

**Department of Community Planning and Economic Development – Planning  
Division**

Variance and Site Plan Review  
BZZ – 5501

**Date:** April 9, 2012

**Applicant:** Minnesota Orchestra Association, Orchestra Hall, 1111 Nicollet Mall, Minneapolis, MN 55403, (612) 371-5600

**Address of Property:** 1100 Marquette Avenue

**Project Name:** Orchestra Hall Expansion

**Contact Person and Phone:** Nelson Tietz Hoye, Attn: Paul Johnson, 81 South 9<sup>th</sup> Street, Suite, 330, Minneapolis, MN 55402, (612) 344-1500

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

**Date Application Deemed Complete:** February 24, 2012

**End of 60-Day Decision Period:** April 24, 2012

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

**Ward:** 7                      **Neighborhood Organization:** Downtown Minneapolis Neighborhood Association and Citizens for a Loring Park Community

**Existing Zoning:** B4S-2 (Downtown Service) District, DP (Downtown Parking) and NM (Nicollet Mall) Overlay Districts

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 19

**Legal Description:** Not applicable for this application

**Proposed Use:** A 29,837 square foot addition to Orchestra Hall.

**Concurrent Review:**

- Variance of the development standards for plazas.
- Site plan review to allow an expanded building footprint of approximately 11,564 square feet and an increase in the overall gross floor area of the structure of approximately 29,837 square feet. The proposal would include an enlarged lobby along 11<sup>th</sup> Street South, a City Room (3,600 square feet) that would extend towards Nicollet Mall, interior and exterior building renovations, modifications to the exterior plaza area and a new drop-off along 11<sup>th</sup> Street South.

**Applicable zoning code provisions:** Chapter 530, Site Plan Review and Chapter 525, Article IX Variances, specifically Section 525.520(29) “To vary the development standards of Chapter 535, Plazas”.

**Background:** The Minnesota Orchestral Association proposes to expand Orchestra Hall located on the property at 1100 Marquette Avenue. The 77,195 square foot Orchestra Hall building was constructed in 1974 and accommodates 2,200 seats. The proposed expansion would result in an increased footprint of approximately 11,564 square feet and an increase in the overall gross floor area of the structure of approximately 29,837 square feet. The property is zoned B4S-2 (Downtown Service) District, and is located within the DP (Downtown Parking) and NM (Nicollet Mall) Overlay Districts. The DP Overlay District was created in order to preserve significant and useful buildings and to protect the unique character of the downtown area and mixed-use downtown neighborhoods by restricting the establishment or expansion of surface parking lots and establishing certain minimum and maximum off-street parking standards in the downtown area. No alterations to the existing 6-space surface parking lot are proposed. The NM Overlay District was 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. Increased standards related to building placement, building height and scale, building façade, and street level retail, are addressed. The proposal is in compliance with these standards. The expansion requires site plan review, an administrative plaza review and a corresponding variance application of the plaza standards.

The proposal would include an enlarged lobby along 11<sup>th</sup> Street South, a City Room that would extend towards Peavey Plaza and Nicollet Mall, interior and exterior building renovations including the relocation of the cooling tower, modifications to the exterior plaza area and a new drop-off along 11<sup>th</sup> Street South. Interior improvements relate to necessary ADA compliance as well as upgrades pertaining to walkways, stairs and new gathering places. Additionally, the existing skyway connection at Marquette Avenue is proposed to be shortened in length as the new lobby would extend further towards the east property line.

The proposed plaza on the Orchestra Hall site, which totals 7,567 square feet meets the criteria as outlined in Section 535.790 of the Zoning Code and is therefore subject to the development standards. The abutting property, Peavey Plaza is in the midst of a complete re-design and the improvements proposed for the site are uniformly linked to the Orchestra Hall site despite the fact that they are completely different parcels and projects. The features, material choices, details and patterns will be integrated between the two projects to provide a consistent appearance. The plaza development standards that the project is not meeting include the amount of seating, and encroachments pertaining to the new drop-off area along 11<sup>th</sup> Street South.

