

Minneapolis City Planning Department Report
Conditional Use Permits, Site Plan Review, Variances

BZZ – 555

Vacation

Vac – 1380

Date: May 13, 2002

Date Application Deemed Complete: March 20, 2002

End of 60 Day Decision Period: May 19, 2002

Applicant: Walker Art Center

Address of Property: 725 Vineland Place & 1750 Hennepin Avenue

Contact Person and Phone: William Underwood, Faegre & Benson, LLP, 766-6931

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David Galligan, Walker Art Center, 375-7644

Planning Staff and Phone: Jason Wittenberg, 673-2297

Ward: 7 Neighborhood Organization: Lowry Hill Residents, Inc.

Existing Zoning: OR2

Proposed Use: Addition to existing art museum and construction of new underground parking facility

Project Name: Walker Art Center

Applications Required and Zoning Code Citations:

- Major site plan review (Table 530-1)
- Conditional use permit for a 650 to 700 space underground parking facility (Table 547-1)
- Conditional use permit for a 350-seat theater (Table 547-1)
- Conditional use permit to increase the maximum permitted height of a museum in the OR2 District from four stories, not to exceed 56 ft., to six stories/111 ft. (Table 547-4 and 547.110)

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- Variance to reduce the required front yard setback along Hennepin Avenue from 15 ft. to zero ft. for a portion of the proposed addition (Table 547-2 and 525.520[1])
- Variance to allow an off-street loading area to encroach into the required 15 ft. front yard setback along Groveland Terrace (541.500[c] and 525.520[1])
- Variance to reduce the required number of off-street parking spaces from 744 spaces (Walker Art Center with Guthrie Theater)/554 spaces (Walker Art Center without Guthrie Theater) to zero based on the proximity to proposed underground parking facility to be located on Walker Art Center property
- Vacation of air rights from an elevation of 155 ft. to 235 ft. over a portion of Block 1, Lowry Hill, adjacent to Hennepin Avenue, between Vineland and Groveland

Previous Actions: See attached actions

Concurrent Review: Conditional use permits, site plan review, variances and vacation as noted above. Further, a Travel Demand Management (TDM) Plan is required as indicated in section 535.140 of the zoning code. A Stormwater Management Plan is also required.

Background: At the City Planning Commission meeting of April 29, 2002, the Commission approved all of the requested applications except the following:

- The variance to allow an off-street loading area to encroach into the required 15 ft. front yard setback along Groveland Terrace, which was **returned**.
- The site plan review application for the museum and parking facility, which was **continued** one cycle.

The Commission adopted “interim conditions” as indicated below prior to continuing the site plan review application.

725 Vineland Place & 1750 Hennepin Avenue (7th Ward - BZZ-555, Site Plan Review)

Application by the Walker Art Center for site plan review of a proposed museum addition of approximately 139,500 sq. feet and an underground parking facility. (Staff, Jason Wittenberg)

Motion: The City Planning Commission **continued** the site plan review application for a museum addition of approximately 139,500 square feet and an underground parking facility of 650 to 700 spaces at 725 Vineland Place/1750 Hennepin Avenue to the May 13, 2002 Planning Commission meeting and indicated to staff to further review the following conditions:

- 1) The applicant shall return to the Planning Commission for a public hearing for review and approval of the landscape plan and design of all open spaces on the site prior to obtaining a building permit for the museum expansion. This review shall also include review and approval of the elevation of the entrance to the proposed parking facility and any other accessory structures such as egress stair structures and mechanical intake and exhaust structures; 2) The applicant shall work with staff to achieve screening to include walls, vegetation and

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public art on the loading dock area; 3) Paving materials of the loading area, including maneuvering areas and driveways, shall be of stamped concrete, brick, cement pavers or similar material offering greater aesthetic value than asphalt or plain concrete; 4) Curb cuts and driveways to access the loading dock shall not exceed 25 feet in width unless a greater width is approved by the Public Works Department; 5) The applicant shall submit a stormwater management plan for review and approval by the Public Works Department; 6) The applicant must have an approved Travel Demand Management Plan; 7) The applicant shall submit a lighting plan, study or diagram indicating to the satisfaction of city staff that the project will meet the lighting standards of Chapter 535 of the zoning code; 8) The Planning Department shall review and approve the final elevations and final site plan; 9) Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by April 29, 2004, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance; 10) Staff shall review site design for CPTED (Crime Prevention through Environmental Design) Principles; 11) A bus and vehicular drop off area on Hennepin Avenue shall be reviewed by the applicant; 12) The applicant shall consider including a commemoration of the Guthrie Theater; 13) The application is encouraged to look at alternative energy sources for energy efficiency; 14) The applicant is encouraged to consider the possibility of using salvaged and reused materials as a part of the project; and, 15) The applicant shall provide 2003 and 2005 site plans for the project.

