

Department of Community Planning and Economic Development – Planning Division
Variance and Site Plan Review
BZZ-5404

Date: December 12, 2011

Applicant: Opus Development Corporation

Address of Property: 415, 423 and 427 Nicollet Mall and 426 Marquette Avenue

Project Name: Nicollet Residences

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Date Application Deemed Complete: November 17, 2011

End of 60-Day Decision Period: January 16, 2012

Ward: 7 Neighborhood Organization: Downtown Minneapolis Neighborhood Association

Existing Zoning: B4-2 Downtown Business District, NM Nicollet Mall Overlay District and DP 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 with commercial uses and 330 dwelling units

Concurrent Review:

- Variance of the NM Nicollet Mall Overlay District standard requiring the first floor of the building to be located not more than 8 feet from the lot lines adjacent to Nicollet Mall and to midblock along 5th Street unless outdoor open space that conforms to the standards for the urban open space premium established in Chapter 549, Downtown Districts, is provided.
- Variance of the NM Nicollet Mall Overlay District standard requiring that at least 60 percent of the gross floor area of the first floor must be occupied by retail uses.
- Site plan review.

Applicable zoning code provisions: Chapter 525, Article IX Variances, specifically section 525.520 (20) “To vary the standards of any overlay district, other than the SH Shoreland Overlay District or the FP Floodplain Overlay District”; Chapter 530 Site Plan Review.

CPED - Planning Division Report
BZZ-5404

Background: The subject site, consisting of the properties of 415, 423 and 427 Nicollet Mall and 426 Marquette Avenue, occupies the south half of the block bound by Nicollet Mall, 4th Street South, Marquette Avenue and 5th Street South. A surface parking lot and a two-story building formerly occupied by a McDonald's restaurant are located on the site. The existing building will be demolished. On November 1, 2011, the CPED Planning office issued a letter stating that the subject property does not meet the Municipal Code's definition of a historic resource.

The applicant is proposing to construct a 33-floor, mixed use building with 330 dwelling units and ground and skyway level commercial uses. A residential lobby and a two-level lobby providing access to the skyway system would be oriented towards Nicollet Mall and 5th Street. On the first two levels, commercial spaces would extend along the building walls fronting the streets and two levels of parking, a loading area, and other back-of-house spaces would be located behind them at the interior of the site. An additional four levels of enclosed parking would be located above the first two levels of the building. Access to the parking and loading areas would occur from Marquette Avenue. A 27-story residential tower would rise above the 6-story base of the building. An indoor and outdoor amenities area for the residents would be located on the seventh level above the top level of parking.

The land use applications required for this development include two variances and site plan review. Site plan review is required for any new mixed use building. In the NM Nicollet Mall Overlay District, the first floor of buildings must be located not more than eight feet from Nicollet Mall, except where a greater yard is required by the zoning ordinance or where the building is separated from Nicollet Mall by outdoor open space that conforms to the standards for the urban open space premium, established in Chapter 549, Downtown Districts. In the case of a corner lot, the building wall abutting each street must be located not more than eight feet from the lot line, except where a greater yard is required by the zoning ordinance or where the building is separated from the lot line by outdoor open space that conforms to the standards for the urban open space premium. The first floor of the building would be located more than eight feet from the lot line adjacent to Nicollet Mall and 5th Street. A greater yard is not required and the area between the building and the street would not fully conform to the standards for the urban open space premium. A variance of this standard is required. In the NM Overlay District, retail uses must occupy at least 60 percent of the gross floor area (GFA) of the first floor. Less than 60 percent of the first floor GFA would be occupied by retail uses. A variance of this standard is required.

The development is intended to be highly transit oriented because of its proximity to transit and other alternative modes of transportation and the ability to connect to the downtown Minneapolis skyway system. Nicollet Mall and Marquette Avenue are primary bus route corridors. The Nicollet Mall LRT station is located on 5th Street between Nicollet Mall and Marquette Avenue. Nicollet Mall is also a pedestrian thoroughfare with vehicle access limited to buses and taxis. Bicycle facilities (e.g. Nice Ride) and routes are also located in the immediate area. The building will tie into the skyway system in two locations: one over Marquette Avenue via an existing skyway and the other over the Nicollet Mall LRT station. These skyways will link to the 5th Street Towers and the Gaviidae Common building or Marquette 510 building. Proposed ground level pedestrian amenities located both on-site and in the public right-of-way include wider sidewalks, landscaping, decorative paving and lighting, and seating areas. These improvements to the public realm will primarily occur along 5th Street and Nicollet Mall because Marquette Avenue was reconstructed recently.

CPED - Planning Division Report
BZZ-5404

Metro Transit anticipates that additional platform area for the Nicollet Mall LRT station will be needed in the future for passengers when the Southwest LRT line is in operation. The existing platform is restricted to the center of the street, but is currently one of the busiest stations on the Hiawatha LRT line. Once the Central LRT line is in operation, the center platform will not be able to accommodate the additional passenger volumes from another line. Expanding to the south is not an option because the one lane street needs to be maintained for existing vehicle access to Gaviidae Common. Therefore Metro Transit is looking for side platform space on the north side of the tracks. As discussed with Metro Transit and the Minneapolis Public Works Department representatives in various meetings, space needs for the side platform, including width, length, and height, can be accommodated south of the proposed building without making major modifications to the development proposal. The walkway under the arcade would accommodate pedestrians not using the LRT system. Some modifications, such as raising the grade of the sidewalk to tie in with the level needed to board a train, will be worked into the design. No major issues between existing and future public transit infrastructure and the proposed development have been identified at this point that cannot be addressed, and the applicant is continuing to work with Metro Transit and the Minneapolis Public Works Department on these improvements and others in the public right-of-way.

