

**Department of Community Planning and Economic Development (CPED)**  
Conditional Use Permit and Site Plan Review  
BZZ-6322

**Date:** December 2, 2013

**Applicant:** Justin Fincher with The Ackerberg Group

**Address of Property:** 1320 Lagoon Avenue, 1350 Lagoon Avenue and 2900 Fremont Avenue South

**Project Name:** MoZaic East

**Contact Person and Phone:** Justin Fincher with The Ackerberg Group, (612) 924-6424

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

**Date Application Deemed Complete:** October 23, 2013

**End of 60-Day Decision Period:** December 22, 2013

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

**Ward:** 10      **Neighborhood Organization:** Lowry Hill East Neighborhood Association

**Existing Zoning:** C3A, Commercial Activity Center District and PO, Pedestrian Oriented Overlay District

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

**Zoning Plate Number:** 24

**Legal Descriptions:** Not applicable for this development

**Proposed Use:** Phase III of a Planned Unit Development (PUD) that includes a new 186,000 square foot office building with 9,500 square feet of ground floor restaurant/commercial space and 40 underground parking spaces

**Concurrent Review:**

**Conditional use permit:** for Phase III of a Planned Unit Development that includes a new 186,000 square foot office building with 9,500 square feet of ground floor restaurant/commercial space and 40 underground parking spaces.

**Site Plan Review.**

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Chapter 527, Planned Unit Development and Chapter 530, Site Plan Review.

**Background:** In 2010, the City of Minneapolis approved the first phase of the MoZaic PUD which included ground floor restaurant/commercial space with six floors of above grade parking, as well as a public plaza and a pedestrian bridge over the Midtown Greenway. That same year the second phase of the PUD was approved which included the addition of 3-stories of office space on top of the above grade parking ramp. Although it existed before any phase of the PUD was constructed, the Lagoon Theater is part of the development.

Now the applicant is proposing to construct the third phase of the PUD on the site that includes a new 185,000 square foot office building with 12,000 square feet of ground floor restaurant/commercial space and 40 underground parking spaces. The proposed parking area would connect to the existing parking ramp below ground.

In order to develop the site as proposed a Conditional Use Permit (CUP) is required for the third phase of the PUD proposed on the site. As part of the PUD, the applicant is requesting alternatives from the Zoning Code standards which include a reduction of the minimum parking requirement and the minimum amount of required loading spaces and an increase in the maximum width of a drive aisle in the PO, Pedestrian Oriented Overlay District. Site plan review is also required for the proposed development.

**Travel Demand Management Plan (TDMP):** A TDMP was approved by both CPED and Public Works for the first two phases of the PUD. The TDMP was updated to include the third phase. As a goal, a mode split of up to 45 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 updated TDMP has been reviewed and approved by both CPED and Public Works.

**CONDITIONAL USE PERMIT** - Phase III of a Planned Unit Development that includes a new 186,000 square foot office building with 9,500 square feet of ground floor restaurant/commercial space and 40 underground parking spaces

**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.**

The establishment of the third phase of a PUD that includes a new 186,000 square foot office building with 9,500 square feet of ground floor restaurant/commercial space and 40 underground parking spaces will not be detrimental to or endanger the public health, safety, comfort or general welfare. The proposed development will replace a surface parking lot. Constructing this development will provide activity on the site during all hours of the day which will improve the overall area.

**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 establishment of the third phase of a PUD that includes a new 186,000 square foot office building with 9,500 square feet of ground floor restaurant/commercial space and 40 underground parking spaces 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. Surrounding uses include office and commercial buildings, residential developments of varying densities and structured and surface parking lots. The proposed development will complement the existing uses in the area.

**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 minimum parking requirement for the entire development is 662 spaces. A total of 471 spaces are required for the office portion, 58 spaces are required for the food and beverage portion, four spaces are required for the retail portion and 129 spaces are required for the theater. The applicant is also obligated to provide an additional 80 spaces for the properties located at 1300 and 1400 Lagoon Avenue. The site is located in the PO, Pedestrian Oriented Overlay District which further reduces the minimum parking requirement by 25 percent. After calculating this reduction the parking requirement is 497 spaces plus the 80 contractual spaces for a total of 577. The zoning code encourages shared parking. The formula for shared parking distributes the parking requirement for different uses across the week and times of day based on their peak demand characteristics. After calculating this reduction the parking requirement is 503 spaces plus the 80 contractual spaces for a total of 583. There will be a total of 474 parking spaces provided on the site. The applicant is proposing to provide five points worth of amenities to allow a reduction in the minimum parking requirement.

