

Department of Community Planning and Economic Development
Variance and Site Plan Review
BZZ-6074

Date: June 10, 2013

Applicant: Mortenson Development, Inc., Attn: Dan Lessor, 700 Meadow Lane North, Minneapolis, MN 55422, (763) 287-5399

Address of Property: 400 Marquette Avenue

Project Name: 4 Marq

Contact Person and Phone: UrbanWorks Architecture, LLC, Attn: Scott Beckman, 901 N. 3rd Street, Suite 145, Minneapolis, MN 55401, (612) 455-3108

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

Date Application Deemed Complete: April 29, 2013

End of 60-Day Decision Period: June 28, 2013

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

Ward: 7 **Neighborhood Organization:** Downtown Minneapolis Neighborhood Association (DMNA)

Existing Zoning: B4-2 (Downtown Business) District and DP (Downtown Parking) Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 19

Lot area: 15,850 square feet or approximately .36 acres

Legal Description: Not applicable for this application

Proposed Use: A new 30-story, 302 foot tall mixed-use development.

Concurrent Review:

- A variance of the interior side yard setback requirement along the public alley adjacent to the south property line from 15 feet to approximately 0 feet for residential uses;
- Site plan review application for a new 30-story, 302 foot tall mixed-use development that includes 262 market-rate apartments, 217 above-grade parking spaces and approximately 4,000 square feet of ground level retail along South 4th Street. The property is located in the B4-2 (Downtown Business) District, and the DP (Downtown Parking) Overlay District.

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

Background: UrbanWorks Architecture, LLC, on behalf of Mortenson Development, Inc., and L.S.T. Properties, LLP, has submitted land use applications to construct a new 30-story, 302 foot tall mixed use development that includes 262 market-rate apartments, 217 above-grade parking spaces and approximately 4,000

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square feet of ground level retail along South 4th Street on the property located at 400 Marquette Avenue. The proposal requires a variance as the development is subject to a 15 foot setback along the south property line per Section 549.120(c) and the building is located approximately 0 feet at the closest point. Site plan review is also required.

The subject development is the last parcel on the block bounded by Marquette Avenue, Nicollet Mall, South 4th Street and South 5th Street to be proposed for redevelopment. The Nic on Fifth, a 26-story residential development with a total of 253 apartments is under construction on the west side of the block along 5th Street South and a portion of Nicollet Mall and Marquette Avenue with an anticipated project completion date of August 2014. Xcel Energy received approval for a new 9-floor, 161 foot tall, 222,879 square foot office building that would create an “urban campus” for Xcel Energy in conjunction with the existing Xcel Headquarters building located across the street at 414 Nicollet Mall. Construction is slated to begin in early 2014.

The applicant proposes to re-use the existing foundation walls of the below grade parking structure located on the premises. The first floor would accommodate retail space along the majority of the street frontage along South 4th Street and the residential entrance lobby would be located mid-block off of Marquette Avenue. Floors 2-7 would accommodate the accessory off-street parking that would be provided for the development with access off of South 4th Street. The existing alley would accommodate trash, deliveries and loading.

The development would include several amenities including a ground level outdoor pet exercise area, outdoor terraces on the 8th floor and an extensive roof-top deck that is partially enclosed. Additional amenities would include a 24-hour concierge, business center, management office, fitness center, pet grooming station, bicycle/tenant storage and several gathering rooms.

The exterior materials would be composed of a modern grid of precast concrete panels with accents of anodized aluminum sections. A double-layer ribbed, perforated metal panel would clad the parking levels. The building has been designed to accommodate future skyway access on the second floor that would link to the Nic on 5th Street Project located directly adjacent to the proposed development on the same block as well as future skyway access across South 4th Street should the block, currently a large surface parking lot, be redeveloped.

Correspondence from the neighborhood group, the Downtown Minneapolis Neighborhood Association (DMNA), was received and is attached to this report. No other neighborhood letters/emails were received prior to the printing of this report. Any correspondence received after the printing of this report shall be forwarded on to the Planning Commission for consideration.

VARIANCES – (1) Variance of the interior side yard setback requirement along the public alley adjacent to the south property line from 15 feet to approximately 0 feet at the closest point for residential uses.

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.**

Variance of the interior side yard setback along the south property line: Practical difficulties exist in complying with the ordinance due to the small size of the subject property, the fact that the property has frontage on two public streets, and the location of the site in the Downtown Growth Center. The applicant is subject to interior/rear yard setbacks along the south and west property lines of 15 feet (5 +2x, but no greater than 15 feet). The building as proposed complies with the setback along the west property line but does not comply along the south property line abutting the public alley. Given the fact that the 16-foot wide public alley allows for a

separation between the buildings on either side of the public alley the request is reasonable and appropriate in this circumstance.

