

Department of Community Planning and Economic Development (CPED)
Conditional Use Permit, Variance, Site Plan Review and Alley Vacation
BZZ-6316 and Vac-1625

Date: December 2, 2013

Applicant: Brandon Champeau with United Properties

Address of Property: 524 5th Street North

Project Name: National Marrow Donor Program Headquarters

Contact Person and Phone: Mark Partridge with RSP Architects, (612) 677-7157

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

Date Application Deemed Complete: November 4, 2013

End of 60-Day Decision Period: January 3, 2013

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

Ward: 7 and adjacent to 5 **Neighborhood Organization:** North Loop Neighborhood Association

Existing Zoning: B4S-1, Downtown Service District and DP, Downtown Parking Overlay District

Proposed Zoning: Not applicable for this development

Zoning Plate Number: 13

Legal Description: Not applicable for this development

Proposed Use: Office building

Concurrent Review:

Conditional use permit: to allow 2 wall signs that are over 120 square feet and located higher than 28 feet on the building wall.

Variance: to reduce the loading requirement from 3 large spaces to 1 large space and 1 small space.

Site plan review for a new approximately 293,000 square foot office building.

Vacation (Vac1625): of the southwesterly 4 feet of the alley as dedicated in Block 7, Bradford & Lewis Addition.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(6) "To vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces" and Chapter 530, Site Plan Review.

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Background: The applicant is proposing to redevelop the parcel of land located at 524 5th Street North. The site is located along 5th Street North between 5th Avenue North and 6th Avenue North. It is located directly across the street from the new Target Field Station, formerly known as The Interchange. The applicant is proposing to construct a new approximately 293,000 square foot (259,677 square feet without parking) office building on the site. The anticipated user of the building is the National Marrow Donor Program. The applicant has indicated that approximately 1,100 employees will office out of this location. The building will be eight stories in height with one level of underground parking below the building. There will be 87 parking spaces located within the building. Along 5th Avenue North, the applicant is proposing to have a restaurant space in the building. The restaurant will be open to the public.

The applicant is proposing to have two wall signs located near the top of the building. Since wall signs are limited to an overall size of 120 square feet and an overall height of 28 feet the applicant has applied for a conditional use permit to allow the wall signs on the building. The applicant has also applied for a variance to reduce the number of required loading docks on the site and site plan review.

The applicant has also requested to vacate the southerly four feet of the public alley that runs through the block. The applicant has indicated that the additional four feet is needed in order to allow the full extent of the loading spaces to be constructed on the property. The existing alley on the block is 20 feet in width. If the requested vacation is approved the remaining alley would be 16 feet in width.

Travel Demand Management Plan (TDMP): A TDMP is required for all non-residential development containing 100,000 square feet or more of new or additional gross floor area. As a goal, a mode split of up to 25 percent of trips made via non-single occupant automobiles through the strategies outlined in this TDMP is desired. A list of travel demand management strategies has been developed, which the applicant will implement in order to help them to achieve the SOV goal. The TDMP has been reviewed and approved by both CPED and Public Works.

Floor Area Ratio Premiums: There are no height limits in the B4S-1 zoning district. Heights of buildings are limited by the maximum floor area ratio (FAR). The maximum FAR in the B4S-1 zoning district is 4.0. To calculate FAR, one would divide the total square footage of the building (excluding that portion of the building devoted to accessory off-street parking or loading facilities, including aisles, ramps and maneuvering space) by the total square footage of the site. The lot size is 52,872 square feet and the building is approximately 259,677 square feet. The resulting FAR is 4.91.

In order to construct a building of the size proposed, the applicant has applied for one of the floor area ratio premiums that are allowed in Chapter 549, Downtown Districts of the zoning code. The premium that the applicant has applied is the public art premium. FAR premiums are reviewed administratively by staff and are subject to appeal to the planning commission.

The following are the standards that the development needs to meet in order to qualify for the floor area ratio premiums:

- **Public art, subject to the following standards:**
 - The art shall be valued at not less than one-fourth (.25) of one (1) percent of the capital cost of the principal structure.