The threshold for requiring a mandatory Environmental Assessment Worksheet (EAW) is 400,000 square feet of new commercial gross floor area (GFA). For residential development, the threshold for requiring a mandatory EAW is 375 attached dwelling units. For mixed use buildings, if the sum of the quotient obtained by dividing the number of residential units by the applicable residential threshold, plus the quotient obtained by dividing the amount of industrial-commercial gross floor space by the applicable industrial-commercial threshold, equals or exceeds one, then an EAW is required. The proposed development includes 330 attached dwelling units and 41,208 square feet of commercial GFA. The combined quotients of each use as proposed would not exceed one.

Downtown 2025 is an effort by the downtown business community, including the Downtown Council and the Downtown Improvement District, to create a long-term plan. This effort has involved some participation with the City and other government entities, but it has not gone through a complete public hearing process needed to adopt it into the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*. Although many goals and visions of the plan overlap the policies of the City's comprehensive plan, the Downtown 2025 plan cannot be used to evaluate the proposed development for these land use applications to determine compliance with the zoning code and the comprehensive plan.

Correspondence from the neighborhood group, the Downtown Minneapolis Neighborhood Association, was received and is attached to this report. Staff will forward any additional comments, if any are received, at the City Planning Commission meeting.

VARIANCE: of the NM Nicollet Mall Overlay District standard requiring the first floor of the building to be located not more than 8 feet from the lot lines adjacent to Nicollet Mall and to midblock along 5th Street unless outdoor open space that conforms to the standards for the urban open space premium established in Chapter 549, Downtown Districts, is provided.

Findings as required by the Minneapolis Zoning Code:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The site has frontage on three streets. Nicollet Mall and Marquette Avenue are primary bus route corridors. The Nicollet Mall LRT station is located on 5th Street between Nicollet Mall and Marquette Avenue. Nicollet Mall is also a main pedestrian thoroughfare. Heavy volumes of pedestrian traffic travel on these sidewalks. The applicant is proposing to set the building back more than 8 feet from Nicollet Mall and 5th Street to ensure that there is adequate room for pedestrian circulation and amenities. These circumstances have not been created by the applicant, are unique to the property, and are not based on economic considerations. The proposed outdoor open space would not comply with the premium standard requiring that the space be open to the sky and located to maximize the access of sunlight, except that up to 30 percent of the space may include a covered arcade with a minimum height of 28 feet. Approximately 65 percent of the outdoor open space within the NM Overlay District would be covered by an arcade. The arcade ceiling height would be 30 feet, except where it is 18 feet under the skyway, above part of the area between the residential and skyway lobby entrances and above the restaurant seating area. Although more of the open space would be covered than preferred, the floor to ceiling wall of windows with active functions behind the arcade on the entire first floor should minimize any adverse effects. The rest of the open space would comply with or meet the intent of the other outdoor open space premium standards.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The NM Nicollet Mall Overlay District is established to preserve and encourage the pedestrian character of the Nicollet Mall area and to promote street level activity by creating a pleasant and unique pedestrian environment. The standard pertaining to the placement of buildings is intended to reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation. Policies of the comprehensive plan also support the intent of this ordinance. To improve the public realm, proposed ground level pedestrian amenities between the building and the lot lines adjacent to the streets include wider sidewalks, landscaping, decorative paving and lighting, and seating areas. An abundant amount of windows would be provided for the commercial uses, skyway lobby, and residential lobby that would allow views of the adjacent spaces. Allowing the first floor of the building to be setback as needed from Nicollet Mall and 5th Street to ensure efficient pedestrian circulation is a reasonable request. With the amenities proposed, the building setback is consistent with the spirit and intent of the ordinance and the comprehensive plan.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Not granting the variance would result in increased pedestrian congestion on the sidewalks adjacent to the site and insufficient room for a LRT side platform. To improve the public realm, proposed ground level pedestrian amenities between the building and the lot lines adjacent to the streets include wider sidewalks, landscaping, decorative paving and lighting, and seating areas. An

abundant amount of windows would be provided for the commercial uses, skyway lobby, and residential lobby that would allow views of the adjacent spaces. In addition to the visibility allowed by the windows, multiple types of lighting would be incorporated to ensure a secure, comfortable and enhanced pedestrian area. Lighting will include a combination of recessed decorative strip and spot down lights in soffits and decorative sconces. Granting of the variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

VARIANCE: of the NM Nicollet Mall Overlay District standard requiring that at least 60 percent of the gross floor area of the first floor must be occupied by retail uses.

Findings as required by the Minneapolis Zoning Code:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Practical difficulties exist in complying with the ordinance because of circumstances unique to the property that have not been created by the applicant. The site has frontage on three streets. Nicollet Mall and Marquette Avenue are primary bus route corridors. The Nicollet Mall LRT station is located on 5th Street between Nicollet Mall and Marquette Avenue. Nicollet Mall is also a main pedestrian thoroughfare and a retail district. As a result, heavy volumes of pedestrian traffic travel on each of these sidewalks on a daily basis. Ground floor commercial space is proposed on each side of the building fronting a street to provide active functions on each street. The residential lobby would be oriented toward Nicollet Mall and 5th Street and is situated under the tower above. The applicant is proposing to connect to the skyway system from the street level as well. A two-story skyway lobby would allow pedestrians to gain access to the skyway system from 5th Street. Back-of-house spaces would be located at the interior of the site. For the purposes of this ordinance, “retail uses” are limited to those uses categorized as Retail Sales and Services uses and Food and Beverages uses contained in Table 549-1 Principal Uses in the Downtown Districts. It does not include common areas, such as the proposed skyway lobby. Further, this standard only applies to the gross floor area that falls within the NM Overlay District boundaries (extends to mid-block on 5th Street). Within the overlay district boundaries, 39 percent of the gross floor area would be occupied by “retail uses.” Overall, 48.5 percent of the ground floor would be occupied by “retail uses.” The skyway lobby would occupy 13.5 percent of the ground floor.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The NM Nicollet Mall Overlay District is established to preserve and encourage the pedestrian character of the Nicollet Mall area and to promote street level activity by creating a pleasant and unique pedestrian environment. Nicollet Mall is a retail district and primarily a pedestrian street with vehicle access limited to buses and taxis. Requiring 60 percent of the gross floor area of the ground level of buildings fronting Nicollet Mall to be retail is intended to ensure that the character of this retail district is maintained. The comprehensive plan includes policies that support a strong retail presence along Nicollet Mall as well as those that support safe, convenient, and direct