The Commission indicated that the applicant should return with plans that demonstrate different phases of the project. A plan for the phasing of the project is attached.

The staff report and recommendation have not changed from the meeting of April 29th. However, staff has developed guidelines for the applicant to consider during the design of the site's open areas (see attached). The Commission may wish to add to these guidelines.

The Walker Art Center proposes to construct a museum addition of approximately 139,500 sq. ft. and an underground parking facility of 650 to 700 spaces at 725 Vineland Place/1750 Hennepin Avenue. The expansion would include a 350-seat studio theater, approximately 20,000 sq. ft. of permanent collection galleries, education-related spaces, an interactive information lounge, an art lab, a teen center and an accessory restaurant. Construction on the parking facility is expected to commence this year while construction of the museum expansion would begin in the Spring of 2003. The site would include approximately four acres of open space, principally located west of the building. The applicant has hired a landscape architect to produce a plan for the expanded sculpture garden and design of all open areas on the site. The applicant will return to the City Planning Commission for approval of the landscaping plan.

The block in question currently contains the existing 120,000 sq. ft. museum and the Guthrie Theater. The Allianz Life USA building at 1750 Hennepin Avenue has recently been demolished following relocation of Allianz to a new headquarters and acquisition of the site by the Walker Art Center. The Walker intends to demolish the existing Guthrie Theater upon completion of the Guthrie's 2004-2005

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season and the Guthrie's move to a new location. In October of 2001, the City's Heritage Preservation Commission (HPC) voted to withhold support of demolition of the Guthrie Theater. The City Council subsequently disagreed with the recommendation of the HPC and granted the requested permit. The State Historic Preservation Office (SHPO), in March of this year, announced its opinion that the Guthrie Theater Building is eligible for nomination to the National Register of Historic Places.

The proposed 650 to 700-space underground parking facility would be funded by the City of Minneapolis. The City would own and operate the proposed parking facility. On December 14, 2001, the City Council voted to construct the proposed public parking facility by issuing and selling general obligation parking assessment bonds in the amount of \$25 million.

A Travel Demand Management Plan has been submitted and should be approved prior to Planning Commission action on the attached applications.

Required Findings for Major Site Plan Review

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- 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 façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- 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 where visible from a public street or a residence or office residence district.

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- **Entrances and windows:**
 - Residential uses shall be subject to section 530.110 (b) (1).
 - Nonresidential uses shall be subject to section 530.110 (b) (2).
- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

Conformance with above requirements:

The placement of the ground floor of the building would reinforce the street wall in a manner consistent with the existing Walker Art Center building in terms of being “in line” with the existing wall. Hennepin Avenue veers to the southwest along the site, bringing the proposed ground floor closer to the public sidewalk than the existing museum. The cantilevered portion of the museum addition would extend over the property line and into what is currently public right-of-way. As part of this application, the applicant has requested that the City vacate a portion of the air rights of the public right-of-way to allow the proposed cantilever. At its farthest point, the proposed cantilever would extend approximately 38 feet from the ground level of the building, over a plaza and would stop approximately five feet from the area above the public sidewalk. The building would appropriately accommodate pedestrian access through a principal entrance along Hennepin Avenue (in addition to a public entrance near the existing Walker Guthrie entrance of off Vineland and an interior entrance from the public parking facility). Since the level of grade varies significantly, the clearance between grade and the cantilever would vary. The minimum proposed clearance would be approximately 10 feet, according to the applicant. The proposed parking facility would be located below grade. Pedestrian access to the parking facility from the outdoors would take place near the corner of Groveland and Hennepin as well as from a location near Vineland and a stairway near the southwest corner of the site.

The applicant is requesting a variance to reduce the required front yard setback. As noted above, the proposed ground floor of the addition would be in line with the easterly wall of the existing museum.

In terms of amenities between the building and the front lot line, the applicant will return to the planning commission with a landscape plan containing detail about the design of open areas on the site. All of the property lines on the site are considered front lot lines. The area west of the building will feature an expansive open area that will act as an extension of the existing sculpture garden.