Staff has not received official correspondence from the Downtown Minneapolis Neighborhood Association (DMNA) or the adjacent Citizens for a Loring Parking Community (CLPC) prior to the printing of this report. Any correspondence received prior to the public hearing will be forwarded on to the Planning Commission for further consideration.

**VARIANCE** – Variance of the development standards for plazas.

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

**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.**

Planning Staff believes that the circumstance, upon which the variance is requested, is unique to the parcel of land due to the fact that the urban site abuts Peavey Plaza which is also currently in

the process of being redesigned. As previously noted, while the modifications to the plaza area on the Orchestra Hall site and those proposed on the Peavey site are two separate projects that require separate approvals they are being designed in concert with one another. The proposed Orchestra Hall plaza, to be known as Orchestra Square, meets all requirements except for those related to seating and encroachments. Based on 1 foot of seating per 50 square feet of plaza, a total of 140 linear feet of seating is required. As currently proposed, the plaza would be slightly below at 120 to 130 linear feet of seating. In addition, due to the location of the new drop-off and patio extension, both encroach within the public right-of-way and as such do not meet the requirement that plazas be located entirely on the property. Staff believes that these unique circumstances have created practical difficulties in complying with the ordinance. Further, the request is a reasonable use of the property.

**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 proposal to allow variances of the development standards that apply to plazas would be reasonable and would be in keeping with the spirit and the intent of the ordinance and comprehensive plan. As previously noted, the proposal currently conforms with the standards outlined in Section 535.810 of the Zoning Code related to placement, access, natural surveillance and visibility, aerial obstructions, surface materials, plantings, additional amenities including a living wall, art features, kiosks and fountains as well as a 70 foot tall water wall, lighting, winter use, trash receptacles, and mechanical equipment. Staff believes that the request to allow a slight relaxation of development standards pertaining to seating and encroachments allows the applicant to use the property in a reasonable manner.

**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.**

The proposal to allow a variance of the development standards for plazas would not adversely alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it 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:**

- 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.**

**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.**
- **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 77,195 square foot Orchestra Hall building was constructed in 1974 and accommodates 2,200 seats. The proposed expansion would result in an increased footprint of approximately 11,564 square feet and an increase in the overall gross floor area of the structure of approximately 29,837 square feet. The existing conditions will not be evaluated as part of this application; however, the building additions including the modification and extension of the lobby along 11<sup>th</sup> Street South and the proposed City Room that extends toward Peavey Plaza and Nicollet Mall will be reviewed for compliance with Chapter 530 standards.

The original glass box lobby would be expanded to the north, west and east along 11<sup>th</sup> Street South and the drop-off on 11<sup>th</sup> Street South would be shifted to the west and would accommodate a direct connection to a new front door facing Nicollet Mall. The expansion of the lobby to the west leads to the proposed City Room; a new multipurpose space that is entirely transparent and faces Nicollet Mall and the abutting Peavey Plaza. Windows would allow views into and out of the building at ground-level on all sides of the proposed additions. Pedestrian access is facilitated around and through the site with wide walkways. The use of progressive design and street-oriented building alignments is reinforced with the proposed expansion. The design also maximizes natural surveillance and visibility.

The proposed building additions bring the property closer to compliance with the building placement provision, although in some locations the building is still located further than 8 feet from the associated property lines. As previously noted, the conditions on site are existing and the modifications that are proposed are bringing the property closer to compliance therefore, alternative compliance is not necessary in this circumstance.

The proposed building additions affect elevations facing Marquette Avenue, 11<sup>th</sup> Street South and Nicollet Mall. The proposed window areas far exceed the 40% window requirement as outlined in

the NM Overlay District Standards. 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 all elevations. The analysis of the project's compliance with this requirement is as follows:

*Marquette Avenue:* According to Staff calculations, the proposed Marquette Avenue elevation would include approximately 52% window area.

