

Department of Community Planning and Economic Development – Planning Division
Variance and Site Plan Review
BZZ-4964

Date: October 18, 2010

Applicant: American Academy of Neurology (AAN), 1080 Montreal Avenue, St. Paul, MN 55116, (651) 695-2764

Address of Property: 210 Chicago Avenue South (formerly 800 Washington Avenue South)

Project Name: American Academy of Neurology Global Headquarters

Contact Person and Phone: Nelson, Tietz & Hoyer, Attn: Paul Johnson, 81 South 9th Street, Minneapolis, MN 55402, (612) 359-3208

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

Date Application Deemed Complete: September 2, 2010

End of 60-Day Decision Period: November 1, 2010

End of 120-Day Decision Period: Not applicable for this application

Ward: 7 Neighborhood Organization: Downtown Minneapolis Neighborhood Association

Existing Zoning: C3A (Community Activity Center) district, DP (Downtown Parking) Overlay district and DH (Downtown Height) Overlay district

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 14

Lot area: 16,645 square feet or approximately .38 acres

Legal Description: Not applicable for this application

Proposed Use: A five-story, 62,400 square foot office building.

Concurrent Review:

- Variance to reduce the loading space requirement from two large loading spaces to zero spaces.
- Site plan review for a new five-story, 62,400 square foot office building.

Applicable zoning code provisions: Chapter 525, Article IX, Variances, and Chapter 530 Site Plan Review.

Background: The applicant is proposing to construct a new five-story, 62,400 square foot headquarters building for the American Academy of Neurology (AAN) on the property located at 210 Chicago Avenue South (formerly 800 Washington Avenue South). The subject parcel of land was recently subdivided into two parcels; one with frontage on Washington Avenue South and the other with frontage along Chicago Avenue. The subject development as shown on the attached site plan would be constructed on the parcel fronting on Chicago Avenue between Washington Avenue South and Second Street South. The proposed 5-story structure would screen the west side of the public parking ramp currently located on the block. Office uses are permitted uses in the C3A district. The only applications that are required include a variance to reduce the off-street loading space requirement from two large spaces (which are required to be a minimum of 12 feet by 50 feet) to zero spaces and site plan review.

AAN is an international membership organization of 22,500 neurologists and neurology professionals. AAN's use of the facility will consist primarily of office space that is operational during the weekdays, complemented by conference/meeting functions which would activate the facility on weekends and during the evenings. As designed, the streetscapes located along both Chicago Avenue and Second Street South would emphasize active uses. A large reception/gallery space is located at the corner and there are offices and a fitness center located on the ground floor of the building along Chicago Avenue. The main entry to the structure would be located off Chicago Avenue near Second Street South. The fifth floor of the building would be setback from the corner in order to provide a roof top terrace. No new parking is required or provided for the development as AAN plans to utilize the adjacent public parking ramp to meet all parking needs.

In March of 2010, the City issued a Request for Proposals (RFP) for the entire parcel. The American Academy of Neurology (AAN) and Artspace Projects Inc. (Artspace) jointly submitted complementary development proposals for the entire site. This proposal was approved by the City Council. As noted above, the parcel was recently subdivided in order to allow AAN to move forward with their proposed office building. Artspace has been granted exclusive development rights for the next two years on the other parcel which fronts on Washington Avenue South. Artspace is a nationally recognized local organization and is proposing their first project in Minneapolis which includes affordable live/work space for artists as well as plans to relocate their office headquarters to the new facility.

Staff has not received official correspondence from the Downtown Minneapolis Neighborhood Association or any other neighborhood letters prior to the printing of this report. All correspondence received prior to the Planning Commission meeting will be forwarded on for consideration.

VARIANCE –to reduce the loading space requirement from two large loading spaces to zero spaces.

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.**

Staff would argue that it would be challenging for the property to be put to a reasonable use under the conditions allowed and that strict adherence to the regulations of the zoning ordinance would cause undue hardship. The applicant is seeking a variance to reduce the required off-street loading

requirement for the development. Based on the Chapter 541 loading requirements for an office use of this size, two large loading spaces would be required for the development. Each large loading space is required to be a minimum of 12 feet by 50 feet. The dimensions of the subject lot are approximately 70 feet by 234 feet. In order to locate two large loading spaces, and the associated aisles and maneuvering room required for compliance, a substantial portion of the first floor of the building would need to be removed. A service alley is proposed along the south side of the proposed development which would adequately accommodate AAN's loading needs. Staff would argue that requiring two large loading spaces on the parcel would not result in a parcel that had reasonable use.