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.**

Variance of the interior side yard setback along the south property line: The proposal to allow a reduction in the setback requirement along the south property line from 15 feet to approximately zero feet at the closest point is reasonable and would be keeping with the spirit and intent of the ordinance and comprehensive plan. The upper residential floors provide for a separation that allows for window openings and access to light and air. The proposed separation along the south property line is reasonable given the surrounding context.

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.**

Variance of the interior side yard setback along the south property line: The granting of the variance to reduce the setback requirement along the south property line abutting the public alley would not 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. Adopted City policies encourage this type of high-density, mixed-use, transit-oriented development on the subject parcel. The proposal is contextually appropriate given its location within a pedestrian and transit-oriented downtown area.

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.
- 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.

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- 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.
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

The development is subject to required yards only along the interior and rear property lines due to the residential use of the building. The building would be located within 8 feet of the property line along both South 4th Street and Marquette Avenue. The principal entrance to the proposed ground-level commercial space located along South 4th Street would be located off of South 4th Street. The residential lobby is located along the majority of the street frontage along Marquette Avenue with access off of Marquette Avenue. The design of the site maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation. The area between the building and the public streets would have tree plantings and planters.

The north ground-level elevation of the building located along South 4th Street incorporates windows that exceed the 30% window requirement as approximately 51% are provided according to the submitted elevations. The windows on this elevation are evenly distributed and vertical in proportion.

The east ground-level elevation of the building located along Marquette Avenue is subject to a 30% window requirement where the commercial space spills over onto Marquette for approximately 23 feet. The elevation incorporates windows that exceed the 30% requirement as approximately 74% are provided in that specific location. The windows in this location on the elevation are evenly distributed and vertical in proportion. The elevation also is subject to a 20% window requirement for the remainder or the majority of the elevation. The proposal incorporates windows that exceed the 20% window requirement as approximately 91% are provided according to the submitted elevations. The windows on this elevation are evenly distributed and vertical in proportion.

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 along the public street. The proposed development exceeds the 10% window requirement on each floor above the first floor that faces the public street and public sidewalk.

There are blank uninterrupted walls greater than 25 feet in length on floors 2-7 of all elevations of the building that do not include windows, entries, recesses or projections, or other architectural elements. Alternative compliance is necessary. Staff would recommend that the Planning Commission grant alternative compliance for this provision as it would not be practical to break up the blank walls in these locations. Floors 2-7 consist entirely of above-grade parking. The exterior cladding on these portions of the building have been designed to allow proper ventilation for an open air parking garage that complies with the building code, and that effectively screens the parking located on those floors by providing a uniform appearance screened by perforated metal panels. The uniformity of this component of the elevation draws less attention to the inactive floors of the building which is the desired architectural approach.

The development complies with the active functions provision as noted above.

The exterior materials would be compatible on all sides of the proposed building as the materials would include pre-cast concrete panels, composite metal panels, perforated metal panels, burnished block, glass and various architectural details. Future changes in exterior materials may require review before the City Planning Commission. The proposed building form and flat roof would be considered compatible with other buildings in the area.

An enclosed parking area would be located on floors 2-7 of the building and would provide a total of provides a total of 217 off-street parking spaces on site that includes 169 standard spaces, 42 compact spaces and 6 accessible spaces. A total of 262 enclosed bicycle parking spaces would be provided on site as well.

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.**

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- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

The principal entrances to the building would be located off of the public sidewalk directly abutting South 4th Street and Marquette Avenue.

There are no transit shelters within the development, however there are bus stops located directly in front of the building along South 4th Street and Marquette Avenue which is a primary bus route and pedestrian corridor.

The proposed development has been designed to minimize conflicts with pedestrian traffic. Currently, there are no surrounding residential uses although the Nic on Fifth project which is a 26-story residential project is currently under construction on the south side of the block. The number of curb cuts to the site has been minimized to the extent practical as there is one curb cut off of South 4th Street to the enclosed parking.

There is an L-shaped public alley that wraps the west and south sides of the property. The alley would be used for access to the proposed loading area. Access to the parking ramp located within the building would be off of South 4th Street.

All parking would be enclosed in floors 2-7 of the proposed building. The amount of impervious surface proposed on site is not excessive as the building covers the majority of the subject property.

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.**

Any building containing 50,000 square feet or more of gross floor area located in the downtown districts is exempt from the general landscaping and screening requirements. The parking and loading landscaping and screening requirements apply; however, all on-site parking would be enclosed in this specific circumstance.

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.**

All parking for the proposed project is being provided within floors 2-7 of the building. As proposed the site would be accessed off of South 4th Street. A loading and service area would be located at the rear of the building with access off of the public alley. The water drainage on site has been designed so as not to drain onto any adjacent lots. The applicant is incorporating on-site retention and filtration.

