

**Department of Community Planning and Economic Development – Planning Division**

Rezoning, Conditional Use Permit, Variance, and Site Plan Review

BZZ-5102

Vacation File #1580

Preliminary and Final Plat PL-252

**Date:** April 11, 2011

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

**Address of Property:** 1250 West Broadway Avenue, 2105, 2119, 2123, 2127, 2131 Fremont Avenue North, 1213, 1221 22<sup>nd</sup> Avenue North, and 2126 Girard Avenue North

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

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

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

**Date Application Deemed Complete:** February 15, 2011

**End of 60-Day Decision Period:** April 15, 2011

**End of 120-Day Decision Period:** On March 22, 2011, Staff sent a letter to the applicant extending the decision period to no later than June 14, 2011.

**Ward:** 5                      **Neighborhood Organization:** Jordan Area Community Council and Northside Residents Redevelopment Council (NRRC)

**Existing Zoning:** OR2 (High Density Office Residence) District with a Pedestrian Oriented (PO) Overlay District, R2B (Two-family) district, R4 (Multiple-family) district and R5 (Multiple-family) District

**Proposed Zoning:** Rezone 2123, 2127, 2131 Fremont Avenue North, 1213, 1221 22<sup>nd</sup> Avenue North, and 2126 Girard Avenue North districts to the OR2 (High Density Office Residence) district.

**Zoning Plate Number:** 8

**Lot area:** 231,739 square feet or approximately 5.32 acres

**Legal Description:** The Easterly 106.6 feet of Lot 1, and the Westerly 47.4 feet of Lot 1, Lots 2-4, and Lots 15-16, Block 38, Highland Park Addition to Minneapolis, Hennepin County, Minnesota.

**Proposed Use:** Amend an approved Planned Unit Development (PUD) for a new Minneapolis Public Schools Education Service Center.

**Concurrent Review:**

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- Petition to rezone 2123, 2127, 2131 Fremont Avenue North, 1213, 1221 22<sup>nd</sup> Avenue North, and 2126 Girard Avenue North from the R2B (Two-family), R4 and R5 (Multiple-family) districts to the OR2 (High Density Office Residence) district.
- Amend the Conditional Use Permit for a Planned Unit Development (PUD) to allow a 4 and 5-story, approximately 173,000 square foot Minneapolis Public Schools Educational Service Center.
- Variance to allow parking between the principal structure and the front lot line.
- Site Plan Review for a Planned Unit Development.
- Vacation application (#1580) to vacate existing utility easements.
- Preliminary and final plat (PL-252).

**Applicable zoning code provisions:** Chapter 525, Article VI Zoning Amendments, Article VII, Conditional Use Permits, Article IX, Variances, Chapter 527, Planned Unit Development, Chapter 530 Site Plan Review, Chapter 598, Land Subdivision.

**Background:** The applicant is proposing to amend the land use applications that were approved for the subject site to allow a new 173,000 square foot, 4 and 5-story Minneapolis Public Schools (MPS) Educational Service Center. The original land use applications for the site were approved on October 18, 2010, and included the following approvals:

- Rezoning of 2105 and 2119 Fremont Avenue North to the OR2 district;
- Conditional Use Permit (CUP) for a Planned Unit Development (PUD) that included the following alternatives from the Zoning Code standards which include:
  - (1) an alternative request to allow an increase in the maximum height allowed for principal structures in the OR2 district to 5 stories or 72 feet at the tallest point;
  - (2) (a) an alternative request to allow for a reduction in the periphery front yard requirement of 39 feet (due to a front yard increase) on the building site along Fremont Avenue North for surface parking stalls, drive-aisles, loading, and a transformer/generator; (b) an alternative request for a reduction in the periphery front yard requirement of 22 feet (due to a front yard increase) on the building site along Girard Avenue North for building placement and surface parking stalls; (c) an alternative request to allow the building to be located at 3 feet, 3 inches at the closest point along the required interior side yard on the east side of the site. The required interior side yard was 13 feet; (d) an alternative to allow the proposed public plaza (and associated encroachments) within the required front yard along West Broadway;
  - (3) an alternative request to allow building placement alternatives in the PO Overlay District along West Broadway, Girard Avenue North, and Fremont Avenue North.
- Variance to allow parking between the principal structure and the front lot line along Girard Avenue North and Fremont Avenue North;
- Variance of the PO standards pertaining to the location of parking to the rear or the interior of the site, within the principal building served, or entirely below grade, and of the 40% window requirement on the Fremont Avenue elevation.
- Site plan review for a 4 and 5-story, approximately 173,000 square foot Minneapolis Public Schools Educational Service Center including 354 surface parking stalls.

