

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variances, Site Plan Review, Preliminary Plat, Vacation
BZZ-3419, PL-211, VAC 1450

Date: March 5, 2007

Applicant: Convention Center Hotel, LLC

Address of Property: 1125 4th Ave S

Project Name: Global One Hotel

Contact Person and Phone: Mark Globus, (612) 333-0606

Planning Staff and Phone: Tara Beard, (612) 673-2351

Date Application Deemed Complete: February 9, 2007

End of 60-Day Decision Period: April 8, 2007

End of 120-Day Decision Period: A letter was sent to the applicant on February 22, 2007 extending the decision period to June 7, 2007.

Ward: 7 **Neighborhood Organization:** Downtown Minneapolis Neighborhood Association, adjacent to Citizens for a Loring Park Community and Elliot Park Neighborhood Inc.

Existing Zoning: B4S-1 Downtown Service District, DP (Downtown Parking) Overlay District

Zoning Plate Number: 20

Lot area: 33,237 square feet

Proposed Use: A 10 story hotel with a restaurant and meeting rooms.

Concurrent Review:

- A Conditional Use Permit to allow wall signs notwithstanding height limits for a building higher than 6 stories or 84 feet in a downtown district
- A Variance to increase the number of wall signs permitted for a building higher than 6 stories or 84 feet from 2 to 3
- A Variance to increase the maximum height of a monument sign from 8 to 20 feet
- A Variance to reduce required parking from 99 to 38 spaces on site
- Site Plan Review
- Vacation of the Grant Street right-of-way east of 4th Ave S and an easement for public alley purposes where the existing building now stands
- Preliminary and Final Plat

Applicable zoning code provisions: Chapter 525: Article VII Conditional Use Permits, Article IX Variances; Chapter 530 Site Plan Review; Chapter 591 Subdivisions

Background: The applicant, Convention Center Hotel, LLC, is proposing a new 10-story hotel at a former MNDOT traffic management center between 11th and 12th St S along 4th Ave S. The property is located in the B4S-1 District though its platting was removed when it became the property of the state. The property doesn't have an address or a PID number. The applicant has submitted a preliminary and final plat application and a new address had been designated by Minneapolis Development Review: 1125 4th Ave S.

The applicant is proposing three signs on the building that exceed the permitted height for wall signs. The building is higher than 6 stories or 84 feet, allowing these signs with a CUP as the site is in a downtown district. The number of signs permitted at such height, however, is limited to two. The applicant is thus applying to increase the number of wall signs allowed higher than 6 stories or 84 feet from two to three. The applicant is also asking to increase the permitted height of a freestanding monument sign from 8 to 20 feet.

The hotel use proposed is permitted in the downtown district in which it is located, and as a new structure will require Site Plan Review. Parking is calculated based on the gross floor area (GFA) of the building rather than the use because of its downtown district designation. Non-residential uses in the B4S districts require one parking space for each 1,400 sq. ft. of GFA. The proposed project requires 99 parking spaces; the applicant is proposing 38 on site. The applicant has stated that they intend to lease additional parking in the vicinity per market need in addition to the on-site spaces.

Three of the parking spaces proposed by the applicant are on the site surface. Because the site is located in a Downtown Parking Overlay District, any surface parking spaces require a conditional use permit. This application was not identified by staff in time to notice it for the March 5, 2007 hearing. The CUP will be noticed for the March 26th, 2007 Planning Commission meeting and approval of that application or removal of the three surface parking spaces will be required before approving final plans.

The applicant is also proposing to vacate two easements on the property. The portion of Grant Street east of 4th Ave S and a small alley easement where the existing building is located are proposed to be vacated. The Grant St portion of the proposed vacation was requested in 2004, but did not receive approval from Public Works. Public Works has expressed support for the vacation now because the applicant is providing a permanent easement on the south end of the site for a potential HOV lane (see attached map).

At the time of the writing of this report staff has not received any letters from the neighborhood. Two nearby residents have submitted comments that are attached to this report.

CONDITIONAL USE PERMIT -

Required Findings for the Conditional Use Permit to allow wall signs notwithstanding height limits for a building higher than 6 stories or 84 feet in a downtown district:

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

There is no evidence that allowing two signs on a building taller than 6 stories or 84 feet will adversely affect the public health, safety, comfort or general welfare. The site is visible from oncoming highway traffic and higher signs will allow wayfinding from a distance.