The loading space requirement for the entire development is two large (12' by 50') spaces and one small (10' by 25') space. There will be a total of one large and two small loading spaces provided on the site. The applicant is also proposing to have an on-street loading zone along Fremont Avenue South. To accommodate the loading zone, the existing lanes of traffic and the on-street parking the existing westernmost curb line will be moved towards the west. The applicant is proposing to provide five points worth of amenities through the PUD application to allow a reduction in the minimum loading space requirement.

The minimum bicycle parking requirement for the entire development is 34 spaces. Sixteen spaces are required for the office portion, 12 spaces are required for the food and beverage portion, three spaces are required for the retail portion and three spaces are required for the theater. There will be a total of 76 bicycle parking spaces provided on site.

Given the site's location, there are several transit options available for the employees and customers of the PUD. The Uptown Transit Station is located immediately adjacent to the development. Several of the bus routes that stop at the transit station connect to the Metro Transit Blue (Hiawatha) Line. This light rail line connects downtown Minneapolis to the Minneapolis-St. Paul International Airport. The development site is also located immediately adjacent to the Midtown Greenway. There is a Nice Ride Minnesota station located within one block of the site and an HourCar hub.

A TDMP was approved by both CPED and Public Works for the first two phases of the PUD. The TDMP was updated to include the third phase. As a goal, a mode split of up to 45 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 updated TDMP has been reviewed and approved by both CPED and Public Works.

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject site is located within the boundaries of the designated Uptown Activity Center, has frontage on Lagoon Avenue which is a designated Commercial Corridor and is less than a half block off of Hennepin Avenue which is also a designated Commercial Corridor, and is directly abutting the Midtown Greenway on the north side of the site. "Activity Centers support a wide range of commercial, office, and residential uses. They typically have a busy street life with activity throughout the day and into the evening. They are heavily oriented towards pedestrians, and maintain a traditional urban form and scale. Activity Centers are also well-served by transit." According to *The Minneapolis Plan for Sustainable Growth*, the following policies and implementation steps apply to this proposal:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, "Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan."

Land Use Policy 1.2 of *The Minneapolis Plan for Sustainable Growth* 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 of *The Minneapolis Plan for Sustainable Growth* states, "Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit. This policy includes the following applicable implementation 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"; (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."

Department of Community Planning and Economic Development  
BZZ-6322

Land Use Policy 1.4 of *The Minneapolis Plan for Sustainable Growth* states, “Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.” This policy includes the following applicable implementation steps: (1.4.1) “Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served”; (1.4.2) “Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.”

Land Use Policy 1.5 of *The Minneapolis Plan for Sustainable Growth* states, “Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts. This policy includes the following applicable implementation step: (1.5.1) “Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.”

Land Use Policy 1.10 of *The Minneapolis Plan for Sustainable Growth* states, “Support development along Commercial Corridors that enhances the street’s character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic. This policy includes the following applicable implementation step: (1.10.1) “Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character;” (1.10.4) “Encourage a height of at least two stories for new buildings along Commercial Corridors, in keeping with neighborhood character.”

Land Use Policy 1.12 of *The Minneapolis Plan for Sustainable Growth* states, “Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.” This policy includes the following applicable implementation steps: (1.12.1) “Encourage a variety of commercial and residential uses that generate activity all day long and into the evening;” (1.12.3) “Encourage active uses on the ground floor of buildings in Activity Centers;” (1.12.5) “Encourage a height of at least two stories for new buildings in Activity Centers, in keeping with neighborhood character.”; (1.12.8) “Support district parking strategies in Activity Centers, including shared parking facilities with uniform signage, and other strategies”; (1.12.9) “Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces in Activity Centers.”

There are two additional plans that must be considered when evaluating the proposal which include the *Midtown Greenway Land Use & Development Plan*, which was adopted by the City Council on February 23, 2007, and the *Uptown Small Area Plan* which was adopted by the City Council on February 1, 2008. A portion of the *Uptown Small Area Plan* study area overlaps with the *Midtown Greenway Land Use & Development Plan* area. Parcels north of Lagoon Avenue, east of Humboldt Avenue South, south of West 28<sup>th</sup> Street, and west of Bryant Avenue South are included in both plans.