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- The art shall be located where it is highly visible to the public. If the art is located indoors, such space shall meet the minimum requirements for an indoor open space, interior through-block connection or skyway connecting corridor, as specified in this article.
- The art shall be maintained in good order for the life of the principal structure.
- **CPED RESPONSE:**
 - The applicant has not indicated what the estimated cost of the development is at this time nor has the applicant indicated where the art would be placed on the site. However, the applicant has committed to providing this information to CPED staff. While the applicant has not provided any information about the public art that will be provided on site staff is awarding one point for this FAR premium subject to the applicant providing the required information prior to the issuance of building permits.
- **Value awarded = 1**

In conclusion, CPED finds that this project qualifies for a total floor area ratio premium of 1.0. This along with the maximum floor area ratio (4.0) of the district, the applicant could build a building with a floor area ratio of 5.0.

CONDITIONAL USE PERMIT - to allow 2 wall signs that are over 120 square feet and located higher than 28 feet on the building wall

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department has analyzed the application and from the findings above concludes that:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Signs are subject to the requirements of Chapter 543, On-Premise Signs. In the B4S zoning district there can be two-and-a-half square feet of signage for every one linear foot of primary building wall. Wall signs are limited to 120 square feet in size. Projecting signs are limited to 48 square feet in size. The height limitation for both wall signs and projecting signs is 28 feet. Freestanding monument signs are limited to 32 square feet in size and can be no taller than 8 feet. However, a freestanding monument sign shall not be allowed if the amount of signage exceeds two-and-a-half square feet of signage for every one foot of primary building wall. The zoning code limits the number of freestanding signs on a zoning lot to one. The applicant is proposing to have two wall signs that are approximately 265 square feet in size and located approximately 130 feet above grade. One of the wall signs would be located on the south side of the building and one would be located on the north side of the building.

The establishment of two wall signs that are over 120 square feet and located higher than 28 feet on the building wall will not be detrimental to or endanger the public health, safety, comfort or general welfare. The signs will need to be installed by a licensed sign contractor who is registered with the City of Minneapolis.

2. The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The purpose of Chapter 543, On-Premise Signs is to allow effective signage appropriate to the planned character of each zoning district, to promote an attractive environment by minimizing visual clutter and confusion, to minimize adverse effects on nearby property, and to protect the public health, safety and welfare. The proposed sign plan is appropriate for the B4S zoning district, however, the sign located on the north building wall will be visible from the Warehouse Historic District which would not be appropriate. The maximum sign height allowed in the Warehouse Historic District is 14 feet.

The establishment of one wall sign that is over 120 square feet and located higher than 28 feet on the building wall will not be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property. However, a wall sign on the north building wall facing the Warehouse Historic District will be injurious to the use and enjoyment of other property in the vicinity and impede the normal or orderly development and improvement of surrounding property. Therefore, CPED is recommending that there be no sign located on the north building wall facing the Warehouse Historic District. In addition to the historic district concerns, the north building wall is not a primary building wall and therefore signage is not allowed without a variance of the locational requirements of the zoning code.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The applicant will be working closely with CPED, the Public Works Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

4. Adequate measures have been or will be taken to minimize traffic congestion in the public streets.

The size and placement of wall signs on the building should have no impact on traffic congestion.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

The development site is located on 5th Street North between 5th and 6th Streets North. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates this site as Mixed Use. Downtown Minneapolis is a designed Growth Center. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

Urban Design Policy 10.20 states: “Promote an attractive environment by minimizing visual clutter and confusion caused by a proliferation of signage.”

Urban Design Policy 10.21 states: “Unique areas and neighborhoods within the city should have a special set of sign standards to allow for effective signage appropriate to the planned character of each

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area/neighborhood.” This policy includes the following applicable implementation steps: (10.21.2) “To promote street life and activity, signs should be located and sized to be viewed by people on foot (not vehicles) in order to preserve and encourage the pedestrian character of commercial areas that have traditional urban form” and (10.21.3) “Encourage effective signage that is appropriate to the character of the city’s historic districts and landmarks, and preserves the integrity of historic structures.”

The policies and implementation steps of *The Minneapolis Plan for Sustainable Growth* supports the CPED recommendation to approve the wall sign on the south building wall but not on the north building wall facing the Warehouse Historic District.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

Section 543.510 of the zoning code requires compliance with the following criteria before a sign adjustment can be approved:

1. The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.

The applicant is proposing to have two wall signs that are approximately 265 square feet in size and located approximately 130 feet above grade. One of the wall signs would be located on the south side of the building and one would be located on the north side of the building.