*11 Street South:* According to Staff calculations, the proposed 11th Street South elevation would include approximately 55% window area.

*Nicollet Mall:* According to Staff calculations, the proposed Nicollet Mall elevation would include approximately 73% window area.

The proposed building addition far exceeds the 10% window requirement on each floor above the first floor that faces the public street and public sidewalk as well. The windows would be vertical in their orientation and would be distributed in a more or less even manner on all sides of the proposed additions.

The exterior materials and appearance of all elevations of the proposed building would be compatible. Extensive modifications to the existing building elevations are proposed. The materials on the proposed structure would be primarily glass curtain walls, limestone, black granite, and metal elements. The proposed building additions incorporate architectural elements including recesses and projections, windows and entries. There are no blank uninterrupted walls that exceed 25 feet in width on the proposed additions. The proposed form and the pitch of the roof line is compatible with the existing building as well as other buildings within the area.

The newly proposed building additions comply with the active functions provision as outlined above as the Marquette Avenue, 11<sup>th</sup> Street South and Nicollet Mall frontages far exceed the minimum provision. Back of house operations are still oriented towards the 12<sup>th</sup> Street South street frontage.

No additional parking is proposed. A total of 6 off-street parking spaces are located in a small surface parking lot near the intersection of 12<sup>th</sup> Street and Marquette Avenue.

#### **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.**

All entrances would be accessed either directly from a public sidewalk or via walkways greater than four feet in width. Public sidewalks would be relatively wide on all sides of the subject site.

Bus routes run along Nicollet Mall and along Marquette Avenues directly adjacent to the site. No integrated transit shelters are proposed.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding uses. No new curb cuts are proposed. As previously noted, the drop-off located on 11<sup>th</sup> Street South is shifting further west, which allows for a better overall sidewalk alignment.

There are no public alleys or residential uses adjacent to the site.

The applicant is working with the Public Works Department on a stormwater management plan for the site. Much of the site is either covered by a building or is impervious, however, landscaping is proposed within the public right-of-way and within the on-site plaza area.

#### **LANDSCAPING AND SCREENING:**

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
  - **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year.**
- **Screening shall be satisfied by one or a combination of the following:**
  - **A decorative fence.**
  - **A masonry wall.**
  - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

Buildings with 50,000 square feet or more of gross floor area located in the Downtown districts are exempt from the general landscaping and screening requirements. In addition, there are no proposed surface parking lots but there is an existing small surface parking lot located at the intersection of 12<sup>th</sup> Street and Marquette Avenue. The applicant is proposing to install new street trees along the public street frontages which must be reviewed and approved as part of the Preliminary Development Review process.

**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.

No surface parking lots are proposed, however, there is a small existing surface parking lot located on the premises.

The proposed additions to Orchestra Hall would not be expected to result in any additional blocking of views or shadowing of public space and adjacent properties. The proposed additions would also not be expected to have any substantive impacts on light, wind and air in relation to the surrounding area especially given the downtown location.

Windows and entrances would allow surveillance to and from the new ground level spaces, in both the expanded lobby and new City Room facing 11<sup>th</sup> Street South and Peavey Plaza. The sidewalks will also be lighted to ensure a degree of nighttime visibility.

The existing structure is not recognized as a locally or nationally designated historic property.

**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 B4S-2 (Downtown Service) District and is located in the DP (Downtown Parking) and NM (Nicollet Mall) Overlay Districts. Indoor theatres are permitted uses in the B4S-2 district. The DP Overlay District restricts surface parking lots in the downtown area. No additional surface parking is proposed as part of the development. The proposal is in conformance with the NM Overlay District as well.

**Parking and Loading:**

*Minimum automobile parking requirement:* In the Downtown Districts, there is no minimum off-street parking requirement as outlined in Chapter 541, Off-Street Parking and Loading. Currently

there are 6 off-street parking spaces located in a small surface parking lot near the intersection of 12<sup>th</sup> Street South and Marquette Avenue. These would remain in their current configuration with the proposed modifications to the site.