pedestrian connections between principal building entrances and the public right-of-way. The *Downtown East / North Loop Master Plan* specifically calls for a ground level connection from this site into the skyway system.

In the proposed development, ground floor commercial space is proposed on each side of the building fronting a street to provide active functions on each street. The residential lobby would be oriented toward Nicollet Mall and 5th Street and is situated under the tower above. The applicant is proposing to connect to the skyway system from the street level as well. A two-story skyway lobby would allow pedestrians to gain access to the skyway system from 5th Street. Back-of-house spaces would be located at the interior of the site. Within the NM Overlay District boundaries, 39 percent of the gross floor area would be occupied by “retail uses.” Overall, 48.5 percent of the ground floor would be occupied by “retail uses.” The skyway lobby would occupy 13.5 percent of the ground floor. The vast majority of the ground floor frontage along Nicollet Mall would be occupied by commercial space. The applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Nicollet Mall is a primary pedestrian corridor and a retail district. Granting the variance is expected to have little effect on the surrounding area because the ground floor spaces fronting Nicollet Mall and 5th Street within the overlay district boundaries would be occupied by a commercial tenant(s), the residential lobby and the skyway lobby, which all front the adjacent streets. Additional retail space would front 5th Street and Marquette Avenue on the east end of the building. Granting the proposed variance would also not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code for the 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.)**

Section A: Conformance with Chapter 530 of the 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.

CPED - Planning Division Report
BZZ-5404

- 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.
- 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.

CPED - Planning Division Report
BZZ-5404

- **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.

Conformance with above requirements:

- The building is located on a corner lot with frontage on three streets. The first floor of the building would be located within 8 feet of Marquette Avenue. It would be located more than 8 feet from Nicollet Mall and 5th Street.
- Amenities, including landscaping and seating, would be located between the building and Nicollet Mall. Fewer amenities would be provided between the building and 5th Street to ensure there is a pedestrian clear-zone to accommodate pedestrian traffic.
- Principal entrances would face each street.
- All parking would be enclosed within the building.
- The building would include recesses and projections and windows on all sides to divide the building into smaller identifiable sections.
- There would not be any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length on all sides of levels 8 through 34 and on the street facing sides of levels 1 through 4 and 7. The elevations with blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length are on levels 5 and 6 facing Nicollet Mall, 5th Street and Marquette Avenue and levels 1 through 7 on the north building elevation.
- The primary exterior materials would be durable and include cast stone, concrete, masonry, metal panels and glass. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.
- All sides of the building would be similar to and compatible with each other.
- Plain face concrete block would not be used as a primary exterior building material.
- The principal entrances would be surrounded by windows and sheltered to emphasize their importance.
- The first floor walls facing Nicollet Mall, 5th Street, and Marquette Avenue are subject to the minimum window requirements. Twenty percent of the walls adjacent to residential spaces are required to be windows and thirty percent of the walls adjacent to nonresidential spaces are required to be windows. The amount of windows proposed on each wall would greatly exceed the minimum requirements. Each commercial tenant space would comply with the minimum window requirements. Windows would be vertical in proportion and distributed in a more or less even manner. All windows would be within four feet of the adjacent grade. The applicant has not indicated that the glass will not be clear or lightly tinted with a visible light transmittance of 0.6 or greater. This information will need to be identified on the final approved plans. Because tenants are not known at this time, floor plans showing tenant layout is not available. Individual tenants will need to not block required windows with shelving, mechanical equipment or other similar fixtures between the height of four and seven feet above the adjacent grade.
- Each wall above the first floor facing Nicollet Mall, 5th Street, and Marquette Avenue is subject to the 10 percent window requirement. The amount of windows proposed on each of the walls subject to the window requirements on level 2 and levels 7 through 33 would greatly exceed the minimum requirements. Windows on these levels would be vertical in proportion and distributed in a more or less even manner. No windows that would allow views into and out of the building would be provided on levels 3 through 6. On each of the Nicollet Mall and Marquette Avenue facing walls,

CPED - Planning Division Report
BZZ-5404

approximately 154 square feet of windows are required. On the 5th Street facing walls, approximately 321 square feet of windows are required.

- More than 70 percent of the linear frontage of each ground floor building wall facing a street would accommodate spaces with active functions.
- A flat roof is proposed on the addition. Buildings in the immediate area also have flat roofs.
- Sloped floors of the parking garage would not dominate the appearance of the walls and vehicles would be screened from view.

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.

Conformance with above requirements:

- Well-lit walkways 4 feet in width or greater would connect the public sidewalk and parking facilities to the main entrances.
- Transit shelters are not proposed as part of the development. However, the arcade on the south side of the building would provide some shelter for transit users once a side platform for the Southwest LRT line is opened. Adequate lighting and an abundant amount of windows would be used in the arcade to promote security.
- The site would have vehicle access from a curb cut on Marquette Avenue and the alley. The access is located where it will have the least amount of conflict with pedestrian traffic. Circulation would occur on-site and in the alley where the loading area is proposed. The site is not adjacent to any residential properties.
- All parking would be enclosed in the building. The amount of impervious surface proposed for parking areas and driveways is not excessive.

