

Community Planning and Economic Development Department – Planning Division
Variances and Site Plan Review
BZZ-2999

Date: June 12, 2006

Applicant: Jeffrey Laux

Address of Property: 1115 2nd Avenue South, 1103 ½ 2nd Avenue South and 1101 2nd Avenue South

Project Name: Ivy Tower Hotel + Residence

Contact Person and Phone: Jeffrey Laux, on behalf of Ivy Tower Development, LLC. (612) 339-9334

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: May 1, 2006

End of 60-Day Decision Period: June 30, 2006

End of 120-Day Decision Period: Not applicable

Ward: 7 **Neighborhood Organization:** Downtown Minneapolis Neighborhood Association

Existing Zoning: B4S-2 with the Downtown Parking Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 19

Legal Description: Not applicable for this application

Proposed Use: Mixed use building including 92 dwelling units and a 136-room hotel

Concurrent Review:

Variance: to reduce the south interior side yard setback from the required 15 feet to 14 feet to allow a dwelling unit on the 19th floor of the building.

Variance: to reduce the east interior side yard setback from the required 15 feet to 5 feet to allow residential dwelling units and hotel rooms on floors 4 and above.

Site plan review.

Applicable Zoning Code Provisions: Chapter 525, Article IV, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations” and Chapter 530, Site Plan Review.

Background: In June of 2004 the City Planning Commission approved a conditional use permit for 100 dwelling units, a variance to reduce the east interior side yard setback from the required 49 feet to 0 feet to allow a stairway on floors 4 and above, a variance to reduce the east interior side yard setback from the required 49 feet to 5 feet to allow residential dwelling units and hotel rooms on floors 4 and above and a major site plan review. The development that was proposed in June of 2004 included the construction of a 124-room hotel. Hotels in the B4S-2 zoning district are permitted. Please note that since June of 2004 the Minneapolis City Council has approved two zoning code text amendments that impact the required land use applications for this development. The first one made multiple-family dwellings of five or more units a permitted use in the B4S-2 zoning district and the second one limited the setback for residential and hotel uses with windows facing an interior side yard or rear yard to 15 feet.

The applicant is proposing to add two additional floors to the residential portion of the development which increases the gross floor area of the building, triggering the need for another review by the City Planning Commission. Please note that although an additional two floors are being added to the residential building the number of dwelling units is not increasing given that units were combined in order to create larger dwellings.

The proposed development is located in downtown Minneapolis on Second Avenue South between Eleventh and Twelfth Streets South. Located on the same block as the proposed development is the Second Church of Christ Scientist, the Holiday Inn Express, a small office building and surface parking lots. This development site is near the Minneapolis Convention Center and several parking ramps. This development will be connected to the downtown skyway system via connections to the Orchestra Hall Parking Ramp and the Minneapolis Convention Center.

The development involves the renovation of the historic Ivy Tower building and the construction of two additional buildings. A 19-story building will be built to the back or the east of the Ivy Tower building and will be used as a hotel and a 26-story building will be built to the north of the Ivy Tower building and will be used as a residential condominium building. There will be a total of 92 dwelling units within the building. In addition to the two principal uses in the building there will be retail space on the ground and garden levels, a spa and athletic club on the second level and meeting space on the third level which is also skyway level.

Please note that the applicant has obtained building permits to start constructing the development that was approved in June of 2004. Upon approval, the applicant will need to submit new construction drawings that reflect the increase in building height. Such drawings will need to be approved prior to the construction of the additional floors.

Travel Demand Management Plan: A Travel Demand Management plan was approved for this development in 2002. The TDM measures that were written in 2002 still apply for the proposed development.

Floor Area Ratio Premiums: To calculate floor area ratio, one would divide the total square footage of the building by the total square footage of the site. In this particular case, the maximum floor area ratio allowed in the B4S-2 zoning district is 8. The development that the applicant is proposing has a floor area ratio of 15.69. In order to construct a building of this size, the applicant has applied for five of the

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floor area ratio premiums that are allowed in the zoning code. The premiums that the applicant has applied for include; skyway connection, street level retail uses, public art, mixed-use residential and historic preservation.