The applicant's proposal to amend the approved land use applications for the site is due to the fact that MPS has either purchased or entered into purchase agreements for the remaining six lots on the north side of the block. These lots are zoned R2B, R4 and R5 and they must be rezoned in order to be incorporated into the project site for the expansion of the surface parking lot. The inclusion of the additional lots will result in the expansion of the surface parking lot previously approved at 354 stalls to 490 surface stalls. The building will remain in the same configuration as previously approved; the building footprint consists of two rectangular portions running east-west connected by a 90 foot link. A public plaza is included along West Broadway and a private plaza/courtyard

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area is included along the Girard Avenue North frontage. All land use applications previously approved, with the exception of the variances of the PO standards (as the building/site configuration in the PO is unchanged) will need to be revisited. Additionally, the applicant is proposing to replat the property into one lot as well as vacate existing utility easements located on the premises.

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

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

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

## **REZONING**

### **Findings as Required by the Minneapolis Zoning Code:**

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

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

As previously mentioned, MPS was able to acquire the six remaining parcels on the north side of the block. In order to incorporate and expand the surface parking lot proposed for the development, the parcels must be rezoned to the OR2 district.

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

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation steps: (1.1.3) “Encourage the use of flexible regulatory options that promote high quality development, such as the Planned Unit Development (PUD) tool”; (1.1.4) “Support

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context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives”; (1.1.5) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

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

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

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

While the proposed number of parking spaces doesn’t violate the maximum parking requirement in the zoning ordinance, Planning Staff remains concerned with the amount of surface parking proposed for the development. Based on the new proposal to further expand the surface parking lot to the north, a total of 490 surface parking stalls are proposed on the site. Effective parking management is an important strategy in a multi-modal transportation system. Excessive parking can promote automobile usage and traffic congestion, create pedestrian unfriendly environments, and damage the traditional urban character of an area. Planning Staff believes that the following policies apply to this specific proposal and any future proposals that increase the amount of surface parking proposed for the development:

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

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

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

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

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

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

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

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

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

There are reasonable uses of the property permitted under the R2B, R4 and R5 zoning districts; however, the request to rezone the property to the OR2 district is consistent with adopted policy. Planning Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classification for the site.

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

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

**CONDITIONAL USE PERMIT** - for a Planned Unit Development

**Findings as Required by the Minneapolis Zoning Code:**

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

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

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

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

The Planning Division does not believe that redeveloping the site to allow for a new 4 and 5-story, 173,000 square foot office building would be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property provided the surface parking proposed for the development does not at any time spillover on to the property located to the west across Girard Avenue North. The establishment of the use should assist in the stabilization of the neighborhood and contribute to the overall redevelopment that has begun to take form on West Broadway.

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

The site would be accessed via three curb cuts; two located off of Girard Avenue North (which is a two-way street) and via one curb cut off of Fremont Avenue North (which is a one-way street heading south) to the proposed 490 space surface parking lot located on the premises.

The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required to continue to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development should the applications be approved. This would be required to ensure that all procedures are followed and that the

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development complies with all city and other applicable requirements. The applicant is aware that all applicable plans are expected to incorporate any applicable comments or modifications as required by the Public Works Department.