The *Midtown Greenway Land Use & Development Plan*, includes parcels on each side of the Midtown Greenway from the western boundary of the City to Hiawatha Avenue and designates the subject site as a commercial, mixed-use site on the future land use plan as well as a Transit-Oriented Development

District which allows density typically allowed in the R6, C3A or OR3 districts. There are three building types that are identified within the plan that would be considered suitable based on those designations which include: (1) apartments (which include for-sale and rental buildings 3 to 5 stories in height, etc.); (2) Tall apartments (which include for-sale and rental building that exceed 5 stories); and (3) Greenway buildings (which are structures that effectively form part of the wall of the greenway trench and that have a lower level with doors or windows that face the Greenway. The guidelines outlined in the *Midtown Greenway Land Use & Development Plan* are more general, whereas those identified in the *Uptown Small Area Plan* are more specific and focus on the Greenway in relation to the retail center and the four neighborhoods of Uptown.

The *Uptown Small Area Plan* locates this property within the boundaries of an Activity Center. The future land use identified for this specific site is commercial mixed use, and the recommended development intensity is for transit oriented development. The plan suggests that development up to 84' feet is appropriate on major corridors. However, the plan treated previously approved projects such as MoZaic as existing conditions and did not suggest new development guidelines for those sites. The small area plans states that if plans for previously approved projects change they should be evaluated based on the initial approval, merits of the new design, and the recommendations in the plan.

The proposed development is in general conformance with the adopted policies of *The Minneapolis Plan for Sustainable Growth*, the *Midtown Greenway Land Use & Development Plan* and the *Uptown Small Area Plan*.

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

With the approval of the conditional use permit and site plan review this development will meet the applicable regulations of the C3A, Commercial Activity Center District and PO, Pedestrian Oriented Overlay District.

**Findings Required for Planned Unit Developments:**

- A. The planned unit development conforms to the applicable standards for alternatives and amenities (see section A below for evaluation).**
- B. Additional uses (see section B below for evaluation).**
- C. The planned unit development conforms to the required findings for a planned unit development (see section C below for evaluation).**

**Section A: Authorized Alternatives and Amenities Provided**

- All planned unit developments shall provide at least one (1) amenity or a combination of amenities that total at least ten (10) points, beyond those required for any alternative(s), and even if no alternative(s) is requested.**
- For each alternative requested, an amenity or a combination of amenities totaling at least five (5) points, in addition to the amenity(ies) required in section 527.120(1), shall be provided. For**

multiple requests of the same alternative only one (1) amenity shall be required for those alternatives.

- Unless otherwise determined by the city planning commission, each phase of the planned unit development shall include the amenities provided for any alternatives in that phase, as a part of the construction of that phase.
- In no case shall any item be counted as an amenity for an alternative if it is utilized to qualify for a density bonus in any zoning district, a floor area ratio premium in the Downtown Districts, or any other amenity in Table 527-1, Amenities.
- Where an amenity is provided that meets the standards required in Table 527-1, Amenities, the full point value assigned to said amenity shall be obtained. Where the amenity does not meet all of the standards required in Table 527-1, Amenities, no points shall be awarded. Partial points for alternatives shall not be awarded, except as otherwise allowed in Table 527-1, Amenities.

*Alternatives requested:*

- **Placement and number of principal residential structures:** No alternative requested as part of this amended CUP application. The applicant did request an alternative from the building placement requirement in the PO, Pedestrian Oriented Overlay District as part of the first phase of the PUD as the structure was not located within eight feet of the front lot line. *Five (5) points were required and provided as part of the ten (10) points awarded for the Midtown Greenway bridge and ramp.*

The proposed building will be set back 18 feet from the property line along Fremont Avenue South. Because amenities were provided for this alternative as part of the first phase of the PUD no additional amenity points are required.

- **Bulk regulations:**

**Maximum Floor Area:** No alternative requested.

**Building Height:** No alternative requested as part of this amended CUP application. The applicant did request an alternative to exceed the maximum height allowed in the C3A district from 4 stories or 56 feet to 10 stories or 112 feet as part of the second phase of the PUD. *Five (5) points were required and provided as part of the ten (10) points awarded for the Midtown Greenway bridge and ramp.*

The proposed building will have an overall height of eight stories or 111 feet. Because amenities were provided for this alternative as part of the second phase of the PUD no additional amenity points are required.