The purpose of Chapter 543, On-Premise Signs is to allow effective signage appropriate to the planned character of each zoning district, to promote an attractive environment by minimizing visual clutter and confusion, to minimize adverse effects on nearby property, and to protect the public health, safety and welfare. The proposed sign plan is appropriate for the B4S zoning district, however, the sign located on the north building wall will be visible from the Warehouse Historic District which would not be appropriate.

2. The sign adjustment will allow a sign that relates in size, shape, materials, color, illumination and character to the function and architectural character of the building or property on which the sign will be located.

The proposed sign plan relates in size, shape, materials, color, illumination and character to the proposed building.

VARIANCE - to reduce the loading requirement from 3 large spaces to 1 large space and 1 small space

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.

Loading space reduction: The applicant is seeking a variance to reduce the loading requirement from three large spaces (12' by 50') to one large space and one small space (10' by 25'). There will be one additional small loading space provided on site but it will be designated for trash and recycling pick-up. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property.

The property has frontage on three streets: 5th Avenue North, 5th Street North and 6th Avenue North. The north side of the property fronts along a public alley which is also adjacent to a surface parking lot. In an effort to screen the loading spaces from the public streets the applicant has designed the site with all loading functions on the north side of the building along the public alley. Given the dimensional requirements for a large loading space, three large loading spaces would take up the majority of the north side of the building which is where the applicant is also proposing to have other "back of house" functions such as mechanical rooms and equipment, trash and recycling room and a snow storage area. In addition, the office building will be occupied by one tenant who has indicated that they do not need three large loading spaces to satisfy their loading requirements.

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.

Loading space reduction: The applicant is proposing 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. There will be one large and one small loading space provided on site. In addition, there will be a second small loading space on site but it will be designated for trash and recycling pick-up.

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.

Loading space reduction: Granting of this variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. In addition, granting of the variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. Currently, the loading spaces for the existing business on the site are located along 6th Avenue North. Moving the loading spaces to the north side of the property, adjacent to the alley, will help alleviate traffic congestion in the public streets. The applicant has indicated that one large and one small loading space will serve the needs of the office tenant

SITE PLAN REVIEW - for a new approximately 293,000 square foot office building

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.

Minimum window area at the first or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first

floor shall be measured between the upper surface of a floor and the upper surface of the floor above.

- **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 at the first or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above.

- **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.**

CPED RESPONSE:

- The building reinforces the street wall, facilitates pedestrian access and maximizes natural surveillance. The building is set relatively close to the front property lines, there are entrances and

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exits at street level that can be accessed by employees and guests, there are large windows on all sides of the development that maximize the opportunities for people to observe adjacent spaces and the public sidewalks and there are outdoor seating areas at street level along 5th Avenue North and on the third floor of the building along all three adjacent streets.

- The building walls fronting along 5th Avenue North, 5th Street North and 6th Avenue North are required to be located within eight feet of the property line. The building is located between 15 and 46 feet from the property line along 5th Avenue North, between two and 23 feet from the property line along 5th Avenue North and between zero and 10 feet from the property line along 6th Avenue North. Alternative compliance is needed.
- The area in between the building and the property lines will contain increased sidewalk widths, landscaping, raised planters and an outdoor dining area.
- The principal entrance to the building is located on the corner of 5th Avenue North and 5th Street North. Doors face both of these public streets.
- The parking for the development will be located in one level of underground parking below the building.
- The exterior materials of the structure include precast concrete panels, stone, granite, metal and glass. The sides and rear of the building are similar to and compatible with the front of the building.
- The majority of the building does not contain areas that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. However, there are areas along the ground floor and/or 1st floor of the building and at the top of the building on all four sides that are blank. Alternative compliance is needed.
- At least 30 percent of the walls on the first floor and at least 10 percent of the walls on the upper floors that face a public street, public sidewalk, public pathway or on-site parking lot shall be windows. The minimum window calculation for the first floor of the building is measured between two and ten feet above the adjacent grade. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of six-tenths (0.6) or higher. The 5th Avenue North, 5th Street North and 6th Avenue North sides of the building are subject to the window requirements. The window requirement is not being met on the first floor of the building facing any of the streets but the window requirement on the upper levels of the building is being met. Alternative compliance is needed.
- The windows in the development are vertical in nature and are evenly distributed along the building walls.
- Over 70 percent of the building frontage along 5th Avenue North contains active functions. However, less than 70 percent of the building frontage along 5th Street North and 6th Avenue North contain active functions. Alternative compliance is needed.
- The principal roof line of the building will be flat. The majority of the buildings in the area have flat roofs.

