that out there as a reason why some other users in the C3A might like them.

President Motzenbecker closed the public hearing.

Commissioner Gorecki: Mr. Ellis, can you help us out a little and show us where some of the different C3 categories lie in the city?

Staff Ellis: I do not have a zoning map with me. I can give an example of where the C3A and C3S are within the city. The C3A are activity center zoning districts so is limited to activity centers as outlined in the Comprehensive Plan as where it tends to go so you do see C3A in places like a lot of the station areas and Uptown. As part of the West Broadway rezoning there are some C3A areas added and some activity centers were there along West Broadway. There's also some along the riverfront where it's no longer downtown zoning. I'm not sure about northeast, Mr. Wittenberg?

Staff Wittenberg: Mr. Ellis has covered a good portion of them. There is a C3A district across the river at East Hennepin and University, LynLake, Dinkytown, Stadium Village.

Commissioner Gorecki: When you were thinking about the industrial area, what was the reasoning given from a staff perspective of not allowing it in those areas?

Staff Ellis: With the council initially that they were worried about proliferation and having these everywhere or reducing these in the industrial districts would help limit that. Industrial districts are not usually associated with the vibrancy with this sort of sign, they seem more appropriate for commercial areas.

President Motzenbecker: I'm with Mr. Gorecki, if that's where you're going about thinking about C3. I felt the same way and I believe that these would still need a conditional use permit so we'd still have to see them and talk about them should they come through but I agree. I think that in these spaces, such as C3A, the activity centers, there's room for these kinds of signs. I think that just as a city we're evolving and this is the future of signage. The suction cup and letters are

going away and to make people keep doing that in multiple forms I think would be remiss. This is the way they're going, I think this is a good start and a way to push this forward.

Staff Wittenberg: Just to clarify, dynamic signs do require a conditional use permit outside of the downtown districts. Dynamic changeable copy signs, as proposed, do not require a conditional use permit.

President Motzenbecker: On the dynamic changeable copy sign, I wanted to get thoughts on the one hour, going to the timing. That actually seemed very long to me to have one message up. If it's a school or church who is advertising events for the weekend to have it go once an hour makes it seem like it may not cover it. I was willing to reduce that at least to a half hour and would entertain other thoughts.

Commissioner Tucker: A lot of these clarifications added in here help change these dynamic changeable signs and dynamic signs from what have been annoying distractions to a new way to provide information to people moving around our city and thus the much longer time from eight seconds to 60 seconds, the one hour for the dynamic changeable signs, the control over the brightness...lots of things in here make these signs less distracting and are the new technology for putting up signs. It could very well be appropriate in the C3 areas. I don't think we need to put them in industrial because we're not trying to make those into a commercial area. We should probably stay with 12,000 square foot lot size because that is already connected to our auto use as is the 660 linear feet. With that, I move that we approve this with the one change that we allow this in C3 districts (Gorecki seconded).

Commissioner Luepke-Pier: I wanted to weigh in about the one hour because it is limited in size to 16 square feet and I'm just picturing a high school, thinking of the nerd things I was involved in, not getting time at all on that board because there's a football game or something else that would take precedent so it seems like one hour is excessive. I would be in favor of lowering it quite substantially. I would go 10-15 minutes.

Commissioner Gorecki: Just a clarification to Commissioner Tucker, are you saying all C districts?

Commissioner Tucker: Yes.

President Motzenbecker: All C3 districts, it's already in C4 and C2.

Staff Wittenberg: If I could further clarify, both dynamic and dynamic changeable copy in that district.

Commissioner Huynh: I wanted to speak to the 60 minute dynamic changeable copy and the transition to 30 minutes and I think that as long as the intent doesn't spur five second changes I think that if you're not sitting at a traffic light seeing many signs while you're sitting there, whether it be 15 or 30 or 60 I think is adequate as far as reducing the blight and kind of images and bad light in your face I guess as you drive or walk by.

President Motzenbecker: I would move that we move that from an hour to 15 minutes (Gorecki seconded). All those in favor? Opposed?

The motion to amend the motion carried 6-0.

President Motzenbecker: For the final vote, all those in favor? Opposed? All those in favor?
Opposed?

The motion carried 6-0.

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

250 South Fourth Street, Room 300
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MEMORANDUM

DATE: October 21, 2010

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of September 7, 2010

The following actions were taken by the Planning Commission on September 7, 2010. 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 Motzenbecker, Cohen, Gorecki, Huynh, Luepke-Pier and Tucker – 6

Not present: Bates (excused), Bourn, Carter (excused) and Schiff (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

14. Zoning Code Text Amendment (Ward: All), ([Hilary Dvorak](#)).

A. Text Amendment: Amending Title 20 of the Minneapolis Code of Ordinances related to the Zoning Code, as follows:

Amending Chapter 543 related to Zoning Code: *On-Premise Signs*

The purpose of the amendment is to make changes to how dynamic signs are regulated.