A principal entrance to the museum will be incorporated facing Hennepin Avenue. An entrance to the parking facility will also face Hennepin Avenue.

All on-site parking would be located below grade. Staff is very concerned about the placement and orientation of the proposed loading area. In general terms, the reaching the loading area may be confusing for many drivers delivering materials to the facility. One cannot make a left turn onto Groveland Avenue from northbound Hennepin Avenue. Thus, reaching the loading area from westbound I-94 may prove challenging and may send truck traffic through residential areas. Ideally, from the Planning Department’s perspective, the loading area would be located below grade and would

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be accessed from Vineland. Assuming, however, that the loading dock will be located in approximately the proposed location, Planning staff feels strongly that the dock should be reoriented more toward the interior of the site so that loading vehicles either directly to the west or toward the northwest. In the current orientation, it appears that the loading dock would be highly visible from a variety of vantage points, including from Hennepin Avenue and the frontage road between Douglas and Groveland. Paving materials used on the loading area should exceed the aesthetic quality of standard concrete or asphalt.

The principal entrance facing Hennepin Avenue will be defined through a protruding “wind lobby” and will be located below the proposed cantilever. However, the elevations that have been submitted by the applicant do not clearly communicate whether the Hennepin Avenue entrance will be prominent and highly visible. Multiple entrances would be incorporated. The massing of the building is such that the two tallest parts of the museum will be separated by a two story connection. The glass exterior of the addition would provide a contrast to the brick exterior of the existing museum building. The addition materials would be similar on all sides. The proposed materials of the exterior present a source of ongoing discussion for the architects working on the project. The current scenario is that the gallery space would be a plaster or stucco material while the theater tower would be PVC or metal surrounded by a teflon exterior. At least 30 percent of the first floor façade facing Hennepin Avenue would feature windows. The applicant does not propose windows at this time for the south side of the proposed addition (facing Groveland Avenue).

Plain face concrete block is not proposed on any façade.

The parking garage will be located below grade. Staff has not received detailed information about the visibility and visual impact of the entrance to the proposed parking facility.

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 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

Conformance with above requirements:

As part of the landscape plan, the applicant will return to the planning commission with a proposed design of the open area between the museum and the public sidewalk along Hennepin Avenue (as well as other open areas), which will include a pedestrian connection to the principal entrance. The north entrance will connect to the public sidewalk along Vineland, the final design of which will also be reviewed at a future date. The applicant is encouraged to consider appropriate connections to the surrounding neighborhood during the design of the open areas, particularly to the intersection of

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Groveland and Bryant, which essentially acts as the “gateway” to the site from the residential area to the west.

The applicant’s TDM plan makes reference to the potential for relocating the transit stop so a shelter would be on the same block as the museum. Staff encourages the applicant to engage in discussions with Metro Transit regarding their interest in relocating the bus stop and whether both parties are interested in a unique, exceptionally designed transit shelter.

Vehicular access would take place through an entrance to the public parking facility along Vineland Place. The applicant is encouraged to minimize the size of the curb cut along Vineland to minimize vehicle/pedestrian conflicts. The applicant also proposes two curb cuts for the loading area along Groveland. Although staff recognizes that the large vehicles must have the ability to maneuver into and out of the loading area along Groveland, staff encourages the applicant to explore the opportunity to reduce the proposed 35 foot width of the westerly curb cut along Groveland to 25 foot maximum curb cut width as indicated in section 541.240 (b). Complying with the maximum width would significantly reduce pedestrian/truck conflicts. Maneuvering could become easier through more careful placement of the loading area in a manner that increases the turning radius when exiting the loading dock. More generally, staff is concerned about accessing the loading dock from Groveland Terrace. Vehicles coming from the south (which would include vehicles coming from westbound I-94) cannot turn left on Groveland from Hennepin/Lyndale. Turning left onto Vineland and simply circling the block on Bryant is also not an option as trucks likely could not make the tight maneuver on Bryant. Staff is concerned that truck traffic will maneuver through residential areas to arrive at the loading dock.

Given that parking would be located below grade, snow storage is not a substantial concern. The applicant must ensure that snow is removed from all public sidewalks as is required by city ordinance and that any required fire access be maintained year round.