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.**

CPED RESPONSE:

- The principal entrance leading into the building is connected to the public sidewalk via a walkway.
- The applicant is not proposing to construct any transit shelters as part of this development.
- The parking for the development will be located in one level of underground parking below the building. The parking will be accessed from a single curb cut along 6th Avenue North.
- The applicant is proposing to vacate the southerly four feet of the public alley on the block as part of this development. The applicant has indicated that the additional four feet is needed in order to allow the full extent of the loading spaces to be constructed on the property. The public alley would be used to access the loading area.
- There is no maximum impervious surface requirement in the B4S zoning district. In addition, Chapter 530, Site Plan Review does not require any landscaping for buildings containing 50,000 square feet or more of gross floor area in the downtown districts. However, the applicant is proposing to have approximately 3,300 square feet of landscaping on the site.

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.**

CPED RESPONSE:

- This site is exempt from the general landscaping and screening requirements of Chapter 530, Site Plan Review as the site is located in the B4S zoning district and the building is larger than 50,000 square feet.

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.**

CPED RESPONSE:

- The parking for the development will be located in one level of underground parking below the building.
- The proposed building will not block views of important elements of the city. The building has been designed with a setback after the second floor along 5th Street North. This design feature of the building helps to maintain views up and down 5th Street North.
- The proposed building will cast shadows on adjacent properties. However, the building is proposed to be seven stories in height and is located in a zoning district that does not have a height limitation. The proposed building will not shadow public spaces.
- The building has been designed with a setback after the second floor along the majority of 5th Avenue North and all of 5th Street North. There are also canopies located over the building entrances. These design features should help minimize wind effects on the surrounding area.

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- The site plan complies with crime prevention design elements as there are walkways that direct people to the building entrances, there are large windows on all sides of the building and there are outdoor seating areas at street level along 5th Avenue North and on the third floor of the building along all three adjacent streets that maximize the opportunities for people to observe adjacent spaces and the public sidewalks and there are lights located near all of the pedestrian entrances.
- This site is neither historically designated nor located in a historic district. However, the property is located just outside of the boundaries of the Warehouse Historic District.

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:

- **Use:** Office uses are a permitted use in the B4S zoning district.
- **Off-Street Parking and Loading:**

Minimum automobile parking requirement: There is no minimum parking requirement for any use in the downtown zoning districts. There will be 87 parking spaces within the building.

Maximum automobile parking requirement: The maximum parking requirement for office uses in the downtown zoning districts is one space per 1,000 square feet of gross floor area. The building will be approximately 259,677 square feet in size which would have a maximum parking requirement of 260 parking spaces. There will be 87 parking spaces within the building.

Bicycle Parking: In the downtown zoning districts, the minimum bicycle parking requirement for developments with less than 500,000 square feet of new or additional gross floor area is one secure bicycle parking space for every 20 automobile parking spaces provided, but in no case shall there be less than four or more than 30 spaces required. With 87 automobile parking spaces provided in the building the bicycle parking requirement is four spaces. There will be a total of 17 secure bicycle parking spaces provided within the building.

Loading: The loading space requirement for the office portion of the development is three large (12' by 50') loading spaces. The applicant is seeking a variance to reduce the loading requirement from three large spaces to one large space and one small space (10' by 25'). There will be one additional small loading space provided on site but it will be designated for trash and recycling pick-up.

- **Minimum/Maximum Floor Area:** The minimum FAR in the B4S-1 zoning district is 2.0 and the maximum FAR is 4.0. The lot size is 52,872 square feet and the building is approximately 259,677 square feet. The resulting FAR is 4.91. The applicant has applied for a FAR premium in order to construct a building of this size.
- **Building Height:** There is no height limitation in the B4S-1 zoning district. The applicant proposes a building that will be eight stories or 133 feet in height.
- **Minimum Lot Area:** There is no minimum lot area for office uses in the downtown zoning districts.