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

For an office use, Chapter 541 would typically require a minimum of one off-street parking space per 500 square feet of gross floor area in excess of 4,000 square feet. Based on the total gross floor area of the building which is 173,000 square feet, a minimum of 338 parking spaces would typically be required. However, because the proposed structure is located in the PO, the minimum off-street parking requirement for nonresidential uses shall be 75% of the minimum. Therefore the minimum parking requirement is 254 spaces. The applicant is proposing to locate a total of 490 surface parking spaces on the premises which exceeds the minimum requirement. Further, a total of 60 bicycle parking spaces are also provided.

A Travel Demand Management Plan (TDMP) has been approved by City Staff. The only alteration to the document pertains to the amount of surface parking proposed for the development as it increased from the previously approved 354 stalls to 490 stalls. The approved TDMP states that MPS will develop and implement measures to encourage non-single occupancy vehicle modes of transportation with the goal of having at least 45% of its transportation trips made by transit, bicycling, telecommuting or walking. Some of the strategies that are proposed within the approved TDMP are as follows: designation of an Employee Transportation Coordinator; various strategies for communication and education; carpool and vanpool incentives; promote rideshare, walking, transit and bicycling; and promote flex-time and telecommuting.

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

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

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

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

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

**Minimum required amenity(ies) of 10 points.**

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

**Placement and number of principal residential structures:** The applicant is requesting and formerly received approval for an alternative from the building placement requirement in the PO district as the proposed structure is located 25 feet, 4 inches from the property line along West Broadway, approximately 47 feet from Fremont Avenue North (although the enclosed loading area, which is new, is now located approximately 15 feet, 2 inches from the property line) and approximately 51 feet from Girard Avenue North. The applicant must provide an amenity or a combination of amenities totaling at least five points in order to allow the alternative building placement proposed. See “amenities provided” section below.

**Bulk regulations - floor area:** No alternative requested.

**Bulk regulations - height:** The applicant is requesting and formerly received approval for an alternative to exceed the maximum height allowed in the OR2 district from 4 stories or 56 feet to 5 stories or 72 feet. The building footprint consists of two rectangular portions running east-west connected by a 90 foot link. The portion of the building fronting on West Broadway would total 4 stories; the 5 story portion of the development would be set back from West Broadway more towards the interior of the site. The applicant must provide an amenity or a combination of amenities totaling at least five points in order to allow the alternative building placement proposed. See “amenities provided” section below.

**Lot area requirements:** No alternative requested.

**Yards:** The applicant is requesting an alternative to allow a reduction/elimination of several required yards along the periphery of the PUD: (1) The required front yard setback along Fremont Avenue North is 15 feet (previously the setback was 39 feet due to a front yard increase) from the property line. The reduction is requested in order to allow parking stalls in the required front yard. The applicant is proposing a 9-foot wide landscaped yard along this street frontage; (2) The required front yard setback along Girard Avenue North is 15 feet (previously the setback was 22 feet, 3 inches due to a front yard increase) from the property line. The reduction/elimination is to allow a portion of the building to be located 1 foot, 4 inches from the property line along Girard Avenue North and to allow parking within the front yard, although the applicant proposes to maintain a 9-foot landscaped yard along this street frontage. Further, a private plaza/courtyard area is located between the building and property line along this street frontage; (3) the required interior side yard on the east side of the site is 13 feet. The reduction is being requested to allow the building to be located at 3 feet, 3 inches at the closest point; (4) an alternative is necessary to allow the proposed public plaza and associated encroachments including stairs that are 30 feet, 6 inches wide, public art, benches, etc., within the required front yard along West Broadway; (5) an alternative is also necessary as a 16 foot yard is required adjacent to the 22<sup>nd</sup> Avenue frontage. The current configuration of the site has the parking encroaching into the required corner side yard by one foot as a 15-foot separation is provided.