**1. Access to light and air of surrounding properties.**

The height of the proposed building will not impede access to light and air that surrounding properties receive. The nearest buildings are commercial in nature and are separated from the proposed building by an alley and the on-site plaza. All other surrounding properties are separated from the site by public streets.

**2. Shadowing of residential properties, significant public spaces, or existing solar energy systems.**

A shadow study was done that depicts shadowing impacts at 9 am, 12 noon and 3 pm in June, March/September and December. The shadow study indicates that there will be shadows cast on the Midtown Greenway and the residential buildings on the north side of the Midtown Greenway during the afternoons during the winter months. As expected, the shadowing impacts are more substantial during these months due to the angle of the sun. The shadowing impacts have been minimized by the proposed placement and design of the building on the site.

**3. The scale and character of surrounding uses.**

The overall height of the proposed building is eight stories or 111 feet. At this height, the building will be taller than most of the other buildings in the area. However, the proposed building is similar in scale to the building that was constructed in the first two phases of the PUD which is 10 stories or 112 feet in height. To alleviate the impact of the proposed building on the surrounding area it has been designed to step back from the Midtown Greenway and Fremont Avenue South. The character of the buildings in the area is varied.

**4. Preservation of views of landmark buildings, significant open spaces or water bodies.**

There are no landmark buildings, significant open spaces or water bodies that the proposed building would block views of. The Midtown Greenway is located in the trench between Fremont Avenue South and vacated Girard Avenue South so the building will not block views of this regional trail from surrounding properties.

- **Lot area requirements:** No alternative requested.
- **Yards:** No alternative requested.
- **On-premise signs:** No alternative requested as part of this amended CUP application. The applicant did request an alternative to exceed the total amount and height and locational requirements of Chapter 543 of the Zoning Code as part of a comprehensive master sign plan. *Five (5) points were required and provided through amenities as part of the previous approval as follows: art feature, three (3) points and reflective roof, three (3) points.*
- **Off-street parking and loading:**

**Parking:** The minimum parking requirement for the entire development is 662 spaces. A total of 471 spaces are required for the office portion, 58 spaces are required for the food and beverage portion, four spaces are required for the retail portion and 129 spaces are required for the theater. The applicant is also obligated to provide an additional 80 spaces for the properties located at 1300 and 1400 Lagoon Avenue. The site is located in the PO, Pedestrian Oriented Overlay District which further reduces the minimum parking requirement by 25 percent. After calculating this reduction the parking requirement is 497 spaces plus the 80 contractual spaces for a total of 577. The zoning code

Department of Community Planning and Economic Development  
BZZ-6322

encourages shared parking. The formula for shared parking distributes the parking requirement for different uses across the week and times of day based on their peak demand characteristics. After calculating this reduction the parking requirement is 503 spaces plus the 80 contractual spaces for a total of 583. There will be a total of 474 parking spaces provided on the site. The applicant is proposing to provide five points worth of amenities to allow a reduction in the minimum parking requirement.

**Loading:** The loading space requirement for the entire development is two large (12' by 50') spaces and one small (10' by 25') space. There will be a total of one large and two small loading spaces provided on the site. The applicant is also proposing to have an on-street loading zone along Fremont Avenue South. To accommodate the loading zone, the existing lanes of traffic and the on-street parking the existing westernmost curb line will be moved towards the west. The applicant is proposing to provide five points worth of amenities to allow a reduction in the minimum loading space requirement.

**Driveway width:** The maximum width of a driveway allowed in the PO, Pedestrian Oriented Overlay District is 20 feet. The driveway along Fremont Avenue South provides ingress and egress from the underground parking ramp. The driveway will be 26 feet in width. The applicant is proposing to provide five points worth of amenities to allow a driveway that is wider than 20 feet in the PO, Pedestrian Oriented Overlay District.

***Points required:***

- Minimum parking and loading requirement – **5 points.**
- Driveway width in the PO, Pedestrian Oriented Overlay District – **5 points**
- **Total – 10 points.**

***Amenities provided:*** Staff has analyzed the proposal and identified 15 points worth of amenities as described below.