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.

CPED - Planning Division Report
BZZ-5404

- **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.**

Conformance with above requirements:

- As per section 530.30 of the zoning code, any building containing 50,000 square feet or more of gross floor area located in the Downtown districts shall be exempt from the general landscaping and screening requirements. The parking and loading landscaping and screening requirements shall apply. All on-site parking would be enclosed.

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.**

Conformance with above requirements:

- The building addition should not impede any views of important elements of the city. The tower would not block any view corridors identified in the comprehensive plan.

CPED - Planning Division Report
BZZ-5404

- The applicant submitted a shadow study with the application that is attached to this report. To the extent practical, the building would be located and arranged to minimize shadowing on public spaces and adjacent properties. The building is setback along Nicollet Mall and it would step back further at the intersection of Nicollet Mall and 5th Street to minimize shadowing on the surrounding sidewalks and the plaza at the northwest corner of the intersection.
- The building would be designed to minimize the generation of wind currents at the ground level. The tower would be set back from the base of the building. Awnings on the Nicollet Mall side of the building and planters at the ground level would further help to reduce wind.
- The development includes environmental design elements to prevent crime. An abundant amount of windows exceeding the minimum requirements adjacent to active spaces would be provided on the ground floor and skyways levels that would allow natural surveillance and visibility of the adjacent streets. Multiple principal entrances would face each adjacent street. Lighting would be provided throughout the site. Landscaping, walkways, lighting and building features would clearly guide pedestrian movement on and through the site and would control and restrict people to appropriate locations. Planters would be used along Nicollet Mall to distinguish between the seating area for the restaurant and the public sidewalk. The same decorative paving would be used on the Nicollet Mall and 5th Street sidewalks and the adjacent on-site walkways to guide people to and from the building.
- No locally designated structures or structures that have been determined to be eligible to be locally designated as an historic structure exist on the site.

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 site is zoned B4-2 with the NM and DP overlay districts. A multiple family dwelling with 5 or more units is a permitted use in the B4 district. The commercial uses will most likely be general retail sales and services and food and beverages uses, which are also permitted uses.

Parking and Loading:

Minimum automobile parking requirement: There is no minimum parking requirement for the proposed uses, except that multiple family dwellings of 50 or more units that provide off-street parking for residents are required to also provide designated visitor parking at a ratio of not less than one visitor space per 50 dwelling units. With 330 dwellings proposed, at least seven visitor spaces are required. A total of 430 parking stalls are proposed. According to the Travel Demand Management Plan for the project, reserved parking at a minimum ratio of 1:1 would be provided for the residents. The remaining spaces would be available for residents, tenants, customers and guest parking for the residents. For the parking spaces proposed, at least 11 must be accessible. Eleven accessible spaces would be provided.

Maximum automobile parking requirement: The maximum parking requirement for residential uses in a B4 district is 1.5 spaces per dwelling unit. Accessible spaces required for residential uses by the Minnesota State Building Code and visitor parking spaces required by the zoning code do not count towards the maximum parking requirement. The maximum parking requirement for 330 dwelling units is 495 spaces. The maximum parking requirement for retail sales and services uses is one space per 500 square feet of gross floor area. The maximum parking requirement for food and beverages uses is one space per 200 square feet of gross floor area. Commercial uses would occupy 25,864 square feet of the building; however, specific tenants will not be known until the building is constructed. If all tenant spaces were occupied by general retail sales and services uses, the maximum parking requirement would

CPED - Planning Division Report
BZZ-5404

be 52 spaces. The combined maximum parking requirement is approximately 547 spaces, well above the 430 spaces proposed.

Bicycle parking requirement: The minimum bicycle parking requirement for a multiple family dwelling is equal to one space per two dwelling units. Not less than 90 percent of the required bicycle parking must meet the standards for long term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, required long-term bicycle parking spaces must 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. The total minimum requirement is 165 spaces, of which at least 148 must meet the long-term parking requirements. The applicant would provide 175 spaces all of which would be long-term spaces.

For the commercial uses, the minimum requirement is not less than one secure bicycle parking space for every 20 automobile spaces provided, but not fewer than four. A secure bicycle space must be a bicycle rack which permits the locking of the bicycle frame and one wheel to the rack and which supports the bicycle in a stable position without damage to the wheels, frame or components. Four secure, short-term bicycle parking spaces are proposed. Because the site is in close proximity to multiple modes of transportation, the applicant is encouraged to provide additional bicycle parking, short-term or long-term, for employees and customers of the commercial uses.

Loading: For multi-family dwellings with more than 250 units, two small spaces or one large space is required. For general retail sales and services and most food and beverage uses occupying between 20,000 and 50,000 square feet of gross floor area, one small loading space is required. The proposed on-site loading area would accommodate two large loading spaces.

Maximum Floor Area: The maximum FAR allowed in the B4-2 district is 16. The proposed lot area is 51,973 square feet. The building, not including parking, would have a total of 415,492 square feet, which is an FAR of approximately 8.0.

Minimum Lot Area: Not applicable.

Dwelling Units per Acre: The applicant proposes a density of 276.5 dwelling units per acre.

Building Height: There is no height limitation in the B4-2 district. The tallest part of the building would be 465 feet in height and 35 stories as defined by the zoning code.

Yard Requirements: Where residential uses containing windows face an interior side yard, an interior side yard of at least five feet plus two feet for each story above the first floor, but not to exceed 15 feet if no other yard requirements apply. Where the residential use would contain windows facing the north interior side lot line, the walls would be set back 46 feet.