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

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

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

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

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

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

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

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

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

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

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

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

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

**1. That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:**

**a. The character of the uses in the proposed planned unit development, including in the case of residential uses, the variety of housing types and their relationship to other site elements and to surrounding development.**

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

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

The development would not be expected to have a negative impact on traffic movement in the vicinity according to the submitted Travel Demand Management Plan. The applicant is proposing to provide parking that meets the minimum and maximum parking requirements for the use as outlined in the Zoning Code. Further, a total of 60 bicycle parking spaces are provided. The approved TDMP for the site states that MPS will develop and implement measures to encourage non-single occupancy vehicle modes of transportation with the goal of having at least 45% of its transportation trips made by transit, bicycling, telecommuting or walking. Some of the strategies that are proposed within the TDMP are as follows: designation of an Employee Transportation Coordinator; various strategies for communication and education; carpool and vanpool incentives; promote rideshare, walking, transit and bicycling; and promote flex-time and telecommuting.

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

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

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

The building footprint consists of two rectangular portions running east-west connected by a 90 foot link. The building proposed on the site would be 4 stories tall along West Broadway, and 5 stories tall towards the interior of the site. The entire north side of the site is covered by surface parking. While staff is concerned about the amount of land covered by surface parking, the proposed parking lot would be

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thoroughly landscaped and screened. The surrounding context and uses within the vicinity are varied. Overall the proposed PUD has contextually appropriate scale and massing, likely minimal microclimate effects on the surrounding neighborhood and results in a development along a designated Commercial Corridor that should not only improve the neighborhood but be a catalyst for future redevelopment opportunities within the area.

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

The proposed building would be located on the south side of the site along West Broadway. The surface parking areas are located on the north side of the site and fills out the remainder of the block. An appropriate transition area is proposed between the PUD and the adjacent residential uses located across the public right-of-way as landscaping and screening are being provided.

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

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

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

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

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

The applicant has submitted a preliminary and final plat for the site which complies with all of the applicable requirement in Chapter 598 of the Zoning Code.

**VARIANCE** –to allow parking between the principal structure and the front lot line.

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

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

**To allow parking between the principal structure and the front lot line:** Staff would argue that it would be difficult for the property to be put to a reasonable use under the conditions allowed and that based on the size of

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the structure and the parking that is needed for the prospective users, strict adherence to the regulations of the zoning ordinance would cause undue hardship. As proposed, surface parking is located between the principal structure and the front lot lines along Girard Avenue North and Fremont Avenue North. Based on the configuration of the site and the fact that property has three designated front yards, strict reliance on adherence to the regulations of this zoning ordinance would cause undue hardship.

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

**To allow parking between the principal structure and the front lot line:** The site is unique in that the property has three designated front yards. This circumstance has not been created by any persons presently having an interest in the property. Allowing parking between the principal structure and the front lot line in this circumstance would allow parking that is needed for the prospective users. Perimeter landscaping has also been incorporated in order to lessen the visual impacts.

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

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

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

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

## **SITE PLAN REVIEW**

### **Findings as Required by the Minneapolis Zoning Code:**

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

the city council. (See Section B Below for Evaluation.)

**Section A: Conformance with Chapter 530 of Zoning Code**

**BUILDING PLACEMENT AND DESIGN:**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances, windows, and active functions:
  - Residential uses:
    - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
      - a. Windows shall be vertical in proportion.
      - b. Windows shall be distributed in a more or less even manner.
  - Nonresidential uses:
    - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
      - a. Windows shall be vertical in proportion.
      - b. Windows shall be distributed in a more or less even manner.
      - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
      - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
      - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window

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area in excess of the minimum required area shall not be required to allow views into and out of the building.

- f. **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
- g. **In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.**

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

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

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

The building was previously approved by the City Planning Commission and is subject to all applicable conditions of approval from the City Planning Commission action of October 18, 2010.

