

Department of Community Planning and Economic Development - Planning Division
Variances and Site Plan Review
BZZ-3857

Date: December 3, 2007

Applicant: Artspace Projects, Inc.

Address of Property: 508-524 Hennepin

Project Name: The Minnesota Shubert Performing Arts and Education Center

Contact Person and Phone: John Stark – Miller Dunwiddie 612-278-7754

Planning Staff and Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: November 6, 2007

End of 60 Day Decision Period: January 4, 2008

Ward: 7 Neighborhood Organization: Downtown Minneapolis Neighborhood Association

Existing Zoning: B4S-2 Downtown Service District and DP Downtown Parking Overlay District.

Proposed Zoning: Not applicable.

Zoning Plate Number: 19

Legal Description: Not applicable

Proposed Use: Theater and arts education.

Concurrent Review:

Variance: To reduce the minimum required parking from 44 spaces to zero spaces.

Variance: To allow a projecting sign to exceed the limit the sign may extend outward from a building from 8 feet to 8 feet 10 inches on the historic Shubert Theater.

Variance: To allow a projecting sign to exceed the maximum allowable area or 80 square feet to 114 square feet on the historic Shubert Theater.

Variance: To vary the type of flashing sign in the downtown districts for a LED marquee sign on the Great Hall addition (required in error and returned to the applicant).

Variance: To vary the type of flashing sign in the downtown districts for a “projected art” sign on the Great Hall addition (required in error and returned to the applicant).

Variance: To vary the type of flashing sign in the downtown districts for a video monitor on the Great Hall addition (required in error and returned to the applicant).

Site Plan Review: For a 79,500 square foot building addition.

CPED Planning Division Report

BZZ-3857

Applicable zoning code provisions: Chapter 525, Article IX Variances, specifically Section 525.520(6) “To reduce the applicable off-street parking requirement...”; Section 525.520(21) “To vary the number, type, height, area, or location of allowed signs in the ... downtown districts...”; and Chapter 530, Site Plan Review.

Background: The applicant proposes to add a new addition or Great Hall between the existing Hennepin Center for the Arts (HCA) and the Shubert Theater, which will be renovated as a 900-seat theater. In addition a stage house will be added to the rear of the theater. It will be constructed to match the historic stage house that was demolished. The Great Hall will be used as an entrance lobby, educational space, and reception facilities. Please see the applicant project description attached to this report for more detailed information.

There is no parking available on-site, so the applicant is requesting a variance from 44 spaces to zero spaces. Public Works has required a Travel Demand Management Plan for this project that is currently under review. Public Works staff has indicated that there are no major issues and that they anticipate approval of the plan before the City Planning Commission meeting.

Three of the new signs on the Great Hall are classified as flashing signs, which are allowed in the downtown districts, but because of the type of information they will project staff required a variance. Staff has since determined that this was an error and no variance is necessary for these types of flashing signs in the Downtown Entertainment Area. A variance is necessary to allow a replica of the historic Shubert Theater sign to exceed the maximum allowable area and distance projecting from the building.

The Shubert Theater and the HCA (Masonic Temple) are designated historic landmarks. The Heritage Preservation Commission reviewed and approved this project, subject to conditions, at its meeting on November 6, 2007 (BZH-25285). Please see the HPC actions attached to this report. The Shubert Theater was moved from 22 – 7th Street North to its current location in 1999.

As of the writing of this report, staff has not received any correspondence from the neighborhood group, but will forward comments, if any, at the Planning Commission meeting.

VARIANCE (to reduce the required parking from 45 spaces to zero spaces)

Findings Required by the Minneapolis Zoning Code:

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

The zoning code requires 1 space per for each one thousand four hundred (1,400) square feet of gross floor area for non-residential uses in the B4S and B4C Districts. At 61,795 square feet of gross floor area for the Shubert and the proposed additions (the HCA has non-conforming rights) the site is required to provide 44 spaces. The theater and addition has no parking available at all as it covers almost all of its lot. The theater building can not be used as it was originally designed unless a parking variance is granted. This is a hardship. There is adequate parking downtown in public ramps and there is access to public transportation including numerous bus routes and an LRT station adjacent to the site. This is a reasonable use of the property.

CPED Planning Division Report

BZZ-3857

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

The proposal will have no parking on site, but will have access to sufficient parking in parking ramps as well as access to transit including numerous bus routes and an adjacent LRT station. This is a circumstance that is not generally applicable in the City.

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

The intent of the ordinance is to provide reasonable parking requirements for specific uses. While the variance is to zero, there is adequate parking in ramps and the site has access to transit. This variance will not circumvent the intent of the ordinance.