Table 527-1 Amenities

The applicant proposes the following amenities from Table 527-1, Amenities:

*Pedestrian Improvements* - The required standards for pedestrian improvements are:

- **A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site that exceeds the requirements of Chapter 530, Site Plan Review.** This phase of the PUD will enhance pedestrian and bicycle connections through and around the site, improving connections between Uptown, the Midtown Greenway, the Uptown Transit Station and the surrounding residential neighborhoods. As part of the first two phases of the PUD, improved connections between Lagoon Avenue, the Midtown Greenway and the Uptown Transit Station were made through the plaza. In this phase, the applicant is proposing to add dedicated pedestrian and bicycle paths along the north side of the site which will lead to Fremont Avenue South. In addition, a series of rooftop terraces will be incorporated into the building design which will provide additional eyes on the public streets and sidewalks and the Midtown Greenway.
- **The improvements shall use a combination of landscaping, decorative materials, access control and lighting to create a safe, clear and aesthetically pleasing access through and/or around the site that complies with the Americans with Disabilities Act accessibility requirements.**

Department of Community Planning and Economic Development  
BZZ-6322

Landscaping and decorative lighting will be provided along the dedicated pedestrian and bicycle paths and throughout the expanded plaza area. The site will comply with the ADA requirements for accessibility.

CPED is recommending that 3 points be awarded for this amenity.

*Water feature* - **A water feature, including but not limited to a reflecting pond, a children's play feature or a drinking fountain shall be located where it is highly visible to and useable by the public.** As part of the initial phases of the development a 35-foot linear waterfall feature and reflection pool were installed within the plaza area. No points were initially awarded for this amenity. CPED is recommending that 1 point be awarded for this amenity.

Amenities proposed by the applicant or others

The applicant proposes the following amenities:

*Leadership in Energy and Environmental Design (LEED)* - **The proposed development shall meet the minimum standards for LEED Silver certification. The project does not have to achieve actual LEED certification; however, the developer must submit the LEED checklist and documentation to the city, approved by a LEED Accredited Professional (LEED-AP) that shows that the project will comply with LEED Silver requirements.** The applicant has indicated that the proposed building will meet or exceed LEED Silver certification and that the goal is to meet the standards for LEED Gold or higher. The applicant has submitted the LEED checklist which shows which LEED credits they are attempting to meet. The applicant will need to submit a signed LEED checklist and documentation, approved by a LEED Accredited Professional (LEED-AP) prior to building permits being issued. The applicant is requesting five points for this amenity since only the proposed building will meet or exceed LEED Silver certification. CPED is recommending that 5 points be awarded for this amenity.

Amenities that significantly exceed standards

The applicant proposes

*Plaza* - The required standards for a plaza are:

- **Plazas shall have a minimum area equivalent to ten (10) percent of the site not occupied by buildings, but not less than two thousand (2,000) square feet and shall comply with all provisions in Chapter 535, Regulations of General Applicability.** The applicant is proposing to expand the size of the existing plaza. The overall size of the lot is 109,212 square feet. The combined footprint of the buildings is 60,963 square feet. Ten percent of 48,249 square feet is 4,825 square feet. The existing plaza is 7,230 square feet in size. Once expanded, the plaza will be 10,965 square feet in size or 23 percent of the site not occupied by the buildings. The size of the plaza does not include those areas dedicated for outdoor dining associated with any of the food and beverage uses. The plaza is located towards the interior of the site between the existing and proposed buildings. An existing walkway from Lagoon Avenue, the existing pedestrian bridge over the Midtown Greenway and the proposed pedestrian and bicycle paths from Fremont Avenue South provide direct access to the plaza from the public streets and sidewalks. The plaza will be designed in accordance with the accessibility requirements of the Americans with Disabilities Act. The plaza has been designed to promote natural surveillance and visibility as it is primarily hardscaped and there aren't any aerial obstructions with the exception of public art pieces, water features, fixed seating and landscaping. The surfacing materials proposed for the plazas include colored concrete and decorative pavers. In terms of seating, a minimum of 219 linear feet of seating is required in