The development is subject to required yards along all sides of the property, including four street frontages. The applicant is requesting several alternatives under the PUD to allow reductions/eliminations which include: (a) an alternative request to allow for a reduction in the periphery front yard requirement of 15 feet on the building site along Fremont Avenue North for surface parking stalls; (b) an alternative request for a reduction in the periphery front yard requirement of 15 feet on the building site along Girard Avenue North for surface parking stalls; (c) an alternative request to reduce the required interior side yard on the east side of the site from 13 feet to 3 feet, 3 inches at the closest point; (d) an alternative is also necessary to allow the proposed public plaza and associated encroachments including stairs that are 30 feet, 6 inches wide, public art, benches, etc., within the required front yard along West Broadway; (e) 22<sup>nd</sup> Avenue is considered a corner side yard so a setback of 16 feet is required and the current configuration of the surface parking is setback at 15 feet. The Planning Commission previously approved a request to allow building placement alternatives in the PO Overlay District along West Broadway, Girard Avenue North, and Fremont Avenue North.

The first floor of buildings located in the PO must be located not more than 8 feet from the front lot line except where a greater yard is required by the zoning ordinance. In this case, the buildings along three street frontages are subject to greater yards of 15 feet. The building placement in these locations exceeds the greater setback requirement which requires an alternative. Alternative compliance is also necessary along all three street frontages as the location of the building along West Broadway exceeds the 15 foot setback as it is located approximately 25 feet from the property line in order to allow for a public plaza; a portion of the building link located along Girard Avenue North is setback 90 feet, 10 inches from the property line, and the bulk of the north building along Girard Avenue North is setback 50 feet, 10 inches; and the bulk of the building located along Fremont Avenue North is setback 46 feet, 11 inches (a new enclosed loading area is located approximately 15 feet, 2 inches from the property line). Planning Staff would recommend that in this specific circumstance that the Planning Commission grant alternative compliance. Along West Broadway, the public plaza feature is one that is recommended within the applicable small area plan, The West Broadway Alive! Plan. Due to the institutional type nature of the building, incorporation of a greater setback to allow a public gathering space would be a practical deviation from the requirement to locate the building at 15 feet, as

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opposed to 25 feet. Along the Girard Avenue North elevation, the building setback allows a private outdoor gathering space and extensive landscaping, the south segment of building is located up to the street along this street frontage. The location of the building on the Fremont Avenue North side is setback in order to accommodate loading and other service functions. Planning Staff would recommend that the Planning Commission grant alternative compliance from the building placement provision as outlined above.

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

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

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

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

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

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

There is no structured parking proposed as part of the development. A 490 space surface parking lot is located on the north side of the site.

### **ACCESS AND CIRCULATION:**

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

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

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

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

There is no public alley adjacent to the site.

A considerable amount of the site is composed of a surface parking lot. A total of 187,731 square feet or approximately 81% of the total site is composed of impervious surfaces.

### **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.**

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- Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
  - A decorative fence.
  - A masonry wall.
  - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.
- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.
- All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

The proposal meets the 20% landscape requirement. The total site area is 231,739 square feet or approximately 5.32 acres and the proposed building footprint on the site would be 38,071 square feet. A total of 38,734 square feet of landscaping would be necessary to meet the 20% requirement. The applicant is providing 43,943 square feet or approximately 23% of the site not occupied by buildings. The zoning code requires that there be at least 78 trees and 387 shrubs. The applicant is proposing to provide 74 canopy trees, 52 ornamental trees, 389 deciduous/coniferous shrubs, and various perennials/grasses. Alternative compliance would be necessary for the proposed amount of canopy trees. Planning Staff would recommend that the Planning Commission require compliance with this provision.

The 490 space on-site surface parking lot requires a 9-foot landscaped yard along Girard Avenue North, Fremont Avenue North and 22<sup>nd</sup> Avenue. A 15-foot landscaped yard is being provided along 22<sup>nd</sup> Avenue, and 9-foot yards along Girard and Fremont Avenue North which complies with the requirement. Landscaping and screening are required adjacent to the north, east and west property lines. The plan meets the landscaping and screening standards along the north, east and west property lines. As proposed, the surface parking lot would be gated around the perimeter with a 4 foot tall decorative fence, and screening would be provided by a 3-foot tall hedge. No parking space is located more than 50 feet from the center of on-site deciduous tree and the tree islands located within the interior of the parking lot have a minimum width of seven (7) feet in any direction. The surface parking lot also meets the 25 foot linear tree requirement along Girard Avenue North and Fremont Avenue North.