Impervious surfaces should be minimized in the landscape plan to be presented to the commission at a later date. A stormwater management plan is required. The applicant is encouraged to explore opportunities for on-site retention of stormwater, particularly from the proposed loading area.

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 shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **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.**
- **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 530.160 (b).**

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- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 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 530.220.
- 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 530.60, as provided in section 530.230.

Conformance with above requirements:

At least 20 percent of the site will be landscaped. The applicant will return to the planning commission with a landscape plan and a plan for all open areas on the site prior to obtaining a building permit for the museum expansion.

A landscaped yard and screening consistent with section 530.160(b) must be provided between the proposed loading area and the public sidewalk along Groveland Avenue.

Landscaping and screening must separate the parking area from the residential property to the south. The applicant proposes Globe Arborvitae, which reaches a height of three to five feet.

The applicant should appropriately design the perimeter of the loading area such that maneuvering trucks do not damage adjacent plant material while also considering on-site retention of stormwater.

It is expected that turf or other plant material will cover areas not by buildings, walkways, loading areas or plazas.

ADDITIONAL STANDARDS:

- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- Site plans shall minimize the blocking of views of important elements of the city.
- Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- 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.

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- **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.**

Conformance with above requirements:

Staff is concerned about the issue of the amount of light that would potentially emanate from the site. The building's exterior is intended to be translucent and will produce a glow. The applicant has hired lighting consultants for the project. Staff is recommending that the applicant submit a lighting plan or diagram with specific information indicating to the satisfaction of city staff that the project will meet the city's lighting standards. The applicant must pay particular attention to not shed excessive light on nearby residential properties. Staff is also concerned that excessive lighting of the site would not be consistent with Policy 7.9 of the comprehensive plan, which calls for energy efficient buildings. The lighting standards of Chapter 541 are not applicable given that there are no proposed parking lots on the site. The lighting standards of Chapter 535 are as follows:

535.590. Lighting. (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

(1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.

(2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.

(3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.

(4) Lighting shall not create a hazard for vehicular or pedestrian traffic.

(5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

Glare from vehicle headlights is not expected to be a significant issue given that off-street parking would be located below grade. Headlights from trucks at the loading dock should not prove problematic given the rise in grade between the site and the buildings located on the south side of Groveland Terrace.

The development would result in some blockage of views of downtown Minneapolis as well as historic religious institutions in the area. However, the scale and massing of the building would be consistent with the existing museum and the addition would leave a significant open area (above two stories) between the two "towers" of the existing museum and the proposed studio theater. Staff believes that views would be minimized to the extent practical.

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The proposed cantilever would extend to approximately five feet from the public sidewalk along Hennepin Avenue and, given the height of the structure, would cast significant shadows onto the sidewalk and Hennepin Avenue during the p.m. hours.

Staff does not expect that the building would have a significant impact on wind currents at ground level.

The Police Department has indicated that the applicant should pay particular attention to lighting, surveillance and access control related to the proposed open area on the site.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE: The site is zoned OR2 (High Density Office Residence District). Museums are a permitted use; theaters (with live performances only) and parking facilities are conditional uses on the OR2 District.

Parking and Loading: The Walker Art Center, with the proposed addition, and combined with the existing Guthrie Theater, would be required to have 744 parking spaces. If and when the Guthrie Theater is demolished, the parking requirement for the Walker Art Center would be 554 spaces, according to Zoning staff. The applicant has applied for a variance to reduce the required number of off-street parking spaces from down to zero based on the proximity to proposed underground parking facility to be located on Walker Art Center property. Since it would be a public parking facility, it cannot be counted directly toward fulfilling the private institution's parking requirement. The applicant will provide bicycle parking on the site. According to Zoning staff, three loading berths are required on the site.

Signs: The applicant has not indicated that the site would feature any signs.

Maximum Height: The applicant has applied for a conditional use permit to increase the maximum permitted height of a museum in the OR2 District from four stories, not to exceed 56 ft., to six stories/111 ft.

Maximum Floor Area: The proposed floor-area ratio (FAR) is approximately 1.02. An FAR of 2.5 is allowed for museums in the OR2 District.

Yard Requirements: All sides of the block have been deemed to be front yards for the purposes of the zoning code. Thus, the applicant is required to maintain 15 foot setbacks from the property lines on all sides. The applicant has applied for variances to reduce the requirement along Hennepin Avenue (for the addition) and along Groveland Terrace (for the loading area).

