

Department of Community Planning and Economic Development – Planning Division
Preliminary and Final Plat
PL-103

Date: 6/26/06

Applicant: David O’Fallon, MacPhail Center for Music, 1128 LaSalle Ave., Mpls., MN 55403

Address of Property: 501 2nd St. S.

Project Name: MacPhail Center for Music

Contact Person and Phone: Carol Lansing, Faegre and Benson, LLP; 2200 Wells Fargo Center, 90 S. 6th St. Mpls., MN 55402-3901; 612-766-7005.

Planning Staff and Phone: J. Michael Orange, consulting planner. Phone: 612-673-2347; facsimile: 673-2728; TDD: 673-2157; e-mail: michael.orange@ci.minneapolis.mn.us

Ward: 7 **Neighborhood Organization:** Downtown Minneapolis Neighborhood Association, Industry Square Project Committee

Existing Zoning:

- **Primary:** C3A, Community Activity Center District
- **Overlay Districts:**
 - Downtown Height
 - Downtown Parking

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 19

Legal Description: See attached survey.

Proposed Use: MacPhail Center for Music has submitted an application for a preliminary and final plat to allow the construction for the already approved MacPhail Center for Music building, a performing arts education facility, at 501 2nd St. S. The project is the third phase of the three-phase planned unit development for the block known as Parcel C. The project includes 1) the construction of a new 6-story, 55,200 sq. ft. building to house the MacPhail Center for Music and 2) an exterior landscaped courtyard on the northeast corner of the property to allow for musical recitals and to serve as a gathering space for students and faculty. The building will house individual and group instructional studios, larger group classrooms, early childhood development classrooms, a large central lobby, and a formal performance hall.

Concurrent Review: Preliminary and final plat.

<p>Attention: If you want help translating this information, call - Hmong - Ceeb toom. Yog koj xav tau kev pab txhais cov xov no rau koj dawb, hu 612-673-2800; Spanish - Atención. Si desea recibir asistencia gratuita para traducir esta información, llama 612-673-2700; Somali - Ogow. Haddii aad dooneyso in lagaa kaalmeeyo tarjamadda macluumaadkani oo lacag la’ aan wac 612-673-3500</p>
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Applicable zoning code provisions: The Planning Commission approved the necessary land use applications for the project on 3/27/06. The subject application for preliminary and final plat are from Chapter 598, Land Subdivision Regulations.

Development Plan: Refer to Attachment 2.

Background: MacPhail Center for Music proposes to construct the new MacPhail Center for Music building, a performing arts education facility, at 501 2nd St. S. The project is the third phase of the three-phase Planned Unit Development for the block known as Parcel C. The project includes 1) the construction of a new 6-story, 55,200 sq. ft. building to house the MacPhail Center for Music and 2) an exterior landscaped courtyard on the northeast corner of the property to allow for musical recitals and to serve as a gathering space for students and faculty. The building will house individual and group instructional studios, larger group classrooms, early childhood development classrooms, a large central lobby, and a formal performance hall with seating for 200-250 people. The Planning Commission approved the necessary land use applications for the project on 3/27/06. The subject preliminary and final plat is required for the project to go forward because the site is currently platted as an outlot and the Zoning Code prohibits development on outlots.

Required Findings:

- 1. The 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 zoning code and the land subdivision regulations.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

The prior two Planning staff reports regarding this project addressed in detail the project's conformance with the applicable regulations of the zoning ordinance and the policies of the comprehensive plan and other applicable adopted plans. In sum, staff concluded the following:

- The cultural and education uses that MacPhail will bring are consistent with Policies 3.2, 5.5, 6.5, and 9.1 in the *Minneapolis Plan*.
- The *Downtown 2010 Plan*, the *Minneapolis Plan*, and the *Historic Mills District Master Plan* all stress the importance of encouraging street-level, pedestrian-oriented vitality through traditional urban form. A key element is the orientation of buildings to the street, especially in commercial districts and downtown. Policy 9.10 stresses the even greater importance of corner properties. Along the northwest portion of the building on 5th Ave., the design includes active uses with the glass-enclosed performance hall and the secondary entrance, which will enhance the pedestrian experience and “eyes on the street.” However, the southwest portion of the building houses the loading area shop and fire pump room with a 45-ft.-long, plain brick wall devoid of windows (refer to the Site Plan Review portion of this report for more detail on this matter). Along the 2nd St. side, the design sets more than half of the first floor façade and the main entrance back 52 ft. from the curb behind the outdoor plaza area.
- Inconsistent with the policies in the *Historic Mills District Master Plan* and the *Downtown 2010 Plan*, the 3-and-6-story scale of MacPhail is somewhat smaller than that of the nearby historic buildings, and the predominant use of glass and metal is not consistent with the historic masonry construction. The guideline to have simple well-proportioned volumes contrasts with MacPhail’s irregular and asymmetric shape. However, the Guthrie Theater, located a few blocks to the east, also breaks the historic consistency mold. One can argue that the design guidelines cited above refer primarily to the dominant uses proposed for the historic area, namely, residential and commercial. This is clearly true for the design prototypes detailed in the Master Plan. The Master Plan does not specifically address design guidelines for unique buildings such as MacPhail.
- As regards the Master Plan guideline for buildings to have 42”-high parapets to conceal roof-top equipment, the building has 3-4-ft. parapets. Although rooftop equipment sheds are taller than that, the rooftop unit closest to a street (5th Ave.) is setback 16 ft. and will not be readily visible from the street.
- In order to preserve the view corridor northward along 5th Ave. as specifically called for in the Master Plan and generally in Policy 9.16, the building is set back such that only two small portions of the building extend 5 ft. beyond the setback line created by the Depot East Office building to the south.
- In response to Policy 9.16, the Site Plan Review section of this report includes a discussion about how two possible locations of the plaza compare as regards views, shadows, noise levels, and the spatial framing by surrounding buildings.

Staff of the City Attorney’s Office and the Public Works department reviewed and approved the proposed preliminary and final plat.

- (2) **The 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 subdivision will not be injurious to the use and enjoyment of other property. Refer also to the responses to the findings in the sections of the staff report on this project dealing with second amendment to the Conditional Use Permit for a Planned Unit Development, Variance, and amendment to Site Plan Review (BZZ-2868 for the 3/27/06 Planning Commission hearing; available upon request).

- (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.**

Stormwater Runoff: The project will have to obtain approval of a Stormwater Management Plan. The project includes a minimum of impervious surfaces and a maximum amount of landscaping (46% of the net site).

Erosion Control: During construction, the general contractors in charge of construction will be responsible for obtaining an Erosion Control permit for the Public Works Department and establishing temporary erosion control. Temporary erosion control measures will include silt fences, bale checks, sediment traps for catch basins, and rock construction entrances.

- (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 City's Preliminary Development Review Committee reviewed the project and concluded there would be no significant problems as regards access and other permit concerns.

- (5) **The subdivision makes adequate provision for stormwater 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.**

Existing utility and drainage provisions are adequate for the existing and proposed development.

RECOMMENDATION

Recommendation of the Department of Community Planning & Economic Development – Planning Division for the proposed preliminary and final plat subdivision application for the MacPhail Center for Music project located at 501 2nd St. S.:

**Department of Community Planning and Economic Development – Planning Division
PL-103**

The Department of Community Planning & Economic Development – Planning Division recommends that the City Planning Commission **approve** the proposed preliminary and final plat subdivision application for the MacPhail Center for Music project located at 501 2nd St. S.

Attachments:

1. Zoning and lot lines in the vicinity of the site
2. Preliminary and final plat (PL-103)