**ADDITIONAL STANDARDS:**

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.

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- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
  - **Natural surveillance and visibility**
  - **Lighting levels**
  - **Territorial reinforcement and space delineation**
  - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

There is a 490 space surface parking lot located on the north side of the subject site that is accessed via three curb cuts, two on Girard Avenue North and via one curb cut on Fremont Avenue North. The site has been designed to accommodate on-site retention and filtration. The applicant is proposing to incorporate enhanced stormwater management through the collection of stormwater runoff in the parking areas via bio swales. Pervious pavers are also located in the parking lot and plaza areas.

Staff would not expect the proposal to result in the blocking of significant views. The proposed structure would be expected to have minimal shadowing impacts on adjacent properties, however, not on public spaces. The proposed structure would also be expected to have some minimal impacts on light, wind and air in relation to the surrounding area as well.

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

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

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

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

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

**Parking and Loading:**

*Minimum automobile parking requirement:* Chapter 541 would typically require 1 off-street parking space per 500 square feet of gross floor area in excess of 4,000 square feet for office uses. Based on the proposed gross floor area of 173,000 square feet, a total of 338 parking spaces would be required. However, the use is located in the PO, thus the minimum off-street parking requirement for nonresidential uses is 75% of the minimum requirement or 254 spaces. The applicant is proposing a total of 490 surface parking stalls for the proposed development which exceeds the minimum requirement. Of the 490 surface parking stalls proposed, 70 would be compact, 408 would be standard and 12 would be accessible.

*Maximum automobile parking requirement:* According to Chapter 541, the maximum parking requirement for office uses is 1 off-street parking space per 200 square feet of gross floor area. Based on the proposed gross floor

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area of 173,000 square feet, a maximum of 865 off-street parking spaces apply to this proposal. However, the use is located in the PO, thus the maximum off-street parking allowance for nonresidential uses is 75% of the maximum requirement or 649 spaces. The applicant is proposing a total of 490 surface parking stalls for the proposed development which is less than the parking maximum.

*Bicycle parking requirement:* Office uses require a total of 3 bicycle parking spaces or 1 space per 15,000 square feet of gross floor area, whichever is greater. Based on the proposed gross floor area of 173,000 square feet, a total of 12 bicycle parking spaces would be required. A total of 60 bicycle parking spaces are provided which meets the requirement. Not less than 50% of the required bicycle parking shall meet the standards for long-term bicycle parking which are as follows:

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

The proposal meets the requirements for bicycle parking.

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

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

**Signs:** No signs have been proposed or approved; no details of any proposed signage have been submitted for review. All signs must comply with Chapter 543 of the Zoning Code. Any new signage requires a separate permit from the Zoning Office.

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

**Maximum Floor Area:** The maximum F.A.R. for the proposed office use within the OR2 district is the gross floor area of the building which would be approximately 173,000 square feet divided by the area of the lot which is 231,739 square feet. The outcome is .75 which is less than the maximum of 2.5 that is permitted in the OR2 District. The proposal is in compliance with this requirement.

**Minimum Lot Area:** The minimum lot area for office uses in the OR2 district is 4,000 square feet. The lot area for the proposed development is 231,739 square feet, which is in compliance with this requirement.

**Dwelling Units per Acre:** Not applicable for this development.

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

**Yard Requirements:** The required yards are as follows:

- *Front yards–*
  - *West Broadway, Girard Avenue North, Fremont Avenue North:* 15 feet
- *Corner side yard (22<sup>nd</sup> Avenue):* 16 feet
- *Interior side yard (5+2x):* 13 feet

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

**Building coverage:** The maximum building coverage in the OR2 district is 70 percent. Buildings would cover approximately 31 percent of the site.