CPED - Planning Division Report
BZZ-5404

Specific Development Standards: Food and beverages uses are required to regularly inspect and remove litter from the premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet.

B4 General District Regulations: In the B4 district, the ground floor of accessory parking garages must have commercial, residential, office, or hotel uses located between the parking garage and any public sidewalk except where the frontage is needed to provide vehicular and pedestrian access to the facility. The ground floor accessory parking area would be separated from the public sidewalk by areas devoted to the principal uses of the development.

NM Nicollet Mall Overlay District Standards: The following standards apply to this development:

- Drive through facilities, automobile services uses, transportation uses and sexually oriented uses as regulated by Chapter 549, Downtown Districts are prohibited in the NM overlay district. These uses are not proposed.
- The first floor of buildings must be located not more than eight feet from Nicollet Mall, except where a greater yard is required by the zoning ordinance or where the building is separated from Nicollet Mall by outdoor open space that conforms to the standards for the urban open space premium, established in Chapter 549, Downtown Districts. In the case of a corner lot, the building wall abutting each street must be located not more than eight feet from the lot line, except where a greater yard is required by the zoning ordinance or where the building is separated from the lot line by outdoor open space that conforms to the standards for the urban open space premium. The first floor of the building would be located more than eight feet from the lot line adjacent to Nicollet Mall and 5th Street. A greater yard is not required and the area between the building and the street would not fully conform to the standards for the outdoor urban open space premium. A variance of this standard is required.
- The area between the building and a lot line adjacent to a street, and all other areas not occupied by buildings or used for parking and loading purposes, must include amenities such as landscaping, tables and seating. Amenities, including landscaping, seating, and more room for pedestrian circulation, would be provided between the building and the lot lines.
- Buildings must be oriented so that at least one principal entrance faces Nicollet Mall. One or more principal entrances would face Nicollet Mall.
- The main lobby of the building and main elevator access must be located at street level. Both the main lobbies and elevator access for the residential and commercial uses would be located at street level.
- On-site accessory parking facilities must be located to the rear or interior side of the site, within the principal building served, or entirely below grade. All on-site parking would be enclosed.
- Building facades must provide architectural detail to create visual interest and the exterior materials and appearance of the rear and side walls must be similar to and compatible with the front of the building. All sides of the building would contain architectural details and would be similar and compatible.

CPED - Planning Division Report
BZZ-5404

- The use of plain face concrete block as an exterior material is prohibited where visible from a public street or a residence or office residence district. Plain face concrete block would not be used as an exterior material.
- At least 40 percent of the first floor facade that faces Nicollet Mall or other public street must be windows or doors of clear or lightly tinted glass, including display windows. Windows must be distributed in a more or less even manner. Display windows must be illuminated until at least 1:00 a.m. The required minimum window area is measured between the height of two feet and ten feet above the finished level of the first floor. Nearly 100 percent of the first floor facades facing Nicollet Mall and 5th Street, measured between two and ten feet, would be windows or doors with clear or lightly tinted glass.
- All buildings must contain retail uses at the street level subject to the following standards:
 - (1) Retail uses must include Retail Sales and Services uses and Food and Beverages uses contained in Table 549-1 Principal Uses in the Downtown Districts.
 - (2) Retail uses must occupy at least 60 percent of the gross floor area of the first floor and must extend along at least 60 percent of the first floor facade fronting on Nicollet Mall.
 - (3) Each retail use is encouraged to have at least one separate entrance from Nicollet Mall.
 - (4) Retail uses are encouraged to include awnings and canopies to provide protection to pedestrians and to emphasize individual uses and building entrances.

The proposed development would comply with the above standards except that retail uses would occupy less than 60 percent of the gross floor area of the first floor. A variance of this standard is required.

- On-premise signs are subject to the regulations of Chapter 543, On-Premise Signs, and the following:
 - (1) The amount of sign area allowed for signs attached to buildings is 3.5 square feet of sign area per one foot of primary building wall.
 - (2) The maximum height of signs attached to buildings, except projecting signs, is limited to 28 feet. The provisions of Chapter 543, On-Premise Signs, for increasing the height of wall signs by conditional use permit do not apply.
 - (3) The maximum height of projecting signs is limited to 28 feet. The maximum area of projecting signs is 12 square feet. Projecting sign materials are limited to ornamental metal, carved wood or cloth.
 - (4) Backlit signs are prohibited. Projecting signs must be lighted by external illumination only.

No signage is proposed at this time. All signs must also conform to the requirements of Chapter 543, On-Premise Signs. Any new signage will require Zoning Office review, approval, and permits.

- Awnings and canopies are encouraged in order to provide protection for pedestrians and to emphasize individual uses and entrances, and are subject to the following:
 - (1) Backlit awnings and canopies are prohibited.

CPED - Planning Division Report
BZZ-5404

- (2) Awning and canopy materials must be limited to cotton, acrylic or vinyl coated cotton, copper or bronze coated metal, or clear or lightly tinted glass.

No awnings or canopies are proposed.

DP Downtown Parking Overlay District Standards: The DP overlay district regulates accessory parking lot. All parking will be enclosed.

Skyway Connection: Although not required for the proposed development, the new skyway design would comply with the skyway connection standards required for a downtown floor area ratio premium. It would connect two blocks on opposite sides of the street and would be located on private property except where it crosses the street. Elevators and an escalator would be conveniently located to link the streets to the skyway level. The bottom of the skyway would be more than 16.5 feet above the street (17 feet proposed). The interior width of the skyway would be greater than 12 feet and less than 30 feet with the proposed width of 18 feet. It would be single story and designed to appear horizontally level with the street. At least 80 percent of the vertical enclosure would be windows that allow views into and out of the skyway.