The following are the standards that the development needs to meet in order to qualify for the floor area ratio premiums:

- **Skyway connection, subject to the following standards:**
 - The skyway shall connect two blocks on opposite sides of the street.
 - The bottom of the skyway shall be a minimum of sixteen (16) feet six (6) inches above the street. If street lights are removed, street lighting shall be provided at the bottom of the skyway.
 - Skyways and connecting corridors shall have a minimum interior clear width of twelve (12) feet. Skyways shall be no wider than thirty (30) feet. The maximum skyway premium shall be increased by one (1) where the skyway and connecting corridor have a minimum interior clear width of sixteen (16) feet.
 - Skyways shall be single story and designed to be horizontally level with the street. Changes in grade shall be accommodated so that the skyway appears level from the exterior.
 - Except where crossing streets and alleys, skyways shall be located within private property.
 - At least eighty (80) percent of the vertical enclosure of the skyway shall be windows of clear or lightly tinted glass that allow views into and out of the skyway.
 - Skyways shall be designed to facilitate access between street and skyway levels. Elevators, stairs and escalators linking the street and skyway levels shall be conveniently located with clear directional signs.
 - Skyways shall be heated to a minimum of fifty-five (55) degrees in winter and ventilated to not exceed outdoor temperatures in the summer.
 - The skyway shall be open to the general public at least during the hours recommended by the skyway advisory board and approved by the city council.
 - The skyway shall be maintained in good order for the life of the principal structure.

- **COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**
 - The applicant is proposing to construct a skyway that connects the Ivy Tower development to the existing Orchestra Hall Parking Ramp which is located to the west of the development site across 2nd Avenue South. The proposed skyway has a clearance of 24 feet off of the street and an interior clear width of 12 feet. From the street, the proposed one-story skyway will appear to be horizontally level with the street and is made almost entirely of glass. On either side of the proposed skyway, there are stairs and/or elevators that will allow pedestrians to move freely between the skyway level and the street level. The Planning Department believes that this project qualifies for this floor area ratio premium. Please note that the skyway that connects the Ivy Tower development to the Minneapolis Convention Center does not meet the standards to qualify for a floor area ratio premium.
 - **Value awarded = 1**

- **Street level retail uses, subject to the following standards:**
 - Retail uses shall be limited to Retail Sales and Services uses and Food and Beverages uses included in Table 549-1 Principal Uses in the Downtown Districts.
 - Retail uses shall extend along at least sixty (60) percent of the building wall fronting on any street.
 - Each retail use shall have at least one (1) separate entrance from the sidewalk.
 - Street level uses shall include awnings or canopies to provide protection to pedestrians and to emphasize individual uses and building entrances.
 - At least forty (40) percent of the first floor facade that faces a public street, sidewalk or parking lot shall be windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level, except within the NM Nicollet Mall Overlay District, where such district standards shall apply.
 - The street level retail space shall be maintained in good order for the life of the principal structure.

- **COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**
 - Sixty-nine percent of the frontage along 2nd Avenue South will be occupied by a food and beverage use. Half of the food and beverage use will be a restaurant and the other half will be a bar/lounge. Both the restaurant and the bar/lounge will be operated by the same entity. There are two entrances into the use; one is off of 11th Street South and the other is off of 2nd Avenue South. On the new development there are awnings located over the windows associated with the use along both 11th Street South and 2nd Avenue South. However, given the historical nature of the Ivy Tower building, awnings will not be added over the windows in this building. Along 2nd Avenue South, there is a total of 52 percent windows. The Planning Division has determined that this project qualifies for a floor area ratio premium of one.
 - **Value awarded = 1**

- **Public art, subject to the following standards:**
 - The art shall be valued at not less than one-fourth (.25) of one (1) percent of the capital cost of the principal structure.
 - The art shall be located where it is highly visible to the public. If the art is located indoors, such space shall meet the minimum requirements for an indoor open space, interior through-block connection or skyway connecting corridor, as specified in this article.
 - The art shall be maintained in good order for the life of the principal structure.

- **COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**
 - The applicant has written a letter of commitment to commission an artist to design a piece of art for the outdoor courtyard area in front of the Ivy Tower building. The applicant has indicated that the cost of the artwork will be not less than one-fourth of one percent of the capital cost of the principal structure. The Planning Division believes that the location of the art piece will be visible to the public. The Planning Division has determined that this project qualifies for a floor area ratio premium of two.
 - **Value awarded = 2**