**Impervious surface area:** The maximum impervious surface coverage in the OR3 district is 85 percent. Impervious surfaces would cover approximately 81 percent of the site.

**PLAZA:**

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

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

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

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

**THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH:**

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

**ALTERNATIVE COMPLIANCE:**

- **The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:**

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- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

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

□ *Building placement:* The first floor of buildings located in the PO must be located not more than 8 feet from the front lot line except where a greater yard is required by the zoning ordinance. In this case, the buildings along three street frontages are subject to greater yards of 15 feet. The building placement in these locations exceeds the greater setback requirement which requires an alternative. Alternative compliance is also necessary along all three street frontages as the location of the building along West Broadway exceeds the 15 foot setback as it is located approximately 25 feet from the property line in order to allow for a public plaza; a portion of the building link located along Girard Avenue North is setback 90 feet, 10 inches from the property line, and the bulk of the north building along Girard Avenue North is setback 50 feet, 10 inches; and the bulk of the building located along Fremont Avenue North is setback 46 feet, 11 inches (a new enclosed loading area is located approximately 15 feet, 2 inches from the property line). Planning Staff would recommend that in this specific circumstance that the Planning Commission grant alternative compliance. Along West Broadway, the public plaza feature is one that is recommended within the applicable small area plan, The West Broadway Alive! Plan. Due to the institutional type nature of the building, incorporation of a greater setback to allow a public gathering space would be a practical deviation from the requirement to locate the building at 15 feet, as opposed to 25 feet. Along the Girard Avenue North elevation, the building setback allows a private outdoor gathering space and extensive landscaping, the south segment of building is located up to the street along this street frontage. The location of the building on the Fremont Avenue North side is setback in order to accommodate loading and other service functions. Planning Staff would recommend that the Planning Commission grant alternative compliance from the building placement provision as outlined above.

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

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

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

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

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

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

□ Landscape quantities: The zoning code requires that there be at least 78 trees and 387 shrubs. The applicant is proposing to provide 74 canopy trees, 52 ornamental trees, 389 deciduous/coniferous shrubs, and various perennials/grasses. Alternative compliance would be necessary for the proposed amount of canopy trees. Planning Staff would recommend that the Planning Commission require compliance with this provision.

## **PRELIMINARY PLAT –**

### **Required Findings:**

#### **1. Subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the Comprehensive Plan.**

The subdivision is in conformance with the design requirements of the land subdivision regulations. The site would be a fully developed property with a new 173,000 square foot, 4 and 5-story office building should the land use applications be approved. Planning Staff believes that the preliminary plat is in compliance with the applicable land subdivision regulations.

## **ZONING CODE**

With the approval of the rezoning, conditional use permit, variance, site plan review, preliminary and final plat, and vacation, this development would meet the applicable requirements of the OR2 zoning district.

## **THE MINNEAPOLIS PLAN**

See the above listed response to finding #1 in the rezoning application.

**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 plat would create one new lot by consolidated several existing platted lots. Staff does not believe that the proposed plat would be injurious to the use and enjoyment of surrounding property nor be detrimental to present and potential surrounding land uses, nor add any congestion in the public streets as adequate parking is being provided.

**3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision or the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements, or other hazard.**

The site is primarily flat and does not present the above hazards.

**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 lots being created by this plat present no foreseeable difficulties for the proposed development. No significant alterations to the land appear necessary.

**5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development will not exceed the amount occurring prior to development.**

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

#### **VACATION (Vacation-1580)** –utility easements

**Development Plan:** The site plan for the development is attached. In order to redevelop the site as proposed, the City storm sewer will need to be rerouted. A new easement will be dedicated to the City for the rerouted line.

**Responses from Utilities and Affected Property Owners:** Minneapolis Public Works has reviewed the vacation petition and recommends approval of the request subject to the provision of a new utility easement for the relocated storm sewer line. No utilities that responded during the comment period had any easement requests.