Signs: No signage is proposed at this time. All signs must conform to the requirements of Chapter 543, On-Premise Signs and section 551.950. Any new signage will require Zoning Office review, approval, and permits.

Refuse Screening: Refuse storage containers would be stored in the building.

Screening of Mechanical Equipment: All mechanical equipment is required to be arranged so as to minimize visual impact by using screening and must comply with Chapter 535 and district requirements including:

535.70. Screening of mechanical equipment. (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

- (1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
 - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
 - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
 - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.

CPED - Planning Division Report
BZZ-5404

- (4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

Mechanical equipment would be located at ground level and on the roof and screened by the structure.

Lighting: Lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

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 arranged so as not to 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 source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- (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 to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) 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: In *The Minneapolis Plan for Sustainable Growth*, the future land use designation of this site is commercial. The site is adjacent to Nicollet, which is designated as a commercial corridor and a major retail center. It is also within the Downtown growth center and Nicollet Mall transit station area. Specific to the Downtown growth center, the plan states:

As the physical and economic center of the city, Downtown is a logical place for a concentration of employment, housing, and other complementary uses. The land use pattern strengthens the concentrated office core with surrounding entertainment, cultural, and residential development. High intensity uses are encouraged to make the best use of the premium location and to strengthen the city's core.

This proposal would be consistent with the applicable principles and policies of the comprehensive plan including the following:

Chapter 1. Land Use

CPED - Planning Division Report
BZZ-5404

Policy 1.3: Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.

- 1.3.1 Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings.
- 1.3.2 Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.
- 1.3.3 Encourage above-ground structured parking facilities to incorporate development that provides active uses on the ground floor.

Policy 1.10: 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.

- 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.
- 1.10.2 Encourage commercial development, including active uses on the ground floor, where Commercial Corridors intersect with other designated corridors.

Policy 1.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

- 1.13.1 Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations.
- 1.13.2 Pursue opportunities to integrate existing and new development with transit stations through joint development.
- 1.13.4 Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces near the station.
- 1.13.5 Concentrate highest densities and mixed use development adjacent to the transit station and along connecting corridors served by bus.
- 1.13.6 Encourage investment and place making around transit stations through infrastructure changes and the planning and installation of streetscape, public art, and other public amenities.

Policy 1.15: Support development of Growth Centers as locations for concentration of jobs and housing, and supporting services.

- 1.15.2 Support the intensification of jobs in Growth Centers through employment generating development.
- 1.15.3 Encourage the development of high- to very high-density housing within Growth Centers.

Policy 1.16: Support a limited number of Major Retail Centers, while promoting their compatibility with the surrounding area and their accessibility to transit, bicycle and foot traffic

- 1.16.2 Incorporate principles of traditional urban design in new and phased development, including buildings that reinforce the street wall, have windows that provide “eyes on the street”, and principal entrances that face the public sidewalks.
- 1.16.4 Ensure the provision of high quality transit, bicycle and pedestrian access to Major Retail Centers.

Chapter 2. Transportation

CPED - Planning Division Report
BZZ-5404

Policy 2.10: Support the development of a multi-modal Downtown transportation system that encourages an increasingly dense and vibrant regional center.

- 2.10.4 Improve the pedestrian environment Downtown to ensure it is a safe, enjoyable, and accessible place to walk. Encourage strategies such as wider sidewalks for pedestrian movement, trees, landscaping, street furniture, improved transit facilities, additional bicycle facilities, and on-street parking and other curbside uses.
- 2.10.5 Improve way-finding and vertical circulation between the street and skyway system, particularly along primary transit and pedestrian routes.

Chapter 3. Housing

Policy 3.2: Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.

- 3.2.1 Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.

Chapter 4. Economic Development

Policy 4.16 Strengthen Downtown's position as a regional cultural, entertainment and commercial center that serves Downtown employees, visitors, and residents.

- 4.16.1 Maintain a destination Retail District along Nicollet Mall.
- 4.16.2 Provide a continuous retail presence within the Retail District by requiring active commercial uses on the street level.

Chapter 7. Open Space and Parks

Policy 7.6: Continue to beautify open spaces through well designed landscaping that complements and improves the city's urban form on many scales – from street trees to expansive views of lakes and rivers.

- 7.6.1 Where open spaces and the built environment interface, seek greater design integration between them to create interesting spaces for active and passive use.
- 7.6.6 Promote open space design that enhances the four season experience for all Minneapolis residents and visitors.

Chapter 10. Urban Design

Policy 10.1: Promote building designs and heights that enhance and complement the image and form of the Downtown skyline, provide transition to the edges of Downtown and protect the scale and quality in areas of distinctive physical or historical character.

- 10.1.1 Concentrate the tallest buildings in the Downtown core.
- 10.1.3 Building placement should allow light and air into the site and surrounding properties.

Policy 10.2: Integrate pedestrian scale design features into Downtown site and building designs and infrastructure improvements.

- 10.2.1 The ground floor of buildings should be occupied by active uses with direct connections to the sidewalk.
- 10.2.2 The street level of buildings should have windows to allow for clear views into and out of the building.
- 10.2.3 Ensure that buildings incorporate design elements that eliminate long stretches of blank, inactive building walls such as windows, green walls, architectural details, and murals.

CPED - Planning Division Report
BZZ-5404

- 10.2.4 Integrate components in building designs that offer protection to pedestrians, such as awnings and canopies, as a means to encourage pedestrian activity along the street.
- 10.2.5 Locate access to and egress from parking ramps mid-block and at right angles to minimize disruptions to pedestrian flow at the street level.
- 10.2.6 Arrange buildings within a site in order to minimize the generation of wind currents at ground level.
- 10.2.7 Locate buildings so that shadowing on public spaces and adjacent properties is minimized.
- 10.2.8 Coordinate site designs and public right-of-way improvements to provide adequate sidewalk space for pedestrian movement, street trees, landscaping, street furniture, sidewalk cafes and other elements of active pedestrian areas.