- **Mixed-use residential, subject to the following standards:**
 - At least ten (10) percent of the gross floor area of the principal structure shall be occupied by dwelling units.
 - The dwelling units shall be located above the first floor.
 - The dwelling units shall be maintained in good order for the life of the principal structure.
- **COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**
 - The applicant is proposing to construct 92 dwelling units in the north building on floors 4 through 25. Over 54 percent of the total gross floor area of the building will be dwelling units. The Planning Division believes that this project qualifies for this floor area ratio premium.
 - **Value awarded = 3**
- **Historic preservation, subject to the following standards:**
 - The structure shall be a locally designated historic structure or shall be determined to be eligible to be locally designated as a historic structure, as provided in Chapter 34 of the Minneapolis Code of Ordinances, Heritage Preservation Commission
 - The historic structure, if undesignated, shall be subject to the same restrictions that are applicable to locally designated historic structures and the recommendations contained in The Secretary of the Interior’s Standards for Rehabilitation.
 - The historic structure shall be rehabilitated pursuant to the applicable guidelines of the heritage preservation commission and the recommendations contained in The Secretary of the Interior’s Standards for Rehabilitation, if necessary.
 - The historic structure shall be maintained in good order for the life of the principal structure.
- **COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**
 - The Ivy Tower was designated as a local landmark in 1986. The applicant has indicated that the building will be rehabilitated in accordance with standards set forth by the City’s Heritage Preservation Commission and The Secretary of the Interior’s Standards for Rehabilitation. The Planning Division believes that this project qualifies for this floor area ratio premium.
 - **Value awarded = 3**

In conclusion, the Planning Division finds that this project qualifies for a floor area ratio premium of 10. This along with the base floor area ratio of the district, the applicant could build a building with a floor area ratio of 18. As noted above, the applicant is proposing a total FAR of 15.69.

VARIANCE - to reduce the south interior side yard setback from the required 15 feet to 14 feet to allow a dwelling unit on the 19th floor of the building

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.**

South interior side yard setback: The applicant is seeking a variance to reduce the east interior side yard setback from the required 15 feet to 14 feet to allow a dwelling unit on the 19th floor of the building. The applicant has indicated that the zoning lot is 164 feet wide. Given that the Ivy Tower building will remain on the site the applicant has indicated that in order to accommodate a reasonably sized development around the footprint of the existing building that the 15-foot setback needs to be reduced.

- 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.**

South interior side yard setback: The restoration of the Ivy Tower building in conjunction with the construction of two other buildings on the site presents unusual physical constraints on this property which is a unique condition of the site.

- 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.**

South interior side yard setback: The intent of the ordinance is to provide a setback for residential buildings with windows facing an interior side or rear yard where a building could be built along the property line on an adjacent parcel. This is to meet building code requirements for fire protection and to prevent a situation where a building would be built on an adjacent parcel blocking the windows. The 19th floor of the building will be setback 14 feet from the south interior property line. This will allow access to light and air for the one dwelling unit on this floor and therefore should not circumvent the intent of the ordinance even if a tall building is constructed at the lot line on the adjacent property. The Planning Division believes that the granting of this variance would not alter the essential character of the area given that the site is located in Downtown where the majority of buildings are built with zero-foot setbacks from their property lines.

- 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.**

South interior side yard setback: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setbacks be detrimental to welfare or public safety.

VARIANCE - to reduce the east interior side yard setback from the required 15 feet to 5 feet to allow residential dwelling units and hotel rooms on floors 4 and above

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.**

East interior side yard setback: The applicant is seeking a variance to reduce the east interior side yard setback from the required 15 feet to five feet to allow residential dwelling units and hotel rooms on floors four and above. The applicant has indicated that the zoning lot is 110 feet deep. Given that the Ivy Tower building will remain on the site the applicant has indicated that in order to accommodate a reasonably sized development around the footprint of the existing building that the 15-foot setback needs to be reduced.

- 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.**

East interior side yard setback: The restoration of the Ivy Tower building in conjunction with the construction of two other buildings on the site presents unusual physical constraints on this property which is a unique condition of the site.

- 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.**

East interior side yard setback: The intent of the ordinance is to provide a setback for residential buildings with windows facing an interior side or rear yard where a building could be built along the property line on an adjacent parcel. This is to meet building code requirements for fire protection and to prevent a situation where a building would be built on an adjacent parcel blocking the windows. The building will be setback 5 feet from the east interior property line. This will allow access to light and air for these units and therefore should not circumvent the intent of the ordinance even if a tall building is constructed at the lot line on the adjacent property. The Planning Division believes that the granting of this variance would not alter the essential character of the area given that the site is located in Downtown where the majority of buildings are built with zero-foot setbacks from their property lines.