**Findings:** The CPED Planning Division finds that the area proposed for the vacation is not needed for any public purpose, and it is not part of a public transportation corridor, and that it can be vacated.

#### **RECOMMENDATIONS**

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

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the properties located at 2123, 2127, 2131 Fremont Avenue North, 1213, 1221 22<sup>nd</sup> Avenue North, and 2126 Girard Avenue North to the OR2 (High Density Office Residence) district.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for a new Planned Unit Development which includes the construction of a new 4 and 5-story, 173,000 square foot office building and a total of 490 surface parking stalls located on the properties at 1250 West Broadway Avenue, 2105, 2119, 2123, 2127, 2131 Fremont Avenue North, 1213, 1221 22<sup>nd</sup> Avenue North, and 2126 Girard Avenue North subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. As required by section 527.120 of the zoning code, the development includes the following amenities from Table 527-1, Amenities: Leadership in Energy and Environmental Design (LEED), Art Feature, Shared Bicycles, Reflective Roof, Shared Vehicle, Decorative fencing, Enhanced Stormwater Management, and a Recycling Storage Area.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to allow parking between the principal structure and the front lot line along Girard Avenue North and Fremont Avenue North for properties located at 1250 West Broadway Avenue, 2105, 2119, 2123, 2127, 2131 Fremont Avenue North, 1213, 1221 22<sup>nd</sup> Avenue North, and 2126 Girard Avenue North.

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

The variance of the Pedestrian Oriented (PO) Overlay District standards pertaining to the location of parking to the rear or the interior of the site, within the principal building served, or entirely below grade, and the 40% window requirement on the Fremont Avenue elevation for properties located at 1250 West Broadway Avenue, 2105, 2119, 2123, 2127, 2131 Fremont Avenue North, 1213, 1221 22<sup>nd</sup> Avenue North, and 2126 Girard Avenue North has been **returned**.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:**

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The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for a planned unit development which includes a new 4 and 5-story building with approximately 173,000 square feet for the properties located at 1250 West Broadway Avenue, 2105, 2119, 2123, 2127, 2131 Fremont Avenue North, 1213, 1221 22<sup>nd</sup> Avenue North, and 2126 Girard Avenue North subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans.
2. All site improvements for the PUD shall be completed by May 13, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The plaza shall be maintained in good order by the property owner for the life of the plaza. Proper maintenance shall include, but not be limited to, snow and ice removal, annual maintenance of vegetation and green space and annual inspection and repair and/or replacement of furnishings.
4. Incorporation of windows, entries, recesses, projections or other architectural elements along the north, east and west elevations of the proposed building to break up the blank uninterrupted wall that exceeds 25 feet in width per Section 530.120 of the Zoning Code.
5. All fencing shall comply with Section 535.420 of the Zoning Code.
6. The landscape plan shall be revised to meet the quantities required by Section 530.160 of the Zoning Code.
7. All site signage requires a separate permit through the Zoning Office. No new signage has been evaluated or approved as no details have been provided. All new signage must meet the requirements outlined in Chapter 543 of the Zoning Code.
8. Compliance with all applicable conditions of approval from application BZZ-4962.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the 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 preliminary and final plat application for the properties located at 1250 West Broadway Avenue, 2105, 2119, 2123, 2127, 2131 Fremont Avenue North, 1213, 1221 22<sup>nd</sup> Avenue North, and 2126 Girard Avenue North.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the 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 application (Vacation File 1580) for the properties located at 1250 West Broadway Avenue, 2105, 2119, 2123, 2127, 2131 Fremont Avenue North, 1213, 1221 22<sup>nd</sup> Avenue North, and 2126 Girard Avenue North.

**Attachments:**

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1. Rezoning Matrix
2. Statement of use and description
3. Findings – rezoning, conditional use permit, variance, subdivision
4. Correspondence
5. Zoning Map
6. Plans - Civil plans, site plan, landscaping plans, floor plans, elevations