Policy 10.3: Use skyways to connect buildings Downtown.

- 10.3.1 Provide maximum transparency of skyway walls in order to provide views to the outside that help users orient themselves.
- 10.3.4 Provide convenient and easily accessible vertical connections between the skyway system and the public sidewalks, particularly along primary transit and pedestrian routes.

Policy 10.17: Provide sufficient lighting to reflect community character, provide a comfortable environment in a northern city and promote environmentally friendly lighting systems.

- 10.17.5 Integrate exterior building lighting design to attune with building designs and landscaping.
- 10.17.6 Provide sufficient lighting for better way-finding and safe circulation within and around a development.
- 10.17.7 Encourage additional pedestrian-scale, exterior lighting in growth centers, activity centers, commercial nodes, pedestrian overlay districts and transit station areas.

Policy 10.19: Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces, buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.

Policy 10.23 Promote climate-sensitive design principles to make the winter environment safe, comfortable and enjoyable.

- 10.23.1 Consider solar access, shelter from wind and snow storage and removal in site design.
- 10.23.2 Locate pedestrian places on the sunny sides of streets and buildings to shelter from the wind and utilize the sun's warmth.
- 10.23.3 Consider building context, placement, and height to manage wind speeds.
- 10.23.5 Utilize pedestrian lighting, seasonal lighting, and furniture to increase comfort and safety so that streets become places for people.
- 10.23.6 Encourage street tree plantings to reduce wind speed and provide separation between pedestrians and cars.

Downtown East / North Loop Master Plan

The property is also located within the boundaries of the *Downtown East / North Loop Master Plan* that was adopted by the City Council in 2003. A primary goal of the plan is to establish transit-oriented mixed use development downtown. The recommended land use for the site is high density mixed use (office/commercial) with at-grade retail. The plan states that high-intensity residential uses are also

CPED - Planning Division Report
BZZ-5404

appropriately located in the Downtown Core, which includes the subject site. “[S]ites close to the Nicollet Mall Station afford an exceptional opportunity to create a high-density, mixed use district where new residential development complements new and existing development at the heart of the Downtown Core.” A skyway stair tower on this site is recommended by the plan. According to the principles and policies outlined in the plan, the following guidance applies to this proposal:

- High-density mixed-use development (generally 14 floors and higher) should be pursued primarily within the Downtown Core...
- City policy must encourage development of downtown housing that is twice the growth that is otherwise suggested by current market predictions (see Chapter Three). Specifically, the City should ensure that adopted policies and ordinances support the creation of 10,000 new residential units within the Project Area over the next twenty years.
- Encourage retail uses that promote extended hours of operation – such as restaurants, coffee shops, bookstores, and the like – in pursuit of city streets that are lively at most hours of the day and night.
- Locate new skyways within buildings in a manner that enables pedestrians to see the street from inside.
- Design public spaces and private plazas to encourage their use and to place a strong emphasis on the creation of “green” in these new spaces. Open spaces should connect directly to city streets and they should be well-integrated into the public domain.
- Sidewalks should be built to a minimum width of 12 feet to promote a comfortable scale and to create opportunities to enhance sidewalk activity. In locations where plantings or sidewalk cafes are intended, a minimum sidewalk width of 18 feet should be maintained. A minimum width of 10 feet should be adopted for zones of “pedestrian-clear” space.
- Wherever possible, establish continuous zones on the inner or outer edges of downtown sidewalks for street furnishings, planters, public art, and other amenities.
- Extensive tree planting should be promoted in all public and private development projects throughout the Project Area.
- It is recommended that, on average 10%, of the developable area of every full block or half block project be set aside for public open space. Smaller, infill sites should be exempt from this prescription. This residual space should be designed specifically for public realm use, with decorative paving, street furniture, trees, public art, water features, pedestrian lighting, planted areas and other amenities.

Staff comment: The proposed development would be consistent with these guidelines.

The plan also includes guidance for building height and massing. For any high-rise building, the plan recommends dividing the building into three sections: a base, a mid-section and a top. The purpose of this massing is to not overwhelm the neighborhood scale of the surrounding streets and sidewalks. The plan has the following guidance for each building section:

Building Base: In keeping with the character of downtown neighborhoods, the base of a building should be designed to appear that it bears the weight of the mass above and visually support the building. The base should be approximately four stories high (50 feet) and should be defined by one or more of the following features:

- Thicker-than-normal walls
- Richly textured materials (i.e. tile or masonry treatment)
- Special cladding materials (i.e. rock, ceramic tile or marble)

CPED - Planning Division Report
BZZ-5404

A uniform roof cornice line through the precinct should take precedence over individual building expression.

Mid-Section of Building: Upper levels of buildings would be set back a minimum of 15 feet from the building base to help maintain the proportions set by the building base. Materials within the middle portion of a structure should be characterized by a combination of cladding materials such as masonry, concrete or metal combined with a regular repeat of windows that complement the base and top of the building. The use of reflective mirror cladding should be discouraged.

Top of Building: The top of a building should create an attractive profile against the backdrop of the sky and surrounding buildings. It should be defined by one or more of the following features:

- Cornice Treatment
- Roof overhang with brackets
- Stepped parapet

Above the fourth floor, building towers should be placed to maintain view corridors through the city and to orient the building to maximize natural sunlight.