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

It is not anticipated the variance will add congestion to the streets as patrons will walk from surrounding neighborhoods and businesses, utilize transit, or park in ramps. Granting the variance should not be detrimental to the public welfare or safety.

VARIANCE (for a projecting sign)

Findings Required by the Minneapolis Zoning Code:

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

The applicant proposes to replace the historic Shubert Theater projecting sign that was on the building in 1910. The B4S District limits projecting signs in the Downtown Entertainment Area to an area of 80 square feet and limits the projection from the building to no more than 8 feet. The proposed replica has an area of 114 square feet and projects out 8 feet 10 inches for a small portion at its base; the majority of the sign projects out 6 feet. The property technically could be put to reasonable use if the variance were denied, but it would not be possible to do a historic replica if the size of the sign and projection were limited to the code requirements. This is a hardship. The variance will allow reasonable and historically accurate signage on the façade of a historic building.

CPED Planning Division Report

BZZ-3857

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

The proposed sign is a historic replica on a designated building in the Downtown Entertainment Area. Therefore, a larger sign that is of an exceptional design can be an enhancement to the area. This situation is not generally applicable throughout the city.

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

The intent of the ordinance is to reduce sign clutter and signage that is out of scale with the building and the area. The proposed sign will not be out of scale with the building and there will be no other signage on the historic Shubert Theater. It will be of a unique design that is aesthetically pleasing, historically accurate, and that should be an enhancement to the area; therefore, it will not circumvent the intent of the ordinance.

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

The proposed sign will have no impact on traffic congestion. It will not increase the danger of fire, be detrimental to the public welfare, or endanger public safety.

In addition to the conditional use standards contained in Chapter 525 and this article, the City Planning Commission shall consider, but not be limited to, the following factors when determining sign variances:

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

The sign will not lead to clutter, as it will be the only sign at the front of the historic theater. The variance should not be inconsistent with the character of Hennepin Avenue and the Downtown Entertainment District, where one would expect to see projecting signs on historic theaters. The sign is part of an overall sign plan that does not exceed the amount of signage allowed on the building, only the size and projection allowed for a projecting sign.

CPED Planning Division Report

BZZ-3857

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

The sign will be professionally constructed and installed. The sign is designed to be compatible with architecture of the site and the area and historically accurate. It will be constructed of a steel frame with metal plates and glass inserts spelling the word Shubert. It is a design that goes beyond the average signage in the city.

VARIANCE (for the type of flashing signs)

The applicant proposes to install three signs on the Great Hall addition that are classified as flashing signs by the zoning code. The zoning code defines a flashing sign in Section 520.160 as a sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination or the illusion of intermittent flashing light by any means. Also, any mode of lighting which resembles zooming, twinkling or sparkling.

Section 543.230 of the zoning code states that “flashing signs shall be allowed in the downtown districts, provided flashing signs containing changing written messages shall be limited to the news, weather, time or other public service messages, except signs regulated by the sign standards for the Downtown Entertainment Area, provided further that the vertical dimension of such changing written message shall not exceed four (4) feet, except signs regulated by the sign standards for the Downtown Entertainment Area. Other flashing signs shall comply with the sign regulations for the district in which the sign is located.

The applicant proposes a LED marquee sign, a “projected art” sign, and a video monitor on the Great Hall addition facing Hennepin Avenue. All three meet the area and height requirements for signs in the Downtown Entertainment District. Staff had required a variance for the type of flashing signs due to the information that was being projected on the signs beyond news, weather, time, or other public service messages. Upon receipt of further information about the signs it is clear that it will be related to events within the theater and that this is allowed in the Downtown Entertainment District. Staff required the variances in error and is returning them to the applicant. However, off-premise advertising is prohibited on these signs and the signage should be related to events within the theater or coming attractions that will be presented in the theater.

SITE PLAN REVIEW

Required Findings for Site Plan Review

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

CPED Planning Division Report

BZZ-3857

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 and windows:
 - Residential uses:

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

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

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

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

CPED Planning Division Report

BZZ-3857

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 530.20 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.

The HCA Building is existing and no changes to the façade or building location are proposed. Any windows that will be replaced are required to meet the light transmittance standards of Section 530.120 of the zoning code. The Shubert Theater is existing and is located up to the property line. The new Great Hall is up to the property line on the east and west sides, but the entrance portion is setback 11.5 feet to provide a covered queuing area to enter the theater. Staff recommends alternative compliance for the additional 3.5 feet as the majority of the development is up to the property line and the proposed design will allow better access to the site and will reduce congestion on the public sidewalk.

There will be no amenities between the buildings and the sidewalk as the buildings are existing and the new addition will be an entrance to the facility. The main entrance faces Hennepin Avenue South. There is no parking area.