Action: The City Planning Commission **continued** the zoning code text amendment, amending chapter 543, to the October 4, 2010 Planning Commission meeting.

Staff Dvorak presented the staff report.

Staff Gorecki: I apologize for not being at the Committee of the Whole meeting. I have a question regarding some of the comments from Holiday station. Why is it that dynamic signs are only allowed in the downtown district?

Staff Dvorak: We didn't allow these prior to July 2009 and then we started allowing dynamic signs and dynamic changeable copy signs throughout the zoning districts and for certain uses in the OR and OR1. Since that adoption we've had maybe 12 or 14 of these signs go up. Concerns have been expressed about the character and impact of those signs on surrounding uses. We also did a site visit to all of those signs which is the list in your staff report and you can see that not one of the signs that's been approved and installed actually is in compliance with the standards to which they're supposed to be which takes a lot of enforcement time on staff to bring them into compliance. I can say that with some of these existing signs we have done enforcement on them and they come into compliance when they're supposed to and then they change the signs to be not in compliance so it's this constant battle of bringing them into compliance and it's a nightmare for the enforcement staff and for those of us who drive around and see them and know what they're supposed to be and see what they're doing.

President Motzenbecker: Even during our discussion that the Holiday sign downtown was actually in compliance, you said all the signs that you saw were not in compliance.

Staff Dvorak: Brad and I did not have a stopwatch when we were out there but it seemed to change more than every eight seconds.

President Motzenbecker: I just wanted to clarify because that came up at Committee of the Whole that it was ok so I just wanted to clarify.

Commissioner Gorecki: It sounds like a great revenue for the city if people aren't in compliance. Does it purely come down then to the fact that city staff is concerned with what it would take to actually monitor all of these signs throughout the city if we were to increase it to a greater area? There were some interesting points raised in that letter so I'm trying to find out what is legitimate concerns and facts raised and what are not.

Staff Dvorak: I would say no. This text amendment was brought forward by the City Council and it was their concerns of the signs that they've seen in their neighborhoods that brought this amendment forward.

Commissioner Gorecki: Is city staff enforcement a larger concern? If we were to put these on major thoroughfares, we're destroying the character of our neighborhoods so if we were to allow these and made it thoroughfares, which would seem somewhat consistent, why wouldn't we do that or follow a policy like that?

Staff Wittenberg: Like Ms. Dvorak first stated, I think a major concern is the impact that flashing dynamic signs would have on all of our corridors and commercial nodes. I don't know if we can necessarily wait which is a certain percentage of the concern about those types of signs but I would say it's at least as big of an issue as the issue of the staff resources that would be necessary for enforcement.

President Motzenbecker opened the public hearing.

Bill Amberg (1000 Westgate, St Paul): I represent the Minnesota Sign Association. Minnesota Sign Association is a trade association of Minnesota sign makers and represents the interests of sign makers in Minnesota at the municipal level and the state legislature. This ordinance change came to our attention last Thursday so I apologize for not having a broader group here. We dealt with a similar ordinance change on dynamic displays or what the industry calls electronic message centers or EMCs in St Paul over the last couple years and it was a broader coalition there. The majority of our members make signs for small businesses in Minnesota. Small businesses have less dollars for advertising than large businesses do and electronic message centers are really an affordable alternative for small businesses. The federal small business administration has estimated that businesses can raise their revenue anywhere from 15-150% with an electronic message center. They're fairly dynamic. In some instances they can be rented so they're not always fixed to the building or on a freestanding sign. The third paragraph at the bottom of the letter I just wanted to clarify one thing, my second sentence, we have not seen such a radical regulatory approach to EMCs, meaning a total ban of them in the down area, from any other municipality. I would replace "municipality" and replace it with "larger city". There are a few suburbs that are different than Minneapolis and St. Paul. We question why schools and religious institutions are exempt. Small businesses, why would this apply to them outside of the downtown area and there seems to be some public safety issues and they would have the same effect if it was a church or a synagogue or school or a small business so why are they exempt and a small business isn't? Perhaps, as we've seen, there will be evening limits in some of the neighborhood business districts, the cluster on the corner in the neighborhood of 3689, at that intersection, they've put it at 8pm or 9pm instead of just an outright blanket ban on these. We'd like to request that the ordinance change be continued for a month so the sign makers, small businesses and other interested parties can work with the staff to achieve a more workable dynamic display ordinance.