Specific Development Standards: None

Hours of Operation: All uses located in the office residence districts, except residential uses, religious

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institutions, hotels, hospitals and colleges and universities, shall comply with the following regulations governing maximum hours open to the public, except where the city planning commission further restricts such hours:

Sunday through Thursday, from 7:00 a.m. to 10:00 p.m.

Friday and Saturday, from 7:00 a.m. to 11:00 p.m.

Dumpster screening: Refuse would be stored indoors at the loading dock.

MINNEAPOLIS PLAN: Planning staff has identified the following policies and implementation steps of the comprehensive plan as being relevant to the proposed development:

Relevant Policy: 6.5 Minneapolis will continue to promote the economic and creative vitality of arts activities based in the city, both as a regional center for art with an international presence as well as a unique arts environment that responds to local specialty interests.

Relevant Implementation Step: Enhance the city's unique arts and cultural resources that promote the city's identity within the region and in special 'niches' within the arts community

Relevant Policy: 6.6 Minneapolis will continue to support the role of arts in tourism and community pride.

Relevant Implementation Step: Promote the arts and entertainment in downtown Minneapolis as a source of economic development and tourism.

Relevant Policy: 9.4 Minneapolis will promote preservation as a tool for economic development and community revitalization.

Relevant Implementation Steps: Protect potentially significant historic structures from demolition until the city can determine the significance of the structure and explore alternatives to demolition.

Relevant Policy: 9.7 Minneapolis will work with institutional partners to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area.

Relevant Implementation Steps:

- Concentrate the greatest density and height in the interior of institutional campuses.
- Develop building forms on the edges of institutional property which are most reflective of neighboring properties.

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Relevant Policy: 9.12 Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.

Relevant Implementation Step:

- Encourage parking strategies that reduce the need for parking in order to avoid spillover into neighboring residential areas, including residential parking permits and the joint use of available parking in mixed use areas.
- Locate parking lots behind buildings or in the interior of the block to reduce the visual impact of the automobile in mixed use areas.

Relevant Policy: 9.15 Minneapolis will protect residential areas from the negative impact of non residential uses by providing appropriate transitions between different land uses.

Relevant Implementation Steps:

- Provide appropriate physical transition and separation using green space, setbacks or orientation between residential and non residential uses.
- Encourage site planning for new developments that orients the “back” or proposed buildings to the “back” or existing development.
- Require screening and buffering for new developments next to residential areas.
- Minimize automobile and truck impact on residential streets and alley by enforcing penalties for travel on routes where trucks are prohibited.

Relevant Policy: 9.16 Minneapolis will encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs.

Relevant Implementation Steps:

- Encourage the design of all new buildings to fulfill light, privacy and view requirements for the subject building as well as for adjacent buildings.
- Promote the preservation and enhancement of view corridors that focus attention on natural or built features, such as the downtown skyline, landmark buildings, significant open spaces or water bodies.

Relevant Policy: 9.17 Minneapolis will build on recent initiatives to use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land.

Relevant Implementation Step: Encourage private developers to incorporate CPTED-oriented open spaces in new developments to facilitate the creation of spaces that maximize positive behavior from users.

Relevant Policy: 9.19 Minneapolis will utilize master planning and regulatory techniques for areas of 100,000 square feet, or 15 acres or greater, so that resultant development or redevelopment is efficient,

functional and attractive, incorporating high levels of amenities and meeting public objectives for protection and preservation of the natural environment.

Relevant Implementation Step: Require all development containing one hundred thousand square feet or more of new additional gross floor area, or one hundred or more additional parking spaces, to submit Travel Demand Management Plans (TDM).

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

Planning staff is not aware of a conflict between the proposed development and any applicable development plans or objectives adopted by the City Council.

Alternative Compliance. The Planning Commission may approve alternatives to any major 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, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Planning staff is recommending that Alternative Compliance be granted from the 30 percent window requirement for the southern building extension/loading dock. Strict adherence to the requirement may be impractical given the function of this portion of the building. Staff is also recommending that Commission grant alternative compliance from the requirement that this portion of the building be constructed up to the required setback.