The proposed building would not significantly shadow public spaces nor would the proposed structure result in significant impacts to wind and air in relation to the surrounding area. The massing of the building has been broken up into vertical and horizontal sections with architectural details that are designed to mitigate ground level winds.

The site appears to incorporate the applicable CPTED principles. The active uses proposed within the ground level of the building provide natural surveillance, there are windows on all sides of the building that allow people to observe adjacent public spaces and the entrances are connected to the public sidewalk. The site is further designed with landscaping, and architectural features to delineate space and control access. Staff has no additional comments or concerns at this time regarding site safety. A detailed lighting plan will be required with the final plan submission.

There are no historic structures or structures eligible for designation on the subject 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 and is located in the DP Overlay Districts. Residential and retail uses are permitted in the B4-2 district.

Parking and Loading:

Minimum automobile parking requirement: In the Downtown Districts, Chapter 541, Off-Street Parking and Loading does not have a minimum off-street parking requirement for residential or commercial uses. A total of 217 off-street parking spaces are being proposed for the residential component of the development. In the case where multiple-family dwelling units of 50 units or more provide off-street parking for residents, designated visitor parking at a ratio of not less than one visitor space per 50 dwelling units is required. A total of 4 visitor parking spaces are required and are being provided in the development.

Maximum automobile parking requirement: The maximum parking requirement for residential uses in the B4 District is 1.5 spaces per dwelling unit with accessible spaces and visitors spaces not counted towards the maximum parking requirement. The applicant proposes a total of 262 dwelling units; a total of 393 off-street parking spaces would be the maximum. For retail sales and services uses the maximum parking requirement would be 1 space per 500 square feet of gross floor area. As proposed, the commercial space would total 2,146 square feet; a total of 4 off-street parking spaces would be the maximum for this use. As previously noted, the applicant proposes to include 217 spaces (which includes the required 4 visitor parking spaces) within floors 2-7 of the proposed building for the residential uses which is below the maximum allowed.

Bicycle parking requirement: The minimum bicycle parking requirement for a multiple family dwelling is equal to one space per two dwelling units. Further, not less than 90% of the required bicycle parking shall meet the standards for long-term bicycle parking which are as follows:

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

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. The total minimum requirement is 131 spaces, of which at least 118 must meet the long term parking requirements. The applicant would provide 262 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 required and 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: Two small spaces (10 feet by 25 feet) or one large loading space (12 feet by 50 feet) are required based on the proposed number of units within the building. The retail space is less than 20,000 square feet therefore no additional loading is required for this component of the project. The proposed on-site loading area would accommodate one large loading space at the rear of the building.

Maximum Floor Area: The maximum FAR allowed in the B4-2 district is 16. The area of the lot is 15,850 square feet. The building, not including parking, would have a total of 328,987 square feet, which is an FAR of approximately 20.7. The proposed development qualifies for two floor area ratio premiums: one for street level retail uses and the other for mixed-use residential subject to the following standards as outlined in Section 549.220 of the Zoning Code:

Street level retail uses, subject to the following standards:

- a. Retail uses shall be limited to Retail Sales and Services uses and Food and Beverages uses included in Table 549-1 Principal Uses in the Downtown Districts.
- b. Retail uses shall extend along at least sixty (60) percent of the building wall fronting on any street.
- c. Each retail use shall have at least one (1) separate entrance from the sidewalk.
- d. Street level uses shall include awnings or canopies to provide protection to pedestrians and to emphasize individual uses and building entrances.
- e. At least forty (40) percent of the first floor façade that faces a public street, sidewalk or parking lot shall be windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level, except within the NM Nicollet Mall Overlay District, where such district standards shall apply.
- f. The street level retail space shall be maintained in good order for the life of the principal structure.

Mixed-use residential, subject to the following standards:

- a. At least ten (10) percent of the gross floor area of the principal structure shall be occupied by dwelling units.
- b. The dwelling units shall be located above the first floor.
- c. The dwelling units shall be maintained in good order for the life of the principal structure.

In the B4-2 district, the street level retail would allow for a 2.0 increase and the mixed-use residential would allow for a 4.0 increase for a net FAR allowance of 22 on the subject property. As a result, the development is in compliance with the allowable FAR.

Minimum Lot Area and Lot Width: Parcels with residential uses in the downtown districts must have at least 5,000 square feet of lot area and a lot width greater than 40 feet, and retail uses have no minimum lot size requirement. The lot has 15,850 square feet of area and is wider than 40 feet.

Dwelling Units per Acre: Based on the lot area of 15,850 square feet or approximately .36 acres and a total of 262 units proposed on the site, 720 dwelling units per acre is being provided based on the proposal.