Mike Cronin (8809 W Bush Lake Rd) [not on sign-in sheet]: Holiday is very serious about compliance. We want to focus on the message on the sign, we don't want to attract your attention to the sign, we don't flash, we don't dazzle, we don't do all the wonderful things you can do with these signs that do create a problem. As a matter of corporate policy, each sign operated is controlled from our headquarters in Bloomington and each sign is timed to be at least two seconds above the standard of the city that it's operating with. Cities operate at all different times. We have one dynamic sign outside of downtown in Minneapolis that was approved in February and that sign is set to operate at ten seconds. We just don't want to get into this situation, we are serious about this and as I talk with you later you will realize why it's so important to us. We got the staff report on Wednesday and put the letter together. I want to

thank the staff for their work. It will come to no surprise to you that we are asking for a postponement to allow staff to consider alternatives to the prohibition of effective use of this type of sign outside of downtown. We want staff to allow them to develop an alternative for you. We are available to talk with the staff and assist them both as an operator of these signs, as a person that deals with regulations throughout the metropolitan area with these signs and is in compliance with it and as the only person that operates one in Minneapolis. We would ask that you allow staff to have that time. Rather than prohibit, in that letter we outlined seven or eight points and I would say that basis of that was meeting with 14 neighborhood groups. We have started down the process of changing each of our signs in Minneapolis from a reader board to a dynamic sign. We are making these changes at all of our stores, it's a 12 million dollar investment. This is a diverse city and different zoning districts are found in different settings and it's really important to do that. I think you want to make some changes to the signs to tune it up, to retain the context and basically reduce the prominence. It's our recommendation that you consider banning them in C1, that was the message where we found and didn't find support talking to all those neighborhood groups. That seemed to be the factor, that there are some districts that aren't major thoroughfares, but we also found great support for the signs in the C2 and other zoning districts. We just think based on that conversation we would ask that you consider that and that you think about the quality of the image. Our sign on N 5th St is a 16mm pitch, it means that they're really dense pixels. If you stand up next to it on the sidewalk it's going to fall apart but in the suburbs where cars are moving faster and set back more you can get by with a less quality sign. In the city you have pedestrians and bicyclists and I just think that establishing a higher standard right off the bat would be a positive thing. We would recommend that you extend the duration of the signs from eight seconds to a minute. Even the places that I talked to that thought the sign was a good place, I could feel a little concern about the flashing. I think by stretching it out to a minute, we really get to that point where there's no question it's not a flashing sign, especially with the controls on the transition between messages that we do. I think that right now you have a day and night standard that starts at 7:00 a.m. and ends at 7:00 p.m and it changes throughout the year. I think there are some ambient light things that you can really use to move forward to make sure that as it changes gradually. There are a number of things you can do to make it compatible. We started this because Holiday is in the process of trying to use this new technology to have memorable, efficient messages. We are a big business I guess, but most of our business comes from people who live within a mile of our stores, that's why the North Loop store is such a good store for us because we have all those people who live by it. It's a great location. We are dealing with four issues and we think this is the most efficient way to do it; pay at the pump. That's been going on for a while, it's been driving us nuts, people don't come into the store, we want to try to rebalance our pump sales with our inside sales. We do coupons and we will bribe you with cents off on gas to walk into the store and use the coupon. We think in the long run we need to be able to use this sign for that. We're trying to change our image. Fresh food, competitively priced...you don't always thin of that. It's something we have to solve. Lack of tobacco sales, tobacco is dropping. It has been an important part of our business and it's another reason for people to not come into our store. We ware working to replace that. We think that these signs out there reminding people with a colorful, quality image really is important to help people understand that we are aren't just a coke and smokes joint. There is a niche with the superstores, who wants to go to Cub to get quart of milk or bananas or eggs and we think that is an evolving edge and we want to be part of that. The Federal Energy Commission expects that gas prices will go back up. If we're going to continue to be able to invest in our stores and in the city, we opened the last two stores in the city and those were several million dollar investments on Cedar Ave and 5th St, but we need to continue to be strong to do that. We ask you to postpone and direct your staff to work with us for a more reasonable alternative.

Commissioner Cohen: The two people that have testified here today have indicated that they would like an extension, do you think the city would benefit by such an extension?

Staff Dvorak: I will let Jason answer that.

Staff Wittenberg: We feel like we've had a sufficient amount of conversation about the topic to come up with a recommendation. We've met with the author on several occasions and we did bring it to the Committee of the Whole discussion and we feel like we've accurately captured the intent of the author and we think the commission, but if the author and commission choose to go a different way based on new information then we would need time to respond to that.

President Motzenbecker: I would say that it does warrant a little more exploration. I think with the holiday weekend notification for people it makes it a little difficult to respond. I think there were a lot of good points raised in both letters that would have been very valuable to have at the Committee of the Whole discussion that may have offered a little bit more flexible design for this. I felt very comfortable at Committee of the Whole with the way we went, but I think this new information warrants a little bit further discussion from us. I'm going to move postponement for two cycles (Cohen seconded). Any further discussion? All in favor? Opposed?

The motion carried 5-0.