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

The proposed signs should not have a negative impact on other property in the vicinity, which includes offices, high-rise residential, and the Minneapolis Convention Center.

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

Access to the site will be via two existing curb cuts off 4th Ave S. The use of two signs on a building taller than 6 stories or 84 feet should have no impact on utilities, drainage, or other facilities.

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

The site is challenged from an access perspective, and Public Works has indicated that changes to the public realm around the site (street directions, curb cuts, traffic lights) are not likely. Although the site is bounded by four roads, only 4th Ave S is a reasonable option to provide curb cut access to and from the site, and 4th Ave S is one-way only. Despite these challenges, the draft Travel Demand Management Plan (TDMP) states that “traffic generated by the proposed hotel use does not result in any unacceptable levels of service at any of the analysis intersections.” Allowing signs higher on the building will allow the site to be more easily located by car, helping to mitigate the access challenges on the site.

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

The proposed site is unique in that it is at the crux of three different neighborhoods and has not typically been included in long-range planning analysis because it has been under state ownership. *The Minneapolis Plan* directs readers to Downtown 2010 for policy guidance in the downtown area (see attached map).

Downtown 2010 highlights hotel access as a strategy for the convention center’s success. Allowing taller signs will improve access to the hotel.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

In addition to a Conditional Use Permit for the building signs, three variances, site plan review, a vacation and plat is required. The project was reviewed by Preliminary Development Review in August of 2006. Specific Development standards for hotels includes that “the use shall provide a minimum of fifty guest sleeping rooms, except when located in the downtown districts.” Although this project is located in the downtown district, it has more than 50 guest rooms.

VARIANCES -

Findings Required by the Minneapolis Zoning Code for the Variance to increase the number of wall signs permitted higher than 6 stories or 84 feet from 2 to 3

- 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.**

Two large (120 sq. ft.) wall signs at the top of the building is a reasonable use. There is no evidence that not allowing third sign would cause undue hardship. Additional signs below the height limit for wall signs on the building are proposed.

- 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 site is unique in that it is shaped irregularly, slopes significantly, and is located in a previously minimally utilized site, none of these circumstances relate directly to a desire to provide signage higher than 6 stories or 84 feet in excess of the amount permitted by CUP.

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

The intent of the ordinance is to prevent sign clutter and to limit the number of signs that can be placed on a building higher than 6 stories or 84 feet. Allowing a third sign of such height without evidence of hardship would not be keeping with the spirit and intent of the ordinance.

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

The variance would have no direct effect on congestion of the public streets, the danger of fire, or public safety.

In addition, the following findings must be addressed if applying for a *SIGN VARIANCE*:

- 1. The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.**

The CUP for signs higher than 6 stories or 84 feet is specific to the downtown districts (among others) and is specifically limited to two signs to prevent clutter. Additional signs above the specified height could lead to clutter and be inconsistent with signage on other tall buildings in the downtown districts.

- 2. The sign adjustment will allow a sign of exceptional design or style that will enhance the area or that is more consistent with the architecture and design of the site.**

The signs proposed are individually lit block letters. There is no element of exceptional design or style in the proposed signs.

Findings Required by the Minneapolis Zoning Code for the Variance to increase the maximum height of a monument sign from 8 to 20 feet

- 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 monument sign proposed is located south of the building and would be most visible to vehicles traveling west onto I35W from 12th St S, vehicles traveling north on Highway 65, and vehicles traveling west on Grant St E across from Highway 65. The proposed location of the sign is anywhere from 0 to 30 feet higher than those locations and additional sign height would not likely improve its visibility from the most effective points (see attached map).

- 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 applicant is not responsible for the unique characteristics of the land as described in the first variance findings, however, staff does not find that the unique characteristics are directly related to the request for a taller monument sign.

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

The intent of the ordinance is to protect sites from sign clutter and to encourage pedestrian interaction with freestanding signs as much as vehicular interaction. The taller monument sign is not necessary to meet these goals.

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

The variance would have no direct effect on congestion of the public streets, the danger of fire, or public safety.