Findings Required by the Minneapolis Zoning Code for the Proposed Conditional Use Permit for a 650 to 700 Space Underground Parking Facility:

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

Assuming that agreements are reached with the Public Works Department related to traffic flow, access, and curb cuts, the underground parking facility should not prove detrimental to the public health, safety, comfort or general welfare. The parking spaces are proposed to be 70 degree stalls, falling between the 60 degree and 90 degree standards listed in the zoning code. Subsequently, the drive aisle and stall width dimensions fall between the requirements for 60 degree stalls and 90 degree stalls. The Public Works Department has indicated that the proposed dimensions are acceptable in the parking industry. It is not clear to Planning staff how many accessible parking spaces would be provided in the facility. The Minnesota Accessibility Code (1341.0403) requires that two percent of the total number of parking spaces to be accessible in facilities having between 501 and 1,000 spaces. Thus if 700 spaces are provided, 14 must be accessible.

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

The parking facility would be located below grade and thus would not be visible from adjacent properties. Staff has indicated to the applicant that an elevation of the entrance to the facility should be submitted for review.

- 3. Will have adequate utilities, access roads, drainage and/or other necessary facilities.**

Vehicular access to the proposed parking garage would take place from Vineland Place. The applicant has submitted a Travel Demand Management (TDM) Plan and is also required to submit a stormwater management plan for review and approval by the Public Works Department.

- 4. Will take measures to minimize traffic congestion in the public streets.**

According to the TDM Plan, the Hennepin/Vineland intersection currently functions at a Level of Service of “F” and will continue to have a Level of Service of “F”. The Walker Art Center has agreed to offer and promote the Metropass to its employees, provide bicycle parking, consider telecommuting and flextime, provide transit information, and designate an employee transportation coordinator.

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

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For the relevant portions of the comprehensive plan, please see the analysis of the site plan review application above.

- 6. And, does in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this c.u.p., other c.u.p.s, site plan review and the requested variances.**

Planning staff is unaware of any conflict between the proposed use and the regulations of the OR2 District.

Findings Required by the Minneapolis Zoning Code for the Proposed Conditional Use Permit for a 350-Seat Theater:

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

Live presentations of drama, dance, opera, and music in the proposed 350-seat theater would not prove detrimental to or endanger the public health, safety, comfort or general welfare.

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

The theater be fully enclosed and should not prove injurious to surrounding property.

- 3. Will have adequate utilities, access roads, drainage and/or other necessary facilities.**

Please see finding number three for the conditional use permit for the proposed underground parking facility above.

- 4. Will take measures to minimize traffic congestion in the public streets.**

The proposed underground parking facility should accommodate peak demand for automobile traffic to the site, including events at the proposed theater.

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

For the relevant portions of the comprehensive plan, please see the analysis of the site plan review application above.

- 6. And, does in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this c.u.p., other c.u.p.s, site plan review and the requested variances.**

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Planning staff is unaware of any conflict between the proposed use and the regulations of the OR2 District.

Findings Required by the Minneapolis Zoning Code for the Proposed Conditional Use Permit to increase the maximum permitted height of a museum in the OR2 District from four stories, not to exceed 56 ft., to six stories/111 ft.:

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The structure would rise approximately to the same elevation as the existing Walker Art Center and should not be detrimental to or endanger the public health, safety, comfort or general welfare provided the project meets the lighting standards of the zoning code.

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

The museum addition would replace a building that was four stories in height for a larger horizontal plane compared to the six story “cube” proposed by the applicant. Planning staff does not expect that the increased height would be injurious to the use and enjoyment of other property in the vicinity, nor would it impede area development.

- 3. Will have adequate utilities, access roads, drainage and/or other necessary facilities.**

The area is fully developed and served by existing infrastructure. Please see finding number three for the conditional use permit for the proposed underground parking facility above.

- 4. Will take measures to minimize traffic congestion in the public streets.**

Increasing the maximum permitted height would have no direct impact on traffic congestion on area streets. The building would be well within the permitted floor-area ratio on the site.

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

For the relevant portions of the comprehensive plan, please see the analysis of the site plan review application above.

- 6. And, does in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this c.u.p., other c.u.p.s, site plan review and the requested variances.**

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Planning staff is unaware of any conflict between the proposed use and the regulations of the OR2 District.

In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the maximum height:

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

The tallest section of the addition would be a substantial distance from the nearest private property and instead would be adjacent to the large public right-of-way for Hennepin and Lyndale Avenues.

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

Although a shadow study has not been requested nor submitted, staff does not expect that the proposed building would cast shadows on nearby residential properties, particularly during late morning or early afternoon hours. The nearest residential properties are located across Hennepin Avenue (to the east) and across Groveland and Bryant (to the southwest and west). There are no residential properties directly to the north of the proposed facility.