*Maximum automobile parking requirement:* The maximum automobile parking requirement for indoor theatre uses in the B4S-2 district is 30% of the capacity of persons. Based on the approximate audience floor area of 21,000 square feet, a total of 420 off-street parking spaces would be the maximum automobile parking requirement. A total of 6 off-street parking spaces are provided on site which does not exceed the maximum.

*Bicycle parking requirement:*

In the Downtown Districts, when the gross floor area is less than 500,000 square feet of new or additional gross floor area, 1 secure bicycle parking space shall be provided for every 20 automobile parking spaces provided, but in no case shall fewer than 4 or more than 30 bicycle parking spaces be required. A minimum of 4 spaces are required of which not less than 50 percent of the required bicycle parking shall meet the standards for short-term bicycle parking which are as follows:

- *“Required short-term bicycle parking spaces shall be located in a convenient and visible area within fifty (50) feet of a principal entrance and shall permit the locking of the bicycle frame and one (1) wheel to the rack and shall support a bicycle in a stable position without damage to the wheels, frame or components. With the permission of the city engineer, required bicycle parking may be located in the public right-of-way. Public bicycle parking spaces may contribute to compliance with required bicycle parking when located adjacent to the property in question.”*

The applicant is proposing to locate 4 bicycle parking spaces adjacent to 11<sup>th</sup> Street South to meet the requirement. There are existing music note bike racks located along Marquette Avenue as well.

*Loading:* There is a loading requirement for indoor theatres. The assigned rating is low, and for a building that will have a total gross floor area of 107,032 square feet, a total of two small (10 feet by 25 feet) loading spaces would be required. Ample room is provided on site that accommodates two small loading spaces.

**Signs:** No signs are proposed at this time. Any new signage is required to meet the requirements as outlined in Chapter 543 of the Zoning Code. Separate permits will need to be attained through the Zoning Office when signage is requested for the subject site.

**Lighting:** The applicant is proposing to install decorative light fixtures throughout the site as part of the exterior upgrades of the façade. A photometric plan was not submitted as part of the application but 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.

**Minimum Floor Area:** The lot area is 72,592 square feet. The minimum FAR allowed in the B4S-2 District is 2.0. The proposed gross floor area of the building is 107,032 square feet; therefore, the FAR would be 1.47 which is less than the minimum of 2.0. Due to the fact that the

building is existing, the proposed addition to the structure is bringing the site closer to compliance and as a result no variance is required.

**Maximum Floor Area:** The lot area is 72,592 square feet. The maximum FAR allowed in the B4S-2 District is 8.0. The proposed FAR is 1.47 and does not exceed the maximum FAR that is allowed.

**Minimum Lot Area:** Not applicable for this development.

**Dwelling Units Per Acre:** Not applicable for this development.

**Height:** The Downtown Districts have no maximum building height. The size of the building is limited by the maximum FAR (see analysis above). The building is in compliance as previously noted.

**Yard Requirements:** Not applicable for this development..

**Specific Development Standards:** Indoor theatres are subject to a specific development standard in Chapter 536 of the zoning code pertaining to theaters that are non-conforming as to parking. This provision is not applicable for this development.

**Refuse screening:** Refuse storage would be located within the dumpster enclosure located at the intersection of 12<sup>th</sup> Street and Marquette Avenue.

**PLAZA:**

A 7,567 square foot plaza, Orchestra Square, is located on the site facing Nicollet Mall and 11<sup>th</sup> Street South, and directly abutting Peavey Plaza. The City recently passed an ordinance requiring design standards for all plazas over 2,000 square feet in area.