In addition, the following findings must be addressed if applying for a *SIGN VARIANCE*:

- 1. The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.**

Freestanding signs are less common in downtown districts where buildings occupy more of the site and signage is often attached to the building. There are wall signs proposed on the building that would be visible from anywhere that the proposed monument sign would be visible, indicating that an increased height for the sign is not necessary.

- 2. The sign adjustment will allow a sign of exceptional design or style that will enhance the area or that is more consistent with the architecture and design of the site.**

The sign proposed is made of utility brick, concrete, and EIFS. The style and materials of the sign is consistent with the style and design of the building, but staff has found no element of exceptional design or style in the proposed sign.

Findings Required by the Minneapolis Zoning Code for the Variance to reduce required on-site parking spaces from 99 to 38

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

In order to provide the required parking on site the applicant would either need to increase surface parking area or build an additional level of underground parking. The site is heavily sloped and only accessible from 4th Ave S, which limits some parking scenarios. It is reasonable to expect that a significant amount of hotel guest traffic will occur via taxi, shuttle or on foot.

- 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 access challenges to the site were not created by the applicant, nor was the site's topography.

- 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 parking requirement is to prevent traffic congestion on and around the site, and to ensure that businesses will have adequate parking to be successful. Staff believes that the site's location and proximity to transit, in addition to its use which commonly utilizes alternative forms of transportation such as valet parking or taxi use, will ensure that the intent of the ordinance will not be compromised in granting this variance. Furthermore, a critical parking area is located east of the site in the Elliot Park neighborhood, which would eliminate the risk of any spillover parking.

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

The variance should have no impact on traffic congestion or fire and safety standards. The site is surrounded by one-way streets and has limited access; encouraging the use of alternative transportation over individual hotel guest car use will reduce negative impacts of the site on traffic congestion. Nearby public and private parking options are within 500 feet of the site and have better access than the site itself. The applicant has indicated that some amount of leased parking in the vicinity will be sought for any parking needs of the hotel in excess of the on-site spaces provided.

SITE PLAN REVIEW

Findings as Required By the Minneapolis Zoning for Site Plan Review

Required Findings for Site Plan Review

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
 - Residential uses:

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

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

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

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

provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

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

- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

Conformance:

- The new building is proposed at an angle on the irregularly shaped lot. A new sidewalk and pedestrian access on the site is proposed.
- The site is surrounded by right of way but is at a different grade than three of the streets surrounding it. The building is within 8 feet of the property line on the entire east elevation, and a majority of the building is within 8 feet of the property line on the north elevation. The south elevation slopes down toward the highway and is not within 8 feet of the property line. The west elevation has a small portion within 8 feet of the property line. Staff is recommending alternative compliance for the building fronts that are not within 8 feet of the property line because of the irregular lot size and because the proposal includes an improved and lengthened sidewalk and crosswalk at 12th St S and 4th Ave S that will improve pedestrian access to the site.
- Amenities between the building and the lot line include landscaping, pedestrian walkways, and brick pavers with planters.
- The principal entrance is on the west elevation but is angled 45 degrees from 4th Ave S. However, as 4th Ave S is a one-way going north, angling the entrance to the south does not hinder its visibility from the street.
- Most parking is proposed to be located in a one level underground structure. Three surface parking spaces are proposed between the southern part of the building and the street. Staff is recommending alternative compliance because the grading on the site would not allow this parking elsewhere and the nature of the hotel use is such that drop off spaces on the site rather than below it are necessary. As noted in the background section, these spaces must be approved for a conditional use permit before staff can approve final plans that include surface parking spaces.
- The building uses recesses and projections, angle changes, and windows and materials to make the building understandable in smaller sections.
- Blank wall conditions are shown on the east and south elevations. Staff recommends requiring the applicant eliminate all blank walls exceeding 25 feet as a condition of approval.
- Materials include utility brick, precast concrete, and EIFS. The materials are used similarly on each elevation. Staff recommends requiring the applicant replace non-durable EIFS with an acceptable alternative, such as stucco.
- Windows are required on 30% of the first floor of the west, south, and north elevations, and 10% of each floor above the first floor for two sides of the building because they face a public street. The proposed windows provided are as follows:
 - 4th Ave S (West) Elevation
 - 1st floor facing a public street: 30% required, 39% provided
 - 2nd floor facing a public street: 10% required, 19% provided
 - 3rd – 7th floors facing a public street: 10% required, 24% provided