- **Dwelling Units per Acre:** Not applicable for this application.
- **Yard Requirements:** There are no yard requirements for office uses in the downtown zoning districts.
- **Specific Development Standards:** Not applicable for this application.
- **Signs:** Signs are subject to the requirements of Chapter 543, On-Premise Signs. In the B4S zoning district there can be two-and-a-half square feet of signage for every one linear foot of primary building wall. Wall signs are limited to 120 square feet in size. Projecting signs are limited to 48 square feet in size. The height limitation for both wall signs and projecting signs is 28 feet. Freestanding monument signs are limited to 32 square feet in size and can be no taller than 8 feet. However, a freestanding monument sign shall not be allowed if the amount of signage exceeds two-and-a-half square feet of signage for every one foot of primary building wall. The zoning code limits the number of freestanding signs on a zoning lot to one.

The applicant is proposing to have two wall signs that are approximately 265 square feet in size and located approximately 130 feet above grade. One of the wall signs would be located on the south side of the building and one would be located on the north side of the building. The applicant has applied for a conditional use permit for these signs. It should be noted that the north building wall is not a primary building wall and therefore signage is not allowed without a variance of the locational requirements of the zoning code. The applicant is also proposing to have a projecting sign on the 5th Avenue North side of the building. The projecting sign would be 39 square feet in size, located 24 feet above grade and would not project more than four feet from the building wall.

- **Refuse storage:** The trash and recycling storage area for the development will be located within the building.
- **Lighting:** A lighting plan showing footcandles was not submitted as part of the application materials. All lighting shall comply with Chapter 535, Regulations of General Applicability and Chapter 541, Off-Street Parking and Loading and CPED Staff shall review the details of the fixtures in the final review prior to permit issuance.

MINNEAPOLIS PLAN:

The development site is located on 5th Street North between 5th and 6th Streets North. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates this site as Mixed Use. Downtown Minneapolis is a designed Growth Center. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

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” and (10.1.2) “Building placement should preserve and enhance public view corridors that focus attention on natural or built features, such as landmark buildings, significant open spaces or water

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bodies” and (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” and (10.2.2) “The street level of buildings should have windows to allow for clear views into and out of the building” and (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” and (10.2.5) “Locate access to and egress from parking ramps mid-block and at right angles to minimize disruptions to pedestrian flow at the street level” and (10.2.7) “Locate buildings so that shadowing on public spaces and adjacent properties is minimized” and (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 10.14 states: “Encourage development that provides functional and attractive gathering spaces.” This policy includes the following applicable implementation step: (10.14.3) “Encourage the creation of new parks and plazas.”

Urban Design Policy 10.16 states: “Design streets and sidewalks to ensure safety, pedestrian comfort and aesthetic appeal.” This policy includes the following applicable implementation steps: (10.16.1) “Encourage wider sidewalks in commercial nodes, activity centers, along community and commercial corridors and in growth centers such as Downtown and the University of Minnesota” and (10.16.2) “Provide streetscape amenities, including street furniture, trees, and landscaping, that buffer pedestrians from auto traffic, parking areas, and winter elements” and (10.16.3) “Integrate placement of street furniture and fixtures, including landscaping and lighting, to serve a function and not obstruct pedestrian pathways and pedestrian flows.”

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.”

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 *Downtown East/North Loop Master Plan* was approved by the Minneapolis City Council in October of 2003. The future land use map in the *Downtown East/North Loop Master Plan* designates the site as Mixed Use – Office/Commercial. The plan divides the study area into different development precincts. This site is located in the Freeway West precinct. The plan identifies the Freeway West precinct as an area for mixed-use development of medium intensity (five to 13 stories). The plan also calls for street level retail along 5th Avenue North to create a connection between the commercial node at, or near, the new multi-modal station and the proposed ballpark to Washington Avenue North. According to the principles and policies outlined in the *Downtown East/North Loop Master Plan*, the following apply to this proposal:

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Design streets and buildings to eliminate long stretches of blank, inactive building walls.

Introduce building components that offer protection to pedestrians, such as awnings and canopies, as a means to encourage pedestrian activity along streets, especially where skyway alternatives don't or won't exist.

Encourage sidewalk retail and restaurants at locations specified in the Land Use Plan.

Design public spaces and private plazas to encourage their use and to place a strong emphasis on the creation of "green" in these new spaces. Open spaces should connect directly to city streets and they should be well-integrated into the public domain.

Sidewalks should be built to a minimum width of 12 feet to promote a comfortable scale and to create opportunities to enhance sidewalk activity. In locations where plantings or sidewalk cafes are intended, a minimum sidewalk width of 18 feet should be maintained. A minimum width of 10 feet should be adopted for zones of "pedestrian-clear" space.