Department of Community Planning and Economic Development  
BZZ-6322

the plaza, 44 feet of which must be fixed seating and 44 feet must include backs. The applicant is providing approximately 313 linear feet of seating in the plaza, all 313 feet of the seating is fixed and 141 feet of which has backs. An additional 172 linear feet of backless seating is proposed. Seating types include benches with backs, backless benches and planter seat walls. The minimum planting requirement for the plaza is one tree for each 1,000 square feet of plaza space, or 11 trees. The plaza will contain 16 trees and numerous shrubs and perennials. Two additional amenities are required for plazas that are larger than 5,000 square feet. The additional amenities, flexible seating and a drinking fountain, were provided as part of the first two phases of the development. The lighting in the plaza will conform to the requirements of Chapter 535, Regulations of General Applicability. The plaza has been designed for winter use. The plaza is located towards the interior of the site between the existing and proposed buildings which provide protection from the elements. The minimum trash receptacle requirement for the plaza is one trash receptacle and one recycling receptacle for each 2,000 square feet of plaza space, or six each. The plaza will contain six trash and recycling receptacles. The plaza has been designed to be free of mechanical equipment.

- **Plazas for commercial or mixed-use development shall be open to the public during daylight hours.** The plazas will be open to the public during daylight hours.

The applicant is seeking up to an additional five points for this amenity in addition to the five points that were initially awarded in 2010. CPED is recommending that 3 points be awarded for this amenity as the size of the plaza is being expanded by approximately 45 percent and all of the required standards are being met.

**Art feature - Provision of art that shall strive to promote quality design, enhance a sense of place, contribute to a sense of vitality, show value for artist and artistic processes, and use resources wisely. The art shall be maintained in good order for the life of the principal structure. The art shall be located where it is highly visible to the public. If located indoors, such space shall be clearly visible and easily accessible from adjacent sidewalks or streets. The art shall be valued at not less than one-fourth (.25) of one (1) percent of the capital cost of the principal structure.** The applicant has incorporated several art features throughout the plaza. As part of this phase of the PUD the applicant is proposing to add more art features in the plaza and also along Fremont Avenue South. The capital cost of the entire development is approximately 55 million dollars. The applicant has indicated that once all of the art features have been installed that they will exceed the minimum value required by the zoning code (137,500 dollars). The applicant is seeking up to an additional five points for this amenity in addition to the three points that were initially awarded in 2010. CPED is recommending that 3 points be awarded for this amenity provided the applicant submits the required information prior to the issuance of building permits.

Points Summary

Amenity		Points Requested by Applicant	Points Recommended by Staff
Amenities from Table 527-1	Pedestrian Improvements	3 points	3 points
	Water feature	1 point	1 point
Amenities proposed by the applicant or others	Leadership in Energy and Environmental Design (LEED)	5 points	5 points

Department of Community Planning and Economic Development  
BZZ-6322

Amenities that significantly exceed standards	Expanded Plaza	Up to 5 points	3 points
	Public art	Up to 5 points	3 points
<b>Total</b>		<b>9 to 19 points</b>	<b>15 points</b>

*Phasing plan* – The proposed development is the third phase of a multi-phased PUD. The applicant has indicated that this is the last phase of the development.

**Section B: Additional Uses**

- **In general. The city planning commission may authorize additional uses in the zoning district in which the planned unit development is located as provided below and subject to section 527.210. An amenity is not required in order to allow an additional use.**
- **Residence and OR1 Districts. The city planning commission may authorize additional residential uses, small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics within a planned unit development located in the Residence and OR1 Districts. The additional small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics shall not exceed two thousand (2,000) square feet per use, unless otherwise allowed by the zoning district in which the use is located.**
- **OR2 and OR3 Districts. The city planning commission may authorize additional residential uses and retail sales and services uses as allowed in the C1 District within planned unit developments located in the OR2 and OR3 Districts. Notwithstanding section 547.30(f)(2) and (3), the city planning commission may authorize retail sales and services uses greater than two thousand (2,000) square feet, but not to exceed four thousand (4,000) square feet per use. The city planning commission may allow more than two (2) such retail sales and services uses per zoning lot.**

Additional uses are not proposed.