- 8th floor facing a public street: 10% required, 25% provided
- 9th floor facing a public street: 10% required, 33% provided
- 10th floor facing a public street: 10% required, 31% provided
- 12th St S (South) Elevation
 - 1st floor facing a public street: 30% required, 0% provided
 - 2nd floor facing a public street: 10% required, 0% provided
 - 3rd – 9th floors facing a public street: 10% required, 4% provided
 - 10th floor facing a public street: 10% required, 7% provided
- 11th St S (North) Elevation
 - 1st floor facing a public street: 30% required, 47% provided
 - 2nd floor facing a public street: 10% required, 23% provided
 - 3rd floor facing a public street: 10% required, 29% provided
 - 4th – 7th floors facing a public street: 10% required, 30% provided
 - 8th floor facing a public street: 10% required, 24% provided
 - 9th floor facing a public street: 10% required, 39% provided
 - 10th floor facing a public street: 10% required, 33% provided

Staff is recommending some alternative compliance for the 1st floor of the south elevation.

Because the trash area is located here and additional screening will be required, windows are not practical for the entire 1st floor elevation. Staff recommends requiring the applicant provide at least 10% windows on the 1st floor of the south elevation as a condition of approval. Staff further recommends that the applicant come into full compliance with window requirements on the 2nd through 10th floors of the south elevation.

- Proposed windows are generally vertical in nature and distributed more or less in an even manner.
- Plain-face concrete block is not proposed as an exterior material for any part of the building.
- The proposed roof is flat, similar to nearby downtown district buildings.

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.**

Conformance:

- All walkways leading to building entrances are more than 4 feet in width. All building entrances are clearly connected to the public realm.

- There are no transit shelters on or adjacent to the site.
- One way vehicular movement is used for the portion of the site that is likely to have the most pedestrian activity. Pedestrian access to and from the north end of the site is ok, although improvements to the sidewalks, lighting, and some new trees in the right of way would help create a pedestrian realm that would help a somewhat isolated parcel connect with downtown. Pedestrian activity on the south end of the site is most challenged. Traffic on 12th St S is one way traveling east. At the 4th Ave S intersection, three lanes of traffic veer south to either a highway entrance or southbound 4th Ave S, and one lane veers north to the subject site's frontage on 4th Ave S. There is no crosswalk or traffic light at the entrance of 4th Ave S from 12th St S, and although this portion of 4th Ave S does not experience heavy loads of traffic, vehicles on that road are not accustomed to pedestrian crossing or activity. The applicant is proposing a new crosswalk at the entrance to 4th Ave S from 12th St S, and staff recommends using one or a combination of curb bump outs, crosswalk signage, and speed humps if permitted by Public Works as a condition of approval.
- All areas not needed for buildings, access, loading, or trash and recycling, will be landscaped or paved as a part of proposed courtyards.

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.**

Conformance:

- The proposed development is greater than 50,000 sq. ft. of new gross floor area and is within a downtown district. Therefore it is not subject to the general landscaping requirements of section 530.160 of the code. For information purposes only, the lot area (33,237 sq. ft.) less the building footprint (14,328 sq. ft.) yields a net site of 18,909 sq. ft. The total landscaping proposed by the applicant is 7,347 sq. ft. This equals 39% of the net site. The proposed project includes 9 evergreen trees and no shrubs.
- Seven feet of landscaping and screening is required between the three surface parking spaces and the public right of way. The applicant is not providing this on site, but staff recommends granting alternative compliance because of shrubs and a decorative fence proposed in the 10 feet of landscaping between the property line and the public sidewalk. An encroachment permit from Public Works is required.
- Landscaping and screening is also required between the trash and truck loading area and 12th Ave S. Landscaping is provided but screening is not. Staff is recommending that the applicant provide screening via a hedge, fence, or combination of the two as a condition of approval.
- One shared and two private courtyards are proposed for the site. Landscaping is used heavily throughout both courtyards.