Establish continuous zones on the outer edges of downtown sidewalks where functional hardware (such as streetlights, signage and parking meters) are located in manner that is as uniform as possible.

Wherever possible, establish continuous zones on the inner or outer edges of downtown sidewalks for street furnishings, planters, public art, and other amenities.

Use trees for their aesthetic and ecological benefits: improvement of air quality, reduction of storm water runoff, cooling in the summertime, and the buffering of winter winds.

The *North Loop Small Area Plan* was approved by the Minneapolis City Council in April of 2010. The future land use map in the *North Loop Small Area Plan* designates the site as Mixed Use. The plan divides the study area into different character areas. This site is located in the Freeway West character area. The plan identifies the Freeway West character area as an area for mixed-use development with development intensity greater than 10 stories. The plan also calls for street level retail along 5th Avenue North with the inclusion of pedestrian-oriented design features. According to the principles and policies outlined in the *North Loop Small Area Plan*, the following apply to this proposal:

New development should be geared toward the removal of surface parking lots and other under-developed sites.

Expand the original plan's recommended land uses in Freeway West to allow for a variety of uses that either increase the amount of housing density or offer improved opportunities for employment.

Design new and rehabbed buildings to have an urban street frontage with direct access to the public sidewalk.

Build parking for new development underground or behind the building.

Improve greening and landscaping along public sidewalks.

Include prominent front entrances and abundant window glass on building facades.

Face principal entrances of buildings – commercial, industrial, residential – to the street and public sidewalk.

Although adopted policies call for a building of at least 10 stories, the proposed development generally supports the policies of *The Minneapolis Plan for Sustainable Growth*, the *Downtown East/North Loop Master Plan* and the *North Loop Small Area Plan*.

The *Warehouse District Heritage Street Plan* was approved by the Minneapolis Heritage Preservation Commission in August of 2011. The purpose of the plan is to provide clear direction on the pressing issue of how to protect the historic infrastructure of the Warehouse Historic District while promoting an accessible and pedestrian friendly environment. The plan calls for the reconstruction of 5th Avenue North. The proposed development does not conflict with any of the recommendations within the plan as it pertains to 5th Avenue North.

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.**

CPED RESPONSE:

- **The first floor of the building shall be located not more than 8 feet from the front lot line.** The building walls fronting along 5th Avenue North, 5th Street North and 6th Avenue North are required to be located within eight feet of the property line. The building is located between 15 and 46 feet from the property line along 5th Avenue North, between two and 23 feet from the property line along 5th Avenue North and between zero and 10 feet from the property line along 6th Avenue North. Where the building has been setback more than eight feet there will be increased sidewalk widths, landscaping, raised planters and an outdoor dining area. The applicant has also indicated that the building wall along 5th Street North has been setback from the front property line in order to align

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with the front of the Ford Center located at 420 5th Street North. Given the elements that will be located between the building and the property lines and the need to not block views of the Ford Center, CPED is recommending that the City Planning Commission grant alternative compliance to allow the building footprint to be located where shown on the submitted plans.