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 site is unique in that it is a relatively small redevelopment parcel that is only 70 feet wide by 234 feet long and it wraps the west side of the public parking ramp. In order to accommodate two large loading spaces and adequate maneuvering space on the premises, the loading spaces would likely need to be double-loaded and located at the corner of Chicago Avenue and Second Street South. This would result in a compromised project that includes at least 50 feet of the Chicago Avenue street frontage that would be occupied by inactive loading spaces and approximately 25 feet on the Second Street South street frontage.

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 having on-site loading spaces is to mitigate the off-site impacts that are generated by uses that have significant loading needs. The Planning Division believes that the granting of this variance would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Granting the variance in this specific circumstance would allow the parcel to be fully developed with active uses along both street frontages. AAN has documented that their loading needs are minimal and that the private service alley provided on the south side of the site will accommodate their occasional loading needs.

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 Planning Division believes that the granting of the variance would have no impact on the congestion of area streets or fire safety, nor would the proposed loading variance be detrimental to welfare or public safety. The applicant has provided information that indicates that AAN does not need such extensive loading facilities and that utilizing the service alley for occasional loading activities would suffice.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

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

- c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
- d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
- e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
- f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.
- g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.

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

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

The development is not subject to any required yards. The proposed location of the building is not within 8 feet of either street frontage, however. Along Chicago Avenue, the building as proposed is located 10 feet from the property line and along Second Street South the building is located 24 feet from the property line. Alternative compliance is necessary for building placement along both street frontages. The 10 foot setback along Chicago was a specific requirement in the RFP as the subject parcel is located within an area governed by the *Update to the Historic District Mills Master Plan*. In that plan, there is a specific streetscape design for Chicago Avenue and it specifically requires that buildings be setback 10 feet from the property line in order to preserve views of the Mississippi River. The 24 foot setback along Second Street South has been proposed in order to develop a Sensory Garden. The garden would include seating areas for AAN and the public. The open space is designed to complement the plaza located across the street at the Guthrie Theatre. Based on this information, Planning Staff would recommend that the Planning Commission grant alternative compliance in these specific circumstances.

The proposed structure is oriented towards the designated front yard along Chicago Avenue. The principal entrance to the structure is located on the Chicago Avenue street frontage near the intersection of Second Street South. The design of the structures maximizes natural surveillance and visibility, and facilitates pedestrian access. The area between the buildings and the public streets would have new shrub and tree plantings along both street frontages.

The façade of the building along both street frontages incorporates windows that exceed the 30%

window requirement. The west elevation of the building along Chicago Avenue incorporates 58% windows and the north elevation of the building along Second Street South incorporates 69% windows. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. The proposal is meeting the intent of this requirement by integrating active uses at the ground level on both street facing elevations. The proposed development also meets the 10% window requirement on each floor above the first floor that faces the public street and public sidewalk.

The building complies with the active functions provision as outlined above.

The exterior materials and appearance of the rear and side walls of the proposed building would be similar to and compatible with the front of the building. The materials proposed for the exterior of the structure would include stone, glass, masonry, metal panels and metal elements. The proposed building incorporates architectural elements including recesses and projections, windows and entries. There are no blank uninterrupted walls that exceed 25 feet in width on any of the elevations.

There is no on-site parking or loading provided for the proposed development. Loading would be accessed through an easement on the adjacent property to the south. The proposed building would screen the west elevation of the public parking ramp located on the block.

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 buildings are connected to the public sidewalk via walkways that are greater than 4 feet in width.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. There are no curb cuts to the site.

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

There is no public alley adjacent to the site; however, a private service alley will be constructed.

The site has been designed to minimize the use of impervious surfaces through the use of landscaping on the portion of the site not occupied by a building. A total of 79% of the remaining area is landscaped.

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.