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.**

Conformance:

- The surface parking area is surrounded by a new curb. Staff recommends that the applicant use discontinuous curbing to direct stormwater to on site landscaping areas.
- The project occurs at a gateway into downtown from the south. At ten stories, the project will be a visible part of the skyline from some perspectives, but not be so tall as to drastically change the skyline. The project will not block views of important elements of the city nor create any substantive shadows on adjacent buildings and open spaces.
- The project would not be expected to contribute significantly to ground-level winds.
- The site design and landscape plan allows views from the public sidewalk into the site.
- The applicant has been encourage to explore lighting on site and in the right of way that will provide pedestrian sense of place and safety. Fencing and landscaping are used on the site to provide territorial reinforcement and space delineation.

- There are no historic structures on the site.

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.**

Conformance: Staff is recommending alternative compliance for the following requirements of Chapter 530:

- Staff is recommending alternative compliance for the building fronts that are not within 8 feet of the property line because of the irregular lot shape and because the proposal includes an improved and lengthened sidewalk and crosswalk at 12th St S and 4th Ave S that will improve pedestrian access to the site. Decorative fencing is also proposed in the right of way along 4th Ave S to help create a street wall.
- Staff is recommending alternative compliance to allow three spaces of surface parking between the building and the site frontage because the grading on the site would not allow this parking elsewhere and the nature of the hotel use is such that drop off spaces on the site rather than below it are necessary.
- Staff is recommending some alternative compliance for the 1st floor of the south elevation. Because the trash area is located here and additional screening will be required, windows are not practical for the entire 1st floor elevation.
- Staff recommends granting alternative compliance for a lack of landscaping and screening between the surface parking and the public sidewalk because of shrubs and a decorative fence proposed in the 10 feet of landscaping between the property line and the public sidewalk. An encroachment permit from Public Works is required.

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: A hotel use is permitted in the B4S-1 District.

Off-Street Parking and Loading: Chapter 541 of the code requires one parking space for each 1,400 sq. ft. of gross floor area. The applicant further indicated that two additional spaces are needed for business vehicles. This resulted in a total of 99 on site parking spaces. The applicant is proposing 3 surface parking spaces and 35 underground parking spaces. See variance finding for staff analysis of parking.

Maximum Floor Area: The maximum floor area ratio for a building in the B4S-1 district is 8.0 for hotel uses. The ten story structure proposed by the applicant has an FAR of 4.6.

Building Height: There is no maximum building height requirement in the B4S-1 District.

Minimum Lot Area: There is no minimum lot dimension requirement for hotels in the B4S-1 District.

Dwelling Units per Acre: Not applicable.

Yard Requirements: There are no yard requirements on this site, because all lot lines are located along a public right of way.

Specific Development Standards: The only specific development standard for hotels does not apply in the Downtown Districts.

Hours of Operation: There are no requirements for hours of operation for hotels in the downtown districts.

Signs: No signs are proposed at this time. Any signs will require a signage permit and must comply with the requirements of Chapter 543.

Refuse storage: All storage of refuse and recyclable materials will be located inside the building and accessed in a loading area located to the south of the building.

Lighting: All lighting must be in compliance with must comply with Chapter 535 and Chapter 541 of the zoning code. Staff encourages the applicant to utilize lighting to highlight architectural features of the building and help create pedestrian place-making.

Minneapolis Plan:

The proposed site is unique in that is at the crux of three different neighborhoods and has not typically been included in long-range planning analysis because it has been under state ownership. *The Minneapolis Plan* directs readers to Downtown 2010 for policy guidance in the downtown area (see attached map).

Downtown 2010 highlights hotel access as a strategy for the convention center’s success. One of the policies in Downtown 2010 includes facilitating “pedestrian movement between the convention center

and the hotels, retail and entertainment districts in order to generate economic activity in downtown.” While the subject site is in close proximity to the Convention Center, pedestrian access is a challenge because of the street and sidewalk design around the site. Its previous use, as a MNDOT traffic management center, included a small building with a small amount of staff. A large hotel with over 200 rooms so close to the Convention Center, however, is likely to create quite a bit more pedestrian traffic than previously came from the site. The pedestrian experience on the site has some challenges, including a lack of streetlights and crosswalks on the 11th St S intersection. Since 11th St S is the more direct way to walk from the site to the Convention Center, wayfinding tools such as a crosswalk and pedestrian signage is imperative to making the site safe.

ALLEY AND EASEMENT VACATION

Development Plan: The applicant intends to use the vacated Grant St easement as a part of the driveway to underground parking garage and for landscaping. The alley currently located on the site is underneath the existing building and would be underneath a drive aisle and the new building as part of the hotel proposal.