- 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.**

East interior side yard setback streets or fire safety, nor would the proposed parking reduction be detrimental to welfare or public safety.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FACADE:

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

- a. **Windows shall be vertical in proportion.**
- b. **Windows shall be distributed in a more or less even manner.**
- **Nonresidential uses:**
 - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
 - a. **Windows shall be vertical in proportion.**
 - b. **Windows shall be distributed in a more or less even manner.**
 - c. **The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.**
 - d. **First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.**
 - e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
 - **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
- **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

PLANNING DEPARTMENT RESPONSE:

- The building reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access. The building is set close to the property lines, there are active uses at street level and there are large windows where people can see in and out along all levels of the building
- Except for a small outdoor courtyard along 2nd Avenue South, the building is located at the property lines along both 2nd Avenue South and 11th Street South. The outdoor courtyard will be used for outdoor dining and will include landscaping and a piece of art.
- The principal entrance to the building faces 11th Street South. A secondary entrance is located along the 2nd Avenue South side of the building. Once inside the building there is a secured residential lobby.
- All of the on-site parking is located below the building.
- The Ivy Tower is made out of reinforced concrete. The two new buildings are proposed to be made out of pre-cast concrete panels and glass.

- The exterior materials and appearance of the rear and side walls of the building are similar to and compatible with the front of the building.
- There are no blank, uninterrupted walls over 25 feet in length void of any windows, entries, recesses or projections, or other architectural elements.
- At least 30 percent of the first floor of the building and at least 10 percent of the upper floors of the building along 2nd Avenue South and 11th Street South are required to be windows. According to the submitted drawings, approximately 52 percent of the first floor façade that faces 2nd Avenue South and approximately 34 percent of the first floor façade that faces 11th Street South is windows. All of the upper floors of the building have more than 10 percent windows.
- The windows on the building are vertical in nature and are evenly distributed along the building walls.
- The roof line of the building is proposed to be flat, similar to roof lines of other buildings in the area.

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.**

PLANNING DEPARTMENT RESPONSE:

- The principal entrances are directly connected to the public sidewalks along 2nd Avenue South and 11th Street South.
- No transit shelters are proposed as part of this development.
- As for vehicular access, cars will enter the building on 2nd Avenue South and will exit the building on 11th Street South. This configuration should help to minimize conflicts with pedestrians.
- There is no maximum impervious surface requirement in the B4S-2 zoning district. According to the applicant's plans 88 percent of the site is occupied by the building.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**

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

PLANNING DEPARTMENT RESPONSE:

- Buildings over 50,000 square feet in the Downtown zoning districts are exempt from the general landscaping and screening requirements. However, the parking and loading landscaping and screening requirements shall apply when applicable. In this case, there is no surface parking or loading area on the site that would be subject to these standards.

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.
- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
 - Natural surveillance and visibility
 - Lighting levels

- **Territorial reinforcement and space delineation**
- **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

PLANNING DEPARTMENT RESPONSE:

- Stormwater runoff will be directed to the stormwater system.
- A lighting plan showing footcandles was not submitted as part of the application materials. The Planning Division is recommending that the applicant submit a lighting plan so staff can verify that the lighting levels comply with the requirements of Chapter 535.
- In the B4S-2 zoning district there are no height limitations because this is the area in the city where it is expected that tall buildings will be built. The footprint of the building is small. Therefore, the blocking of views of prominent buildings from various vantage points should be minimized.
- Although this development will most likely cast shadows on surrounding properties, staff believes that the affects will be minimal.
- Along both the 2nd Avenue South and 11th Street South sides of the building there are balconies and first floor canopies that project out from the building that will help minimize ground level winds.
- The site plan complies with crime prevention design elements as the entrances are clearly indentified, there are large where people can see in and out along all levels of the building and there are lights located near all of the entrances.
- The Ivy Tower was designated as a local landmark in 1986. The applicant has indicated that the building will be rehabilitated in accordance with standards set forth by the City's Heritage Preservation Commission and The Secretary of the Interior's Standards for Rehabilitation.

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:

- **Use:** Residential and hotels are permitted uses in the B4S-2 zoning district.
- **Off-Street Parking and Loading:** The parking requirement for residential uses in the B4S-2 zoning district is 0.9 parking spaces per dwelling unit. For non-residential uses in the B4S-2 zoning district the parking requirement is one space per 1,400 square feet of gross floor area. The parking requirement for this development would be 83 spaces for the residential portion and 102 spaces for the remainder of the development for a total parking requirement of 185 spaces. There are a total of 129 spaces provided in a five-level parking ramp below the building.

In June of 2002, a variance to reduce the parking requirement from 189 spaces to zero spaces was approved by the City Planning Commission. This variance is still valid today.

- **Maximum Floor Area:** The maximum FAR in the B4S-2 zoning district is 8. Article II of Chapter 549, Downtown Districts allows for an increase in the base FAR through floor area ratio premiums.

The purposes of floor area ratio premiums is to promote development of exceptional quality by allowing the maximum floor area ratio of structures on a zoning lot to be increased where it is determined that the development on such zoning lot includes amenities that benefit the public and that contribute positively to the design and function of the downtown districts. It has been determined that this development qualifies for a total density bonus of 8, when calculated, would result in a maximum FAR of 16. The lot in question is 20,221 square feet in area. The applicant proposes 317,274 square feet of gross floor area, an FAR of 15.69.