The proposal meets the 20% landscape requirement. The total site area is 16,645 square feet or .38 acres and the proposed building footprint on the site would be 12,765 square feet. A total of 776 square feet of landscaping would be necessary to meet the 20% requirement. The applicant is providing approximately 3,084 square feet or approximately 79% of the site not occupied by buildings. The zoning code requires that there be at least 2 trees and 8 shrubs. The applicant is proposing to provide 2 ornamental trees, 30 shrubs, grasses and perennials on the premises. The applicant is also installing a total of 15 canopy trees in the public right-of-way. Alternative compliance is necessary as the proposal is not meeting the on-site canopy tree requirement. Planning Staff would recommend that the Planning Commission require compliance with this provision as it is practical to swap out the two Japanese lilac trees proposed on the site for two canopy trees.

There is no on-site parking lot or loading facilities located on the premises.

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 is no on-site parking lot proposed as part of the development.

Staff would expect the proposal to have a minimal impact on the blocking of significant views. The building would be set back from Chicago Avenue to facilitate views toward the Guthrie Theater and Mississippi River. The proposed structure would also be expected to have some minimal shadowing impacts on adjacent properties, however, not on public spaces. The proposed structure would also be expected to have some minimal impacts on light, wind and air in relation to the surrounding area as well.

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

The parcel is vacant. There are no historic structures on the premises.

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

ZONING CODE - The office use proposed on the site is permitted in the C3A district.

If all land use/zoning applications are approved, including the variance and site plan review, the proposal would comply with all applicable provisions of the C3A District.

Parking and Loading:

Minimum automobile parking requirement: As previously mentioned, the subject site is located in the DH (Downtown Height) Overlay District and DP (Downtown Parking) Overlay district. As outlined in Section 551.765, Specific Off-Street Parking Requirements, nonresidential uses located in the C3A district in that portion of the central riverfront located between Hennepin Avenue and Interstate 35W and between Washington Avenue and the Mississippi River are not required to provide accessory off-street parking facilities. Therefore, there is no minimum automobile parking requirement for the proposed office use. The applicant is not proposing any on-site parking and instead, intends to utilize the adjacent public parking ramp located on the same block for any parking needs.

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Maximum automobile parking requirement: The maximum automobile parking requirement outlined in Chapter 541 applies to this proposal. The maximum automobile parking requirement for offices is 1 space per 200 square feet of gross floor area. Based on the proposed gross floor area of 62,400 square feet, a total of 312 spaces would be the maximum parking allowed.

Bicycle parking requirement: Office uses require a total of 3 bicycle parking spaces or 1 space per 15,000 square feet of gross floor area, whichever is greater. Based on the proposed gross floor area of 62,400 square feet, a total of 4 bicycle parking spaces would be required. A total of 4 indoor bicycle parking spaces are provided which meets the requirement. Not less than 50% of the required bicycle parking shall meet the standards for long-term bicycle parking which are as follows:

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

The proposal meets the requirements for bicycle parking.

Loading: Offices between 50,001 – 100,000 square feet require a minimum of two large loading spaces. The applicant is proposing to vary this requirement to zero.

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

Signs: The applicant has proposed two wall-mounted signs as part of the land use application submittal. While no graphics were furnished as part of the land use application submittal, the proposed signs appear to meet the Chapter 543 requirements. Both signs require a separate permit from the Zoning Office. Backlit signs are prohibited.

Lighting: A lighting plan was submitted as part of the application and will be required with the final submittal. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

Maximum Floor Area: Typically, the maximum F.A.R. for all structure in the C3A district is 2.7. However, the property is located in the DH (Downtown Height) Overlay District which allows a maximum FAR of 4. As proposed, the gross floor area of the building is 62,400 square feet divided by the area of the lot which is 16,645 square feet. The outcome is 3.75 which complies with the DH Overlay district requirements.

Minimum Lot Area: Not applicable for this development as there is no minimum lot area requirement for office uses in the C3A district.

Dwelling Units per Acre: Not applicable for this development.