Staff comment: The building would have a base, mid-section and top. The base of the building is designed to appear that it bears the weight of the mass above, visually supporting the building. It would be 70 feet high in line with the Gaviidae Common building to the south (the shortest of the three buildings at the Nicollet Mall and 5th Street intersection). At the Marquette Avenue and 5th Street intersection, two of the three existing buildings share a uniform cornice line above the fourth floor level. The proposed building would incorporate elements that reflect the lower cornice line at this intersection. Walls would appear thicker on the base. The mid-section is set back 11 feet from the 5th Street side of the base and 9 feet from the Nicollet Mall side of the base. Although the mid-section is not set back 15 feet from the base, the base steps back from Nicollet Mall as it intersects with 5th Street. Materials would consist of pre-cast concrete and glass that complement the top and base of the building. A crown feature will top the building. The tower would not block any view corridors identified in the comprehensive plan. The tower's orientation would maximize access to sunlight to the extent practical.

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:

CPED - Planning Division Report
BZZ-5404

Building placement within 8 feet of lot lines adjacent to streets

The use is located on a corner lot with frontage on three streets. The first floor of the building would be located within 8 feet of Marquette Avenue, but would be located more than 8 feet from Nicollet Mall and 5th Street. Nicollet Mall and Marquette Avenue are primary bus route corridors. The Nicollet Mall LRT station is located on 5th Street between Nicollet Mall and Marquette Avenue. Nicollet Mall is also a main pedestrian thoroughfare. Heavy volumes of pedestrian traffic travel on these sidewalks. Setting the building back more than 8 feet from these streets will ensure there is adequate room for pedestrian circulation and amenities. To improve the public realm, proposed ground level pedestrian amenities between the building and the lot lines adjacent to the streets include wider sidewalks, landscaping, decorative paving and lighting, and seating areas. An abundant amount of windows would be provided for the commercial uses, skyway lobby, and residential lobby that would allow views of the adjacent ground level spaces. Staff is recommending approval of the variance of the NM Overlay District standard requiring the first floor of the building to be located not more than 8 feet from the lot lines adjacent to Nicollet Mall and to midblock along 5th Street unless outdoor open space that conforms to the standards for the urban open space premium established in Chapter 549, Downtown Districts, is provided. For these reasons, staff is also recommending that the planning commission grant alternative compliance for this standard because the proposed alternatives meet the intent of the requirement, the site plan includes amenities that address adverse effects of the alternative, strict adherence is impractical due to site conditions, the proposed alternative is consistent with the applicable development plans adopted by the city council, the security of the surrounding area has been considered, and visual interest has been created with the proposed amenities and architectural features.

Ten percent window requirement

Each wall above the first floor facing Nicollet Mall, 5th Street, and Marquette Avenue is subject to the 10 percent window requirement. No windows that would allow views into and out of the building would be provided on levels 3 through 6. On each of the Nicollet Mall and Marquette Avenue facing walls, approximately 154 square feet of windows are required. On the 5th Street facing walls, approximately 321 square feet of windows are required. Levels 3 through 6 would be occupied by enclosed parking. Providing windows on these levels would provide little natural surveillance and visibility of the surrounding area. On levels 1 and 2 and levels 7 through 33, the amount of windows proposed on each of the walls subject to the window requirements would greatly exceed the minimum requirements and would provide adequate natural surveillance and visibility of the surrounding area. Translucent glass is proposed on the southwest corner of the building on these floors to tie in with the glass that extends from the second to 33rd level at that corner. As an alternative to windows on the rest of the walls, the applicant is proposing accent panels with decorative images. For these reasons, staff is also recommending that the planning commission grant alternative compliance for this standard because the proposed alternatives meet the intent of the requirement, the site plan includes amenities that address adverse effects of the alternative, the security of the surrounding area has been considered, and visual interest has been created with the proposed architectural features.

Blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length

The elevations with blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length are on levels 5 and 6 facing Nicollet Mall, 5th Street and Marquette Avenue and levels 1 through 7 on the north building elevation. Enclosed parking is located on levels 3 through 6 of the building. The north elevation faces the interior of the block. The applicant is proposing to use changes in materials to break up the overall mass of the

parking levels and north elevation and to create visual interest. The different materials proposed include cast stone, architecturally finished concrete with painted surfaces, painted scored masonry, metal panels and glass. Because of the scale of the building, the overall composition of materials should provide adequate architectural detail to address the intent of this ordinance. Surface parking and a parking ramp occupy the rest of the block. It is anticipated that the rest of the block will be redeveloped in the future. Future redevelopment will likely limit visibility of the north side of the proposed building. For these reasons, staff is recommending that the planning commission grant alternative compliance.

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 of the NM Nicollet Mall Overlay District standard requiring the first floor of the building to be located not more than 8 feet from the lot lines adjacent to Nicollet Mall and to midblock along 5th Street unless outdoor open space that conforms to the standards for the urban open space premium established in Chapter 549, Downtown Districts, is provided located at the properties of 415, 423 and 427 Nicollet Mall and 426 Marquette Avenue.

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 of the NM Nicollet Mall Overlay District standard requiring that at least 60 percent of the gross floor area of the first floor must be occupied by retail uses located at the properties of 415, 423 and 427 Nicollet Mall and 426 Marquette Avenue.

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 application for site plan review located at the properties of 415, 423 and 427 Nicollet Mall and 426 Marquette Avenue, subject to the following conditions:

- 1) Because the site is in close proximity to multiple modes of transportation, the applicant is encouraged to provide additional short-term and/or long-term bicycle parking for employees and customers of the commercial uses.
- 2) Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, floor, site, lighting and landscape plans.

CPED - Planning Division Report
BZZ-5404

- 3) Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by December 12, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

- 1) PDR report
- 2) Applicant's statement of proposed use and responses to findings
- 3) Zoning map
- 4) Plans
- 5) Photos