The plaza is being designed in conjunction with the proposed Peavey Plaza improvements in order to unify both materials and the overall design. As previously noted in the variance section of the staff report, the proposed plaza complies with standards related to placement, access, natural surveillance and visibility, aerial obstructions, surface materials, plantings, additional amenities including a living wall, art features, kiosks and fountains as well as a 70 foot tall water wall, lighting, winter use, trash receptacles, and mechanical equipment. However, the plaza does not meet the standards related to seating and encroachments. Based on 1 foot of seating per 50 square feet of plaza, a total of 140 linear feet of seating is required. As currently proposed, the plaza would be slightly below at 120 to 130 linear feet of seating. In addition, due to the location of the new drop-off and patio extension, both encroach within the public right-of-way and as such do not meet the requirement that plazas be located entirely on the property.

**THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH**

According to *The Minneapolis Plan for Sustainable Growth*, the subject property is located within a Growth Center and along the Nicollet Mall Commercial Corridor. As currently proposed the improvements will enhance the street façade along 11<sup>th</sup> Street South and create a semi-public transition into the adjacent Peavey Plaza. The proposed improvements are consistent with the following 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 1.3 of *The Minneapolis Plan for Sustainable Growth* states, “Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.” This policy includes the following applicable implementation step: (1.3.2) “Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.”

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.” This policy includes the following applicable implementation steps: (1.4.1) “Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served”; (1.4.2) “Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.”

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 1.15 of *The Minneapolis Plan for Sustainable Growth* states, “Support development of Growth Centers as locations for concentration of jobs and housing, and supporting services. This policy includes the following applicable implementation steps: (1.15.1) “Support development of Growth Centers through planning efforts to guide decisions and prioritize investments in these areas”; (1.15.4) “Promote the integration of major public and private institutional campuses located in Growth Centers, including health care and educational services, with the function and character of surrounding areas.”

Economic Development Policy 4.12 of *The Minneapolis Plan for Sustainable Growth* states: “Downtown will continue to be the economic engine of the Upper Midwest region by strengthening its employment core.” This policy includes the following applicable implementation steps: (4.12.5) “Support the continued strength and growth of the Downtown convention and hospitality industry.”

Economic Development Policy 4.16 of *The Minneapolis Plan for Sustainable Growth* states: “Strengthen Downtown’s position as a regional cultural, entertainment and commercial center

that serves Downtown employees, visitors, and residents.” This policy includes the following applicable implementation steps: (4.16.4) “Encourage activities and uses in Downtown for people of all ages”; (4.16.5) “Support development of Downtown Minneapolis as a unique retail, arts, and cultural destination”; (4.16.6) “Preserve and build upon Downtown’s cultural, entertainment and hospitality amenities, such as the convention center, professional sports venues and the Central Riverfront.”

Urban Design Policy 10.1 of *The Minneapolis Plan for Sustainable Growth* states: “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.”

Urban Design Policy 10.2 of *The Minneapolis Plan for Sustainable Growth* states: “Integrate pedestrian scale design features into Downtown site and building designs and infrastructure improvements.” This policy includes the following applicable implementation steps: (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.”

The proposal is in conformance with the above noted policies and implementation steps of the Comprehensive Plan.

#### **Conformance with Applicable Development Plans or Objectives Adopted by the City Council**

Not applicable for this development.

#### **ALTERNATIVE COMPLIANCE**

**The Planning Commission may approve alternatives to any site plan review requirement upon finding any of the following:**

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

No alternative compliance is requested by the applicant for the proposed development.

**RECOMMENDATION:**

**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 application to vary the plaza standards pertaining to seating and encroachments on the property located at 1100 Marquette Avenue.

**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 application for site plan review to allow an approximately 29,837 square foot addition located on the property at 1100 Marquette Avenue 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 April 9, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. All required ground level windows must be transparent (non-reflective) as required by Section 530.120 of the Zoning Code.
4. The plaza shall be maintained in good order by the property owner for the life of the plaza/building. Proper maintenance shall include, but not be limited to, snow and ice removal, annual maintenance of vegetation and green space and annual inspection and repair and/or replacement of furnishings.

**Attachments:**

1. Statement of use and description of the project
2. Correspondence
4. Zoning map
5. Plans, site, landscape, floor, elevations, civils
6. Shadow Studies, renderings & photos
7. PDR notes