- **Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed 25 feet in length.** The majority of the building does not contain areas that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. However, there are areas along the ground floor and/or 1st floor of the building and at the top of the building on all four sides that are blank. The area along the ground floor and/or 1st floor of the building that is blank is located along 5th Street North. This area of the building has large pieces of granite located next to one another with smaller pieces of granite in between them. In between the different sizes of granite will be a joint line. The applicant has indicated that the smaller pieces of granite could possibly be metal instead of granite which would break up the long wall. CPED is recommending that the applicant continue to explore the use of metal instead of the smaller pieces of granite. If this is not possible CPED is recommending that the joint lines be of a depth that provide the appearance of movement along the building wall. The area along the top of the building that is blank is around the mechanical equipment. The shorter ends of the walls will be an illuminated translucent glass wall. The longer ends of the walls will be made of a metal mesh screen wall. Since this area is at the top of the building and because both of the types of walls will have visual characteristics, CPED is recommending that the City Planning Commission grant alternative compliance to allow this area of the building to be blank. CPED is however recommending that the illuminated translucent glass wall not be used for signage purposes.
- **At least 30 percent of the walls on the first floor and at least 10 percent of the walls on the upper floors that face a public street, public sidewalk, public pathway or on-site parking lot shall be windows. Because the site is located in the PO Pedestrian Oriented Overlay District the percentage of windows that is required for the non-residential portions of the building facing a public street or sidewalk is 40 percent.** At least 30 percent of the walls on the first floor and at least 10 percent of the walls on the upper floors that face a public street, public sidewalk, public pathway or on-site parking lot shall be windows. The minimum window calculation for the first floor of the building is measured between two and ten feet above the adjacent grade. The 5th Avenue North, 5th Street North and 6th Avenue North sides of the building are subject to the window requirements. The window requirement is not being met on the first floor of the building facing any of the streets but the window requirement on the upper levels of the building is being met. CPED is recommending that the City Planning Commission grant alternative compliance as 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. The site slopes down from 5th Avenue North to 6th Avenue North, from 5th Street North towards 4th Street North along 5th Avenue North and from 4th Street North towards 5th Street North along 6th Avenue North. To accommodate the grade changes on the site, the underground parking garage is partially exposed on all four sides. There are windows on the first floor of the building facing all of the adjacent streets but they do not count towards the minimum required because they are located more than four feet above grade.
- **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 30 percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway. Over 70 percent of the building frontage along 5th Avenue North contains active functions. However, less than 70 percent of the building frontage along 5th Street North and 6th Avenue North contain active functions. CPED is recommending that the City Planning Commission grant alternative compliance as 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. The site slopes down from 5th Avenue North to 6th Avenue North, from 5th Street North towards 4th Street North along 5th Avenue North and from 4th Street North towards 5th Street North along 6th Avenue North. To accommodate the grade changes on the site, the underground parking garage is partially exposed on all four sides.

VACATION (Vac-1625) –of the southwesterly 4 feet of the alley as dedicated in Block 7, Bradford & Lewis Addition.

Development Plan: The site plan for the development is attached.

Responses from Utilities and Affected Property Owners: Of the utilities and/or affected property owners that have responded Xcel Energy has requested an easement over the area to be vacated. Comcast did request an easement over the area to be vacated but they do not have utilities within the alley so an easement cannot be retained.

Findings: The alley only exists on paper as it was never constructed. The Public Works Department has not formally commented on the vacation request. Public Works has indicated that because the paper alley stretches for four blocks that a comprehensive plan as to its usefulness should be explored before any portion of it is vacated. The Community Planning and Economic Development Department finds that the area proposed for the vacation is not needed for any public purpose and it is not part of a public transportation corridor. It should be noted that the alley is not addressed as part of the *Warehouse District Heritage Street Plan*.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the conditional use permit:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to allow 1 wall sign that is over 120 square feet and located higher than 28 feet on the building wall located at 524 5th Street North subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.

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2. There shall be no sign located on the north building wall facing the Warehouse Historic District.

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 variance application to reduce the loading requirement from 3 large spaces to 1 large space and 1 small space for the property located at 524 5th Street North.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for a new approximately 293,000 square foot office building located at 524 5th Street North subject to the following conditions:

1. Approval of the final site, landscaping, elevation and lighting plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by December 2, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of six-tenths (0.6) or higher.
4. As part of the floor area ratio increase authorized by Chapter 549 of the zoning code, the applicant shall provide information pertaining to the capital cost of the project, information pertaining to the art piece that will be located on site and information pertaining to where the art piece will be located prior to the issuance of building permits. The art shall be maintained in good order for the life of the principal structure.
5. The applicant shall continue to explore the use of metal instead of the smaller pieces of granite for inclusion along the ground floor and/or 1st floor facing 5th Street North. If this is not possible CPED is recommending that the joint lines be of a depth that provide the appearance of movement along the building wall.
6. The illuminated translucent glass wall around the rooftop mechanical equipment shall not be used for signage purposes.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the vacation application of the southwesterly 4 feet of the alley as dedicated in Block 7, Bradford & Lewis Addition, subject to the retention of an easement in favor of Xcel Energy.

Attachments:

1. Preliminary Development Review report from October 10, 2013
2. Statement of proposed use and description of the project
3. Conditional use permit and variance findings
4. Alley vacation information
5. *Warehouse District Heritage Street Plan* excerpts
6. TDMP
7. November 1, 2013, email to Council Members Goodman and Samuels and the North Loop Neighborhood Association
8. August 6, 2013, letter from the North Loop Neighborhood Association
9. Zoning Map
10. Aerial photo
11. Civil, site, architectural and landscaping plans
12. Photographs of the site