The exterior materials of the addition are durable and are made of concrete, brick, metal, and glass. Changes in material at a later date may require review before the City Planning Commission. The new building walls will contain architectural detail including windows, signage, change in materials, and a varied roof line. The fifth and sixth floors of the façade of the building addition facing Hennepin Avenue and all other elevations of the addition do not meet the standards for recesses and projections and blank walls without a change in material for lengths of more than 25 feet. Staff recommends alternative compliance. The stage house addition is required to match the historic stage house it is replacing. The other parts of the Great Hall that have blank walls will not be visible from street level on Hennepin and the remainder are at the back of the structure where they may be covered or blocked by future adjacent development. In addition, the historic buildings are very ornate making architectural detail less necessary. The facades have received HPC approval.

Non-residential uses are required to provide 30 percent windows on the first floor and 10 percent windows on the floors above the first floor of facades facing a public street or on-site parking lot, for the new construction. The facades of the HCA and Shubert Theater are existing and will not change, except that some windows on the HCA will be replaced, but not reduced in size, on the first floor and the windows on the upper floors of the Shubert Theater will be reopened. The first floor of the Great Hall addition has 48 percent windows and the second through fourth floors have 65 percent windows. The fifth and sixth floors of the new addition facing Hennepin Avenue do not have the required 10 percent windows. Staff recommends granting alternative compliance because these areas are setback further than the other parts of the addition, so they will not be visible from street level. In addition, these areas are used for mechanical equipment and equipment for the operation of the stage. There are a large amount of windows on the lower floors to allow views into and out of the building.

The roof pitch is flat and similar to surrounding buildings.

CPED Planning Division Report

BZZ-3857

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 entrances to the building connect to the public sidewalk with clear well-lighted that exceed four feet.

There are no integrated transit shelters in the project.

There is no alley access, vehicular access, or circulation on the site, except for the loading area behind the HCA. Public Works comments on the loading area are listed in the PDR summary attached to this report.

The entire site is covered by buildings, pedestrian access, and the loading area. However, the proposed addition will not increase the impervious surfaces of the site as it will replace a paved parking area.

LANDSCAPING AND SCREENING:

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
 - Not less than twenty (20) percent of the site not occupied by buildings, 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,

CPED Planning Division Report

BZZ-3857

landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

Buildings over 50,000 square feet in gross floor area in the downtown districts are exempt from the general landscaping and screening requirements of the zoning code.

ADDITIONAL STANDARDS:

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
 - Natural surveillance and visibility
 - Lighting levels
 - Territorial reinforcement and space delineation
 - Natural access control
- To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

There are no parking areas, so curbing is not necessary.

The building addition has been designed to minimize the impact of blocking important views of the city and shadowing public spaces and adjacent properties. It should not significantly generate wind currents at ground level.

The plan meets the CPTED guidelines. The site is designed to delineate space and control access while allowing views into and out of the buildings.

The HCA and Shubert Theater are designated structures. This proposal has received HPC approval (please see the HPC action attached to this report).

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: An indoor theater and a performing arts school are allowed as permitted uses in the B4S Downtown Service District.

Off-Street Parking and Loading: The zoning code requires 1 space per for each one thousand four hundred (1,400) square feet of gross floor area for non-residential uses in the B4S and B4C Districts. At 61,795 square feet of gross floor area for the Shubert and the proposed additions (the HCA has non-conforming rights) the site is required to provide 44 spaces. The applicant is requesting a variance to zero spaces and staff recommends approval of this variance. One small (10' x 25') loading space is required and one is provided.

CPED Planning Division Report

BZZ-3857

Minimum and Maximum Floor Area: The minimum FAR in the B4S-2 District is 2.0 and the maximum FAR 8.0. The lot in question is 35,390 square feet in area. The site will contain approximately 174,234 square feet of gross floor area on the lot, an FAR of 4.9.

Building Height: Building height in the B4S-2 District is determined by FAR. The proposed development does not exceed the maximum allowable FAR.

Minimum Lot Area: There is no minimum lot area required for the existing and proposed uses in the B4S-2 District.

Yard Requirements: No setbacks are required for this use in the B4S-2 District.

Specific Development Standards: There are no applicable development standards for an indoor theater in the B4S-2 District.

Hours of Open to the Public: Hours of operation in the B4S-2 District are from 6:00 a.m. to 1:00 a.m. every day. The facility will be open until 12:30 a.m. during performances.

Signs: Signs are subject to 531 and 543 of the Zoning Code. The proposed sign plan meets the standards of the zoning code except for those items listed as variances in this report. Staff is recommending approval of the variances. If the variances are approved sign permits will required from the Zoning Office.

Refuse storage: 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 refuse containers are stored inside the building. The applicant is aware that if the storage is moved outside it is required to be screened by code.