**Section C: Conformance with Required Planned Unit Development Findings**

In addition to the conditional use permit standards contained in Chapter 525, Administration and Enforcement, before approval of a planned unit development the city planning commission also shall find:

1. **That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:**
  - a. **The character of the uses in the proposed planned unit development, including in the case of residential uses, the variety of housing types and their relationship to other site elements and to surrounding development.**

Department of Community Planning and Economic Development  
BZZ-6322

The mix of office and commercial uses within the development will fit in well with the surrounding area which includes office, commercial and residential uses that are of varying heights, styles, and designs. The uses are similar to others that exist in the area and the proposed site elements are accessible to both employees and customers of the development as well as the general public. Office uses that generate daytime activity are encouraged in the Uptown area.

- b. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access, bicycle facilities and availability of transit alternatives.**

The development would not be expected to have a negative impact on traffic movement in the vicinity according to the approved TDMP. Further, a total of 76 bicycle parking spaces will be provided. The site is adjacent to the Uptown Transit Station and the Midtown Greenway. The proposed pedestrian improvements will improve accessibility to and through the site and the broader Uptown area.

- c. The site amenities of the proposed planned unit development, including the location and functions of open space, the preservation or restoration of the natural environment or historic features, sustainability and urban design.**

The site amenities for this phase include pedestrian improvements, water feature, Leadership in Energy and Environmental Design (LEED), plaza, and public art.

- d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.**

The appearance of the proposed building is compatible in scale, massing and materials to the other buildings within the PUD. The building that was constructed in the first two phases of the PUD is 10 stories or 112 feet in height and the proposed building will be eight stories or 111 feet in height. Both of these buildings are taller than most of the other buildings in the area. To alleviate the impact of the proposed building on the surrounding area it has been designed to step back from the Midtown Greenway and Fremont Avenue South.

- e. An appropriate transition area shall be provided between the planned unit development and adjacent residential uses or residential zoning that considers landscaping, screening, access to light and air, building massing, and applicable policies of the comprehensive plan and adopted small area plans.**

There are no residential uses or residentially zoned properties adjacent to the site. The Midtown Greenway provides a separation as there are residential uses and residentially zoned properties to the north across the Midtown Greenway. The surrounding land uses and zoning classifications on the south side of the Midtown Greenway are commercial.

- f. **The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.**

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. The City of Minneapolis will review and approve the applicant's stormwater management plan and erosion control plan and erosion control plan. The applicant has stated that the project would comply with all applicable City requirements for permanent and temporary erosion control.

- g. **The consideration, where possible, of sustainable building practices during the construction phases and the use of deconstruction services and recycling of materials for the demolition phase.**

The applicant will contract with a waste removal company that has off site sorting and recycling operations.

2. **That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.**

A registered land survey (RLS) was completed for this PUD as part of the 2010 approvals.

### **SITE PLAN REVIEW**

#### **Findings as Required by the Minneapolis Zoning Code:**

- A. **The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. **The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

#### **Section A: Conformance with Chapter 530 of Zoning Code**

##### **BUILDING PLACEMENT AND DESIGN:**

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**

- **The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.**
- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.**
- **In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.**
- **Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.**
- **Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.**
- **Entrances, windows, and active functions:**
  - **Residential uses:**
    - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
      - a. **Windows shall be vertical in proportion.**
      - b. **Windows shall be distributed in a more or less even manner.**
  - **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 will be set relatively close to the east property line along Fremont Avenue South. There will be an entrance and exit at street level that can be accessed by employees and customers. There will be large windows and rooftop terraces on all sides of the building that maximize the opportunities for people to observe adjacent spaces and the public sidewalks. There will be lights located near all of the pedestrian entrances and throughout the site.
- The building wall fronting along a front or corner side property line is required to be located within eight feet of the property line except where a greater yard is required by the zoning ordinance. The proposed building will be set back 18 feet from the property line along Fremont Avenue South. Alternative compliance is needed.
- The area in between the building and the front property line along Fremont Avenue South will contain public art, landscaping and bicycle racks.
- The principal entrance to the building faces Fremont Avenue South. While the entrance is set back from the front wall of the building it is located in a three-story glass atrium space and has a metal canopy over it which helps emphasize its location. There are additional entrances into the building located on the plaza side and the north side of the site.