(3) The scale and character of surrounding uses.

The scale of the building would be consistent with the existing museum and the building would be significantly shorter than several of the nearby residential towers to the south and east of the site.

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

Staff is somewhat concerned about the project's potential impact on views toward downtown, Loring Park and historic religious institutions in the area.

Findings Required by the Minneapolis Zoning Code for the Proposed Variance to Reduce the Required Front Yard Setback Along Hennepin Avenue from 15 ft. to Zero ft. for a Portion of the Proposed Addition:

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

The public right-of-way does not orient in a directly north-south manner but instead curves southwesterly as one travels south along Hennepin Avenue from the north. The regulations of the OR2 District would prevent the applicant from constructing the building to a setback that would relate closely with the public sidewalk in a manner that is found on buildings to the nearby south along Hennepin Avenue. In spite of these facts, Planning staff is somewhat concerned that

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the applicant has a good deal of land area that could accommodate the expansion without the need for a variance.

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

Although the applicant has contributed to the circumstances, there are unique conditions such as the curve of the street and the desire to address the public sidewalk in a manner consistent with other buildings along Hennepin Avenue.

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

The Walker Art Center controls the entire block. The intent of the front yard setback is to require that buildings and building additions closely approximate the front yard setbacks established by other buildings in the vicinity, particularly on the same block. In this case, the site encompasses the entire block and many buildings along Hennepin Avenue are constructed near or up to the front lot line.

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

Assuming compliance with the building code, granting 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.

Findings Required by the Minneapolis Zoning Code for the Proposed Variance to Allow an Off-Street Loading Area to Encroach into the Required 15 ft. Front Yard Setback Along Groveland Terrace:

- 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.**

Staff believes that it is reasonable for the City to expect the applicant to accommodate all loading functions, with the exception of driveways to access the loading area, outside the required front yard setback along Groveland Avenue. It appears that the principal maneuvering areas are accommodated outside the setback area. In the proposed loading area, the line between what is considered loading area versus driveway area is somewhat blurred. It appears that complying with the required setback essentially would essentially entail narrowing some of the driveway-type areas to 25 feet or less.

- 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.**

Although it is unique to have front yard setback requirements on all four sides of one particular development, Planning staff believes that the applicant can design a loading area with 25 foot wide driveways and maneuvering areas that are not in the required setback.

- 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.**

Staff is concerned that the loading area is currently designed in a manner that is far too visible from the area south of the property, including from northbound Hennepin Avenue and the frontage road to the south of the site. Orienting the loading dock in more of a due west direction or to the interior of the site would reduce the visibility from surrounding properties. Note that staff expects the applicant to substantially landscape and screen the loading dock. Landscaping and screening will be brought forward at a later date.

- 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.**

Granting the variance would 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. Staff is concerned, however, about the substantial width of the westerly curb cut and the great distance that pedestrians would have to walk to cross it.

Findings Required by the Minneapolis Zoning Code for the Proposed Variance to Reduce the Required Number of Off-Street Parking Spaces from 744 Spaces (Walker Art Center with Guthrie Theater)/554 Spaces (Walker Art Center without Guthrie Theater) to Zero Based on the Proximity to Proposed Underground Parking Facility to be Located on Walker Art Center Property:

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

The City has agreed to construct a 650 to 700 space parking facility on the applicant's property. These parking spaces cannot count toward fulfilling the parking requirement of the zoning code because the spaces will be available to the general public—not just the Walker Art Center. For

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practical purposes, patrons and employees of the Walker would be the principal users of the facility. Denying the variance would cause undue hardship in that parking spaces on the applicant's property would not fulfill the requirement despite the fact that construction of the ramp is being coordinated with the museum expansion.

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

The property is subject to a relatively unique agreement where the public will provide off-street parking for the Walker and other uses in the area.

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

The intent of the ordinance will be fulfilled by the fact that the Walker Art Center's parking demand will be accommodated on-site through construction of the proposed public parking facility. This type of situation is precisely the intent of authorized variance 525.520(7).

- 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.**

Granting the variance would 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. Parking demand will be met on the site and should alleviate many of the parking issues that currently exist in the surrounding area.

Air Rights Vacation Application:

Development Plan: The proposed site plan is attached. See background section for description of the project.