- **Building Height:** There are no height limitations in the B4S-2 zoning district.
- **Minimum Lot Area:** Residential uses in the B4S-2 zoning district require not less than 5,000 square feet of lot area.
- **Yard Requirements:** Residential and hotel uses in the B4S-2 zoning district containing windows facing an interior side yard or rear yard shall provide a setback of at least 5+2x provided that the provision shall not require a setback greater than 15 feet. The setback requirement along both the south and east interior property lines is 15 feet. The applicant has applied for a variance to reduce both of these setbacks.
- **Specific Development Standards:** There are no specific development standards for residential or hotel uses.
- **Hours of Operation:** Residential and hotel uses are not subject to hours of operation. The hours of operation for the commercial portion of the building are Sunday through Saturday, 6 am to 1 am.
- **Signs:** Signs are subject to Chapter 543 of the Zoning Code.
- **Refuse storage:** The applicant is proposing to have a refuse storage area inside the building.

MINNEAPOLIS PLAN:

According to the *Minneapolis Downtown 2010 Plan*, this property is located in the downtown core as found on the concept plan map. According to the Principles and Policies outlined in *Downtown 2010 Plan*, the following apply to this proposal:

- Promote street-level design of buildings that contribute to downtown’s vitality and security encouraging individual entrances to street-level building tenants, windows and architectural detailing.
- Promote retail and other interesting uses at street level in order to reinforce the linking function of streets and to create vitality. These uses should be encouraged at the street level throughout downtown and required where the continuity of retail is important.
- Encourage improvements to the public right-of-way that support pedestrian and transit circulation and that beautify downtown.
- Promote building heights and designs that protect the image and form of the downtown skyline, that provide transition to the edges of downtown and that protect the scale and qualities in areas of distinctive physical or historic character.

- Complete the skyway system in the office and retail cores of downtown.
- Encourage new buildings adjacent to historic buildings, sites and districts to be compatible in design.

The Planning Division believes that overall this development meets the above policies of the *Downtown 2010 Plan*. The proposed development incorporates pedestrian-scaled design elements such as windows, individual entrances and awnings. The development includes retail uses at the street level that will encourage pedestrian activity. The existing Ivy Tower building is 10 stories tall and the two new buildings that are proposed for this site are 19 and 25 stories tall. When complete, the development will add to the skyline of Downtown Minneapolis. This development will connect yet another block to the skyway system. This development also incorporates the rehabilitation of a locally historic designated building and the construction of two additional buildings on the site.

ALTERNATIVE COMPLIANCE:

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

PLANNING DEPARTMENT RESPONSE:

- With the approval of the conditions for site plan review alternative compliance is not warranted for this development.

RECOMMENDATIONS

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the south interior side yard setback from the required 15 feet to 14 feet to allow a dwelling unit on the 19th floor of the building for the property located at 1115 2nd Avenue South, 1103 ½ 2nd Avenue South and 1101 2nd Avenue South.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the east interior side yard setback from the required 15 feet to 5 feet to allow residential dwelling units and hotel rooms on floors 4 and above for the property located at 1115 2nd Avenue South, 1103 ½ 2nd Avenue South and 1101 2nd Avenue South.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for the properties located at 1115 2nd Avenue South, 1103 ½ 2nd Avenue South and 1101 2nd Avenue South subject to the following conditions:

1. The applicant shall submit a lighting plan that complies with the lighting level requirements of Chapter 535.
2. The applicant shall indicate on the final site plan any existing street lights to be removed in preparation of the north skyway being installed. If street lights are to be removed the applicant shall provide lighting on the bottom of the north skyway.
3. The applicant shall indicate on the final skyway plan how the skyways are to be heated and cooled.
4. The applicant shall ensure that the skyways are open to the general public during the hours as suggested by the Skyway Advisory Committee and approved by the City Council.
5. Approval of the final site, landscaping and elevation plans by the Community Planning and Economic Development Department – Planning Division.

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6. All site improvements shall be completed by June 12, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Project description and overview
2. Floor area ratio premium application
3. Variance findings
4. May 19, 2006, letter from Mike Sachi in the Minneapolis Public Works Department
5. June 2, 2006, e-mail from George Kissinger in CPED
6. April 29, 2006, letters to Council Member Goodman and the Downtown Minneapolis Neighborhood Association
7. Zoning Map
8. Site, elevation and floor plans
9. Skyway information
10. Photographs of the site and surrounding area