Height: Typically, the maximum building height in the C3A district is 4 stories or 56 feet, whichever is less. However, the property is located in the DH (Downtown Height) Overlay District which allows structure to be a maximum height of 8 stories or 112 feet, whichever is less for properties located between Washington Avenue South and Second Street South. The proposed building would be a total of five stories or 75 feet which complies with the DH Overlay District standards.

Yard Requirements: Not applicable for this development.

Building coverage: Not applicable for this development.

Impervious surface area: Not applicable for this development.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is located within an area designated as mixed use, within a designated Activity Center, along Chicago Avenue which is a designated Commercial Corridor and less than a half block off of Washington Avenue which is also a designated Commercial Corridor. The proposal to construct a new 62,400 square foot office building on the subject site is consistent with the relevant provisions of *The Minneapolis Plan for Sustainable Growth*, as follows:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation step: (1.1.5) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

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

Land Use Policy 1.4. of *The Minneapolis Plan for Sustainable Growth* states, “Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

Land Use Policy 1.10 of *The Minneapolis Plan for Sustainable Growth* states, “Support development along Commercial Corridors that enhances the street’s character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic. This policy includes the following applicable implementation step: (1.10.1) “Support a mix of uses –

such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character.

Land Use Policy 1.12 of *The Minneapolis Plan for Sustainable Growth* states, “Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character. This policy includes the following applicable implementation step: (1.12.9) “Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces in Activity Centers.”

The property is also subject to the *Update to the Historic Mills District Master Plan*. The *Update to the Historic Mills District Master Plan* was adopted by the City Council on September 14, 2001, and includes properties bounded by Third Avenue South, Washington Avenue South, 11th Avenue South and the West River Road. The plan calls for retail in this location; however, because the office user will be operating occasionally on the weekends and in the evening, as well as during the daytime, the use will provide activity and will complement the other uses in the area. The plan further guides streetscape improvements for the block and suggests that buildings along Chicago Avenue be setback 10 feet from the property line to preserve view of the Mississippi River and to provide an adequate promenade. As proposed, this development is in conformance with the guidelines of the *Update to the Historic Mills District Master Plan*.

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.**

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

- ***Building placement:*** The proposed location of the building is not within 8 feet of either street frontage, however. Along Chicago Avenue, the building as proposed is located 10 feet from the property line and along Second Street South the building is located 24 feet from the property line. Alternative compliance is necessary for building placement along both street frontages. The 10 foot setback along Chicago was a specific requirement in the RFP as the subject parcel is located within an area governed by the *Update to the Historic District Mills Master Plan*. In that plan, there is a specific streetscape design for Chicago Avenue and it specifically requires that buildings be setback 10 feet from the property line in order to preserve views of the Mississippi River. The 24 foot setback along Second Street South has been proposed in order to develop a Sensory Garden. The garden would include seating areas for AAN and the public. The open space is designed to complement the plaza located across the street at the Guthrie Theatre. Based on this information,

Planning Staff would recommend that the Planning Commission grant alternative compliance in these specific circumstances.

□ Canopy tree requirement: The zoning code requires that there be at least 2 trees and 8 shrubs. The applicant is proposing to provide 2 ornamental trees, 30 shrubs, grasses and perennials on the premises. The applicant is also installing a total of 15 canopy trees in the public right-of-way. Alternative compliance is necessary as the proposal is not meeting the on-site canopy tree requirement. Planning Staff would recommend that the Planning Commission require compliance with this provision as it is practical to swap out the two Japanese lilac trees proposed on the site for two canopy trees.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the loading space requirement from two large loading spaces to zero spaces for property located at 210 Chicago Avenue South (formerly 800 Washington Avenue South).

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for a five-story, 62,400 square foot office on the property located at 210 Chicago Avenue South (formerly 800 Washington Avenue South) subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans.
2. All site improvements shall be completed by October 18, 2011, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. All ground level windows must be transparent (non-reflective) as required by section 530.120 of the Zoning Code.
4. Compliance with the on-site canopy tree requirement as outlined in Section 530.160 of the Zoning Code.

Attachments:

1. Preliminary Development Review report
2. Statement of use and description
3. Findings - variance
4. Correspondence – CM Goodman & DMNA

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5. Zoning Map
6. Plans - Civil plans, site plan, landscaping plans, floor plans, elevations and renderings
7. Photos