Building Height: There is no height limitation in the B4-2 district. The tallest part of the proposed building would be 320-feet tall or 30 stories as defined by the zoning code.

Yard Requirements: The required yards are as follows:

- *Front – along South 4th Street (north property line):* 0 feet.
- *Front -along Marquette Avenue (east property line):* 0 feet.
- *Interior side yard/rear (5+2x):* 15 feet. The applicant as submitted a variance application to reduce the setback requirement along the south property line. See the findings as noted above.

DP Downtown Parking Overlay District Standards: The DP overlay district regulates surface parking lots. All parking would be enclosed.

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. The mechanical equipment would be located at ground level and on the roof and screened by a structure.

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

MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH:

In *The Minneapolis Plan for Sustainable Growth*, the future land use designation of this site is commercial. The site is a half block from Nicollet Mall, which is designated as a commercial corridor and a major retail center. It is also within the Downtown Growth Center and the Nicollet Mall Transit Station Area (TSA). 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.” The following policies and implementation steps of *The Minneapolis Plan for Sustainable Growth* apply to this proposal:

Land Use Policy 1.1 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: (1.5.1) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

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

Land Use Policy 1.3 states: “Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit. This policy includes the following applicable implementation steps: (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”; and (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.”

Land Use Policy 1.10 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 steps: (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.”

Land Use Policy 1.13 states: “Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.” This policy includes the following applicable implementation steps: (1.13.1) “Encourage pedestrian-oriented services and retail uses as part of higher density

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development near transit stations”; (1.13.4) “Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces near the station”; (1.13.6) “Encourage investment and place making around transit stations through infrastructure changes and the planning and installation of streetscape, public art, and other public amenities.”

Land Use Policy 1.15 states: “Support development of Growth Centers as locations for concentration of jobs and housing and supporting services.” This policy includes the following applicable implementation step: (1.15.2) “Support the intensification of jobs in Growth Centers through employment generating development.”

Land Use Policy 1.16 states: “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.” This policy includes the following applicable implementation steps: (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.”

Transportation Policy 2.10 states: “Support the development of a multi-modal Downtown transportation system that encourages an increasingly dense and vibrant regional center.” This policy includes the following applicable implementation step: (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.”

Housing Policy 3.2 states: “Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.” This policy includes the following applicable implementation step: (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.”

Urban Design Policy 10.1 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.” This policy includes the following applicable implementation steps: (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”;

Urban Design Policy 10.2 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”; (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”; (10.2.8) “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.”

Urban Design Policy 10.17 states: “Provide sufficient lighting to reflect community character, provide a comfortable environment in a northern city and promote environmentally friendly lighting systems.” This policy includes the following applicable implementation steps: (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

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lighting in growth centers, activity centers, commercial nodes, pedestrian overlay districts and transit station areas.”

Urban Design Policy 10.19 states: “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.”

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 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.” The proposed development would be consistent with the guidelines adopted as part of this plan.

ALTERNATIVE COMPLIANCE:

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

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

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

- *Blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length:* There are blank uninterrupted walls greater than 25 feet in length on floors 2-7 of all elevations of the building that do not include windows, entries, recesses or projections, or other architectural elements. Alternative compliance is necessary. Staff would recommend that the Planning Commission grant alternative compliance for this provision as it would not be practical to break up the blank walls in these locations. Floors 2-7 consist entirely of above-grade parking. The exterior cladding on these portions of the building have been designed to allow proper ventilation for an open air parking garage that complies with the building code, and that effectively screens the parking located on those floors by providing a uniform appearance screened by perforated metal panels. The uniformity of this component of the elevation draws less attention to the inactive floors of the building which is the desired architectural approach.

RECOMMENDATION

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application to allow a variance of the interior side yard

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setbacks along the south property line to approximately 0 feet at the closest point to the building wall on the property located at 400 Marquette Avenue.

Recommendation of the Community Planning and Economic Development Department –for the Site Plan Review:

The Community Planning and Economic Development Department recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review to allow a new 30-story, 302 foot tall mixed-use development that includes 262 market-rate apartments, 217 above-grade parking spaces and approximately 4,000 square feet of ground level retail along South 4th Street on the property located at 400 Marquette Avenue subject to the following conditions:

1. All site improvements shall be completed by June 10, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. CPED Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. The applicant is encouraged to provide additional short-term and/or long-term bicycle parking for the commercial component of the development.
4. The development shall comply with the floor area ratio premiums for street level retail uses and for mixed-use residential and the applicable standards outlined in Section 549.220 of the Zoning Code.

Attachments:

1. Statement of use / description of the project
2. Findings –Variances
3. Correspondence – Ward 7 and DMNA
4. Zoning map
5. Plans – Site, landscape, elevations, floor plans, shadow studies
6. Photos
7. Fixture details
7. PDR Report