Lighting: The lighting will comply with Chapters 535 and 541 including the following standards:

535.590. Lighting. (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

(1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).

(2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.

CPED Planning Division Report

BZZ-3857

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

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

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

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

MINNEAPOLIS PLAN:

The *Downtown 2010 Plan* is the part of the comprehensive plan that guides development for downtown. This area is in the area designated as the Downtown Core. The plan has the following relevant policies:

- Minneapolis is the region's entertainment and cultural capital (page 5).
- Promote street-level design of buildings that contributes to downtown's vitality and security by encouraging individual entrances to street-level building tenants, windows and architectural detailing (page 14).
- Preserve, restore and reuse historic buildings and sites in downtown and encourage new buildings adjacent to historic buildings, sites, and districts to be compatible in design (page 19).
- Designate the area along Hennepin Avenue between 5th and 10th Streets and the Warehouse District as downtown's Entertainment District. Entertainment and specialty retail uses should be the primary uses at the street level (page 33).

The proposed development is in conformance with these policies of the comprehensive plan.

SMALL AREA PLANS ADOPTED BY COUNCIL:

The Minneapolis Warehouse District Preservation Action Plan was adopted by the City Council in 2000. The plan is divided into four sub-areas and this site is in the south sub-area. The Economic Development chapter of the plan has the goal to "promote the adaptive reuse of buildings in the Plan Area and encourage appropriate development of vacant or underutilized parcels." This development is in conformance with this goal of the plan.

CPED Planning Division Report
BZZ-3857

Alternative Compliance. The Planning Commission 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.**

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

- Building location within eight feet of the property line.

The new Great Hall is up to the property line on the east and west sides, but the entrance portion is setback 11.5 feet to provide a covered queuing area to enter the theater. Staff recommends alternative compliance for the additional 3.5 feet as the majority of the development is up to the property line and the proposed design will allow better access to the site and will reduce congestion on the public sidewalk.

- 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.

The fifth and sixth floors of the façade of the building addition facing Hennepin Avenue and all other elevations of the addition do not meet the standards for recesses and projections and blank walls without a change in material for lengths of more than 25 feet. Staff recommends alternative compliance. The stage house addition is required to match the historic stage house it is replacing. The other parts of the Great Hall that have blank walls will not be visible from street level on Hennepin and the remainder are at the back of the structure where they may be covered or blocked by future adjacent development. In addition, the historic buildings are very ornate making architectural detail less necessary. The elevations have received HPC approval.

CPED Planning Division Report

BZZ-3857

- Windows on the first floor of the southeasterly facade.

The first floor of the Great Hall addition has 48 percent windows and the second through fourth floors have 65 percent windows. The fifth and sixth floors of the new addition facing Hennepin Avenue do not have the required 10 percent windows. Staff recommends granting alternative compliance because these areas are setback further than the other parts of the addition, so they will not be visible from street level. In addition, these areas are used for mechanical equipment and equipment for the operation of the stage. There is a large amount of windows on the lower floors to allow views into and out of the building.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department - Planning Division for the parking 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 required number of parking spaces from 44 to zero for property located at 508-524 Hennepin Avenue.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the projecting sign 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 allow a projecting sign to extend out from the building from 8 feet to 8 feet 10 inches for property located at 508-524 Hennepin Avenue.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the projecting sign 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 allow a projecting sign to exceed the maximum allowable area of 80 square feet to 114 square feet for property located at 508-524 Hennepin Avenue.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the marquee flashing sign variance:

The variance to allow a marquee flashing sign for property located at 508-524 Hennepin Avenue has been **returned** to the applicant.

CPED Planning Division Report

BZZ-3857

Recommendation of the Community Planning and Economic Development Department - Planning Division for the “projected art” flashing sign variance:

The variance to allow a “projected art” flashing sign for property located at 508-524 Hennepin Avenue has been **returned** to the applicant.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the video monitor flashing sign variance:

The variance to allow a video monitor flashing sign for property located at 508-524 Hennepin Avenue has been **returned** to the applicant.

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 findings above and **approve** the site plan review for property located 508-524 Hennepin Avenue subject to the following conditions:

- 1) CPED Planning staff review and approve the site plan, lighting plan, landscaping plan, and elevations before permits may be issued.
- 2) All site improvements shall be completed by December 3, 2008, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 3) Compliance with applicable Heritage Preservation Commission approvals.
- 4) Any changes in the right-of-way shall comply with the Hennepin Avenue streetscape plan.
- 5) Off-premise advertising is prohibited on the new flashing signs, unless otherwise allowed by Chapter 544 of the zoning code.

Attachments:

1. Statements from applicant.
2. PDR report.
3. HPC information.
4. Zoning maps.
5. Site plans, floor plans, and elevations.
6. Photos.