Responses From Utilities And Affected Property Owners: As of April 22, 2002, no utilities have request an easement or expressed concern about the proposed vacation of air rights.

Findings: The Public Works Department and City Planning Department find that the area proposed for vacation of air rights is not needed for any public purpose, and it is not part of a public transportation corridor, and that it can be vacated.

RECOMMENDATIONS OF THE CITY PLANNING DEPARTMENT:

Recommendation of the City Planning Department for the Site Plan Review Application:

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for a museum addition of approximately 139,500 sq. ft. and an underground parking facility of 650 to 700 spaces at 725 Vineland Place/1750 Hennepin Avenue, subject to the following conditions:

- 1) The applicant shall return to the Planning Commission for a public hearing for review and approval of the landscape plan and design of all open spaces on the site prior to obtaining a building permit for the museum expansion. This review shall also include review and approval of the elevation of the entrance to the proposed parking facility and any other accessory structures such as egress stair structures and mechanical intake and exhaust structures.
- 2) The loading dock shall be located either (a) below grade, (b) in an enclosed building, or (c) shall be oriented in a manner whereby trucks face either directly west or toward the interior of the site (to the northwest).
- 3) If the loading area is located outdoors, paving materials of the loading area, including maneuvering areas and driveways, shall be of stamped concrete, brick, cement pavers or similar material offering greater aesthetic value than asphalt or plain concrete.
- 4) Curb cuts to access the loading dock shall not exceed 25 feet in width unless a greater width is approved by the Public Works Department.
- 5) The applicant shall submit a stormwater management plan for review and approval by the Public Works Department.
- 6) The applicant must have an approved Travel Demand Management Plan.
- 7) The applicant shall submit a lighting plan, study or diagram indicating to the satisfaction of city staff that the project will meet the lighting standards of Chapter 535 of the zoning code.
- 8) The Planning Department shall review and approve the final elevations and final site plan.
- 9) Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by April 29, 2004, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Recommendation of the City Planning Department for the Conditional Use Permit Application for a 650 to 700 Space Underground Parking Facility:

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for a 650 to 700 space underground parking facility at 725 Vineland Place/1750 Hennepin Avenue, subject to the following conditions:

- 1) The number of accessible parking spaces shall meet the requirements of the Minnesota Accessibility Code.

Recommendation of the City Planning Department for the Conditional Use Permit Application for a 350-Seat Theater:

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for a 350-seat theater at 725 Vineland Place/1750 Hennepin Avenue.

Recommendation of the City Planning Department for the Conditional Use Permit Application to Increase the Maximum Permitted Height of a Museum in the OR2 District from Four Stories, Not To Exceed 56 ft., to Six Stories/111 ft.

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to increase the maximum permitted height of a museum in the OR2 District from four stories, not to exceed 56 ft., to six stories/111 ft. at 725 Vineland Place/1750 Hennepin Avenue.

Recommendation of the City Planning Department for the Variance to Reduce the Required Front Yard Setback Along Hennepin Avenue from 15 ft. to Zero ft. for a Portion of the Proposed Addition:

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the required front yard setback along Hennepin Avenue from 15 ft. to zero feet for a portion of the proposed addition at 725 Vineland Place/1750 Hennepin Avenue.

Recommendation of the City Planning Department for the Variance Application to Allow an Off-Street Loading Area to Encroach into the Required 15 ft. Front Yard Setback Along Groveland Terrace:

The City Planning Department recommends that the City Planning Commission adopt the findings above and **deny** the variance to allow an off-street loading area to encroach into the required 15 ft. front yard setback along Groveland Terrace.

Recommendation of the City Planning Department for the Variance to Reduce the Required Number of Off-Street Parking Spaces from 744 Spaces (Walker Art Center with Guthrie Theater)/554 Spaces (Walker Art Center without Guthrie Theater) to Zero Based on the Proximity to Proposed Underground Parking Facility to be Located on Walker Art Center Property:

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the required number of off-street parking spaces from 744 spaces

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(Walker Art Center with Guthrie Theater)/554 spaces (Walker Art Center without Guthrie Theater) to zero based on the proximity to proposed underground parking facility to be located on Walker Art Center property.

Recommendation of the City Planning Department for the Vacation:

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** the vacation of air rights from an elevation of 155 ft. to 235 ft. over a portion of Block 1, Lowry Hill, adjacent to Hennepin Avenue, between Vineland and Groveland.