

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-5532

Date: May 3, 2012

Applicant: Joel Peters with Target Corporation

Address of Property: 1001-13 Nicollet Mall and 81-87 10th Street South

Project Name: 1001-13 Nicollet

Contact Person and Phone: John Montgomery with Ryan Companies US, Inc., (612) 492-4479

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

Date Application Deemed Complete: March 28, 2012

End of 60-Day Decision Period: May 27, 2012

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

Ward: 7 Neighborhood Organization: Downtown Minneapolis Neighborhood Association

Existing Zoning: B4-1, Downtown Service District, DP Downtown Parking Overlay District and NM Nicollet Mall Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 19

Legal Description: Not applicable for this application

Proposed Use: Target Corporate Headquarters office space extension.

Concurrent Review:

Variance: of the Nicollet Mall Overlay District standards requiring Retail Sales and Services uses or Food and Beverage uses to occupy at least 60 percent of the gross floor area of the first floor of the building and 60 percent of the first floor façade fronting on Nicollet Mall. The applicant is not proposing to have Retail Sales and Services uses or Food and Beverage uses in the building located at 1001-13 Nicollet Mall and 81-87 10th Street South.

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.”

Background: Target Corporation is proposing to utilize the site located at 1001-1013 Nicollet Mall and 81-87 10th Street South as an extension of their headquarters which is located directly across Nicollet Mall from the site. The 1001 Nicollet Mall building will house informal meeting space, indoor recreational space, group fitness class space and formal meeting space. The 1013 Nicollet Mall building will house a bike storage area, locker rooms and additional informal meeting space. The buildings will be interconnected. The outdoor area located on the 81-87 10th Street South properties will be landscaped and will also contain an outdoor recreation area. The buildings will be open and available for use Monday through Friday from 6 am until 9 pm and on Saturdays from 8 am until 5 pm. The building is only intended to be used by employees of Target Corporation.

The site is located within the boundaries of the NM Nicollet Mall Overlay District which 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.” Section 551.940 of the zoning code requires that all buildings contain retail uses at the street level subject to the following standards:

- (1) Retail uses shall 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 shall occupy at least sixty (60) percent of the gross floor area of the first floor and shall extend along at least sixty (60) percent of the first floor façade fronting on Nicollet Mall.
- (3) Each retail use is encouraged to have at least one (1) 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 use of the building has been classified as office. Since the applicant is not proposing to have Retail Sales and Services uses or Food and Beverage uses in the building, a variance of the Nicollet Mall Overlay District standards requiring Retail Sales and Services uses or Food and Beverage uses to occupy at least 60 percent of the gross floor area of the first floor of the building and 60 percent of the first floor façade fronting on Nicollet Mall is necessary.

Neighborhood Comments: The Planning Division has not received official correspondence from the Downtown Minneapolis Neighborhood Association prior to the printing of this report. All correspondence received prior to the Board of Adjustment meeting will be forwarded on for consideration.

VARIANCE - of the Nicollet Mall Overlay District standards requiring Retail Sales and Services uses or Food and Beverage uses to occupy at least 60 percent of the gross floor area of the first floor of the building and 60 percent of the first floor façade fronting on Nicollet Mall.

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.**

Of the Nicollet Mall Overlay District standards: The applicant is seeking a variance of the Nicollet Mall Overlay District standards requiring Retail Sales and Services uses or Food and Beverage uses to occupy at least 60 percent of the gross floor area of the first floor of the building and 60 percent of the first floor façade fronting on Nicollet Mall. The applicant is not proposing to have Retail Sales and Services uses or Food and Beverage uses in the building. Instead the applicant is proposing to utilize the site as an extension of their headquarters which is located directly across Nicollet Mall from the site. The 1001 Nicollet Mall building will house informal meeting space, indoor recreational space, group fitness class space and formal meeting space. The 1013 Nicollet Mall building will house a bike storage area, locker rooms and additional informal meeting space. The buildings will be interconnected. The outdoor area located on the 81-87 10th Street South properties will be landscaped and will also contain an outdoor recreation area. The buildings will be open and available for use Monday through Friday from 6 am until 9 pm and on Saturdays from 8 am until 5 pm. The building is only intended to be used by employees of Target Corporation.

The Planning Division believes that practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The building located at 1001 Nicollet Mall has been vacant since 2005 and the building located at 1013 Nicollet Mall has been vacant since 2011. Although the buildings will not be occupied by Retail Sales and Services uses or Food and Beverage uses they will be activated and lively due to the programming of the space. There is no skyway connection to these buildings so all employees that choose to utilize this space will be entering from one of the adjacent streets. In this specific circumstance the Planning Division believes that the request is reasonable given the activities proposed, and the activation of buildings along Nicollet Mall that are currently vacant. The Planning Division would anticipate that the future redevelopment of these sites would comply with the required provisions/objectives outlined in the NM Nicollet Mall Overlay District 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.

Of the Nicollet Mall Overlay District standards: The Planning Division believes that 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. The purpose of the NM Nicollet Mall Overlay District is 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 building located at 1001 Nicollet Mall has fallen into disrepair since it became vacant in 2005. The building will be completely renovated including the addition of new storefront windows along both Nicollet Mall and 10th Street South. The ground level of the 1001 Nicollet Mall building will be used for informal meeting space; no interior dividing walls are proposed. The ground level of the 1013 Nicollet Mall building will be used for bike storage, locker rooms and informal meeting space. The latter use will occupy the area along Nicollet Mall. The NM Nicollet Mall Overlay District requires that 40 percent of the first floor façade that faces Nicollet Mall or any other street be windows or doors of clear or lightly tinted glass that allow views into and out of the building. Provided that these standards are met the proposed use of the site is appropriate until a redevelopment of the site is proposed.

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.

Of the Nicollet Mall Overlay District standards: The Planning Division believes that the granting of the variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Although the buildings will not contain ground level Retail Sales or Services uses or Food and Beverage uses they will be activated with people coming and going six days a week. While the City encourages these types of uses along Nicollet Mall, the proposal to activate vacant buildings until a future redevelopment is feasible on the site, is appropriate. As part of this development the 1001 Nicollet Mall building will be renovated and a large outdoor green space with an adjacent outdoor recreation space will be created. The outdoor area will be separated from the public sidewalk along 10th Street South by an eight-foot tall decorative metal fence.

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 Zoning Board of Adjustment adopt the above findings and **approve** the variance of the Nicollet Mall Overlay District standards requiring Retail Sales and Services uses or Food and Beverage uses to occupy at least 60 percent of the gross floor area of the first floor of the building and 60 percent of the first floor façade fronting on Nicollet Mall. The applicant is not proposing to have Retail Sales and Services uses or Food and Beverage uses in the building located at 1001-13 Nicollet Mall and 81-87 10th Street South subject to the following conditions:

1. A minimum of 40 percent of the first floor windows located along Nicollet Mall and 10th Street South 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.
2. The first floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of six-tenths (0.6) or higher.

Attachments:

1. Preliminary Development Review report from April 12, 2012
2. Statement of purpose and description of project
3. Variance findings

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4. March 26, 2012, letters to Council Member Goodman and the Downtown Minneapolis Neighborhood Association
5. Zoning Map
6. Civil plans, site plan, landscaping plans, elevations and floor plans
7. Photos of the site