Responses from Utilities and Affected Property Owners: On November 21, 2006, staff received a letter from Public Works in support of the vacation. Of the other responses received, there were no objections and one easement requested from Comcast. Comcast has requested that an easement be reserved for an underground cable line running north/south into the existing building.

Findings: The Grant St easement was applied for in 2004 and originally not supported by Public Works. Public Works now supports both vacations because of a permanent easement being placed further south on the property that could potentially be used for an HOV lane. The history and need for the alley is unclear and does not provide access to or from anywhere. Staff has found no evidence that the alley and easement are needed for a public purpose.

PRELIMINARY PLAT –

Required Findings:

1. Subdivision is in conformance with the land subdivision regulations including the requirements of section 598.100 relating to protection of natural resources, applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.

The subdivision is in conformance with the design requirements of the land subdivision regulations.

ZONING CODE

With the approval of the preliminary and final plat, and the concurrent applications laid out in this report, this development would meet the applicable requirements of the B4S-1 District.

THE MINNEAPOLIS PLAN

See finding #5 in the conditional use permit findings and the *Minneapolis Plan* findings in the Site Plan Review section of the report.

2. Subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.

The proposed plat will simply allow the recording of a parcel that has not been platted since before state ownership. The subdivision will not be injurious to the use and enjoyment of other property. TDMP findings and the parking variance findings indicate that the proposal will not add substantially to congestion in the public streets.

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

The site is not within a Flood Plain, but does contain steep slopes that go down to adjacent right of ways to the east and south. The proposed development is located on a relatively flat portion of the property. Current utility easements will be maintained. Public Works staff has not yet provided an opinion of the plat. If a response is received before the public hearing it will be attached to the report at that time.

4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.

The lot proposed already has access from the public realm via two curb cuts off 4th Ave S. This access is proposed to be maintained. There are no foreseeable difficulties that would prevent the lot from being buildable.

5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The stormwater drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.

Public Works will review and approve drainage and sanitary system plans before issuance of building permits.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit to allow wall signs notwithstanding height limits for a building higher than 6 stories or 84 feet in a downtown district:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit for wall signs notwithstanding height limits for a building higher than 6 stories or 84 feet in a downtown district at 1125 4th Ave S.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to increase the number of wall signs permitted higher than 6 stories or 84 feet from 2 to 3:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to increase the number of wall signs that exceed the maximum permitted height in the B4S district from 2 to 3 at 1125 4th Ave S.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to increase the maximum height of a monument sign from 8 to 20 feet:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to increase the maximum height of a monument sign from 8 to 20 feet at 1125 4th Ave S.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce required parking from 99 to 38 spaces on site:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce required parking from 99 to 38 spaces at 1125 4th Ave S.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for a 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 application for a site plan review at 1125 4th Ave S, subject to the following conditions:

1. No blank walls exceeding 25 feet will be located on any elevation of the building.
2. Provide at least 10% windows on all floors of the south elevation.
3. Provide screening via a hedge, fence, or combination of the two between the trash/loading area and 12th St S. as required by section 530.170 (b).

4. Non-durable EIFS will be replaced with an acceptable alternative, such as stucco.
5. One or a combination of the following: curb bump outs, crosswalk signage, and speed humps, will be provided at the new crosswalk proposed at 12th St S and 4th Ave S if permitted by Public Works.
6. CPED Planning staff review and approval of the final site and landscaping plans.
7. All site improvements shall be completed by April 13, 2008, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

**Recommendation of the Department of Community Planning and Economic Development—
Planning Division for the Alley and Easement Vacation:**

The Department of Community Planning and Economic Development—Planning Division recommends that the City Planning Commission and the City Council accept the above findings and **approve** the vacation.

**Recommendation of the Department of Community Planning and Economic Development –
Planning Division for a preliminary and final plat:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a preliminary and final plat at 1125 4th Ave S

Attachments:

1. Statement of use
2. Findings
3. Correspondence
4. PDR Comments
5. Travel Demand Management Plan draft
6. Preliminary and final Plat, Site plans, Elevations, Floor plans, and Zoning map
7. Vacation Maps
8. Photos