Department of Community Planning and Economic Development  
BZZ-6322

- All of the additional parking that will be constructed for the development will be located below ground.
- The exterior materials of the building include weathering steel, glass, photo-screened glass and some brick along the ground floor. The sides and rear of the building are similar to and compatible with the front of the building. The portion of the building that is proposed to be clad in photo-screened glass is near the top of the building. CPED is recommending that the photo-screened glass not be used for signage purposes.
- 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 1<sup>st</sup> floor on the south side of the building and along the upper levels of the building on the east and west 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. Because the site is located in the PO, Pedestrian Oriented Overlay District the percentage of windows that is required for the building facing a public street or sidewalk is 40 percent. 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 Fremont Avenue South and north side of the building facing the Midtown Greenway sides of the building are subject to the window requirements. The window requirement is being met on both sides of the building on all floors.
- The windows in the development are vertical in nature and are evenly distributed along the building walls.
- 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. The Fremont Avenue South and north side of the building facing the Midtown Greenway sides of the building are subject to this requirement. Seventy percent of the building frontage along Fremont Avenue South contains active functions and 100 percent of the building frontage along the Midtown Greenway contains active functions.
- The principal roof line of the building will be flat. The majority of the commercial and multiple-family buildings in the area have flat roofs and the majority of the single- and two-family dwellings have pitched 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:**

Department of Community Planning and Economic Development  
BZZ-6322

- All of the building entrances are connected to the public sidewalk via a series of walkways.
- The applicant is not proposing to construct any transit shelters as part of this PUD.
- All of the additional parking that will be constructed for the development will be located below ground.
- There are no public alleys adjacent to the site.
- There is no maximum impervious surface requirement in the C3A zoning district. According to the materials submitted by the applicant 93 percent of the development site will be impervious.

**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:**

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 109,212 square feet. The footprint of the buildings is 60,963 square feet. When you subtract the footprint from the lot size the resulting number is 82,249 square feet. Twenty percent of this number is 16,450 square feet. According to the applicant's landscaping

plan there will be 7,685 square feet of landscaping on the site or approximately nine percent of the site not occupied by the building. Alternative compliance is needed.

- The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement is 16 and 165 respectfully. The applicant is proposing to have 23 canopy trees and 189 shrubs on the site. In addition there will be a number of perennials on the site.

**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:**

- All of the additional parking that will be constructed for the development will be located below ground.
- There are no landmark buildings, significant open spaces or water bodies that the proposed building would block views of. The Midtown Greenway is located in the trench between Fremont Avenue South and vacated Girard Avenue South so the building will not block views of this regional trail from surrounding properties.
- A shadow study was done that depicts shadowing impacts at 9 am, 12 noon and 3 pm in June, March/September and December. The shadow study indicates that there will be shadows cast on the Midtown Greenway and the residential buildings on the north side of the Midtown Greenway during the afternoons during the winter months. As expected, the shadowing impacts are more substantial during these months due to the angle of the sun. The shadowing impacts have been minimized by the proposed placement and design of the building on the site.
- The building has been designed with different setbacks at different levels of the building which should help minimize wind effects on the surrounding area.

- The site plan complies with crime prevention design elements as there will be walkways that direct people to the building entrances, there will be large windows and rooftop terraces on all sides of the building that maximize the opportunities for people to observe adjacent spaces and the public sidewalks, there will be lights located near all of the pedestrian entrances and there will be new pedestrian scaled lighting installed around the site.
- This site is neither historically designated nor located in a 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:** Planned Unit Developments require a conditional use permit in the C3A zoning district.
- **Off-Street Parking and Loading:**

**Minimum automobile parking requirement:** The minimum parking requirement for the entire development is 662 spaces. A total of 471 spaces are required for the office portion, 58 spaces are required for the food and beverage portion, four spaces are required for the retail portion and 129 spaces are required for the theater. The applicant is also obligated to provide an additional 80 spaces for the properties located at 1300 and 1400 Lagoon Avenue. The site is located in the PO, Pedestrian Oriented Overlay District which further reduces the minimum parking requirement by 25 percent. After calculating this reduction the parking requirement is 497 spaces plus the 80 contractual spaces for a total of 577. The zoning code encourages shared parking. The formula for shared parking distributes the parking requirement for different uses across the week and times of day based on their peak demand characteristics. After calculating this reduction the parking requirement is 503 spaces plus the 80 contractual spaces for a total of 583. There will be a total of 474 parking spaces provided on the site. The applicant is proposing to provide five points worth of amenities to allow a reduction in the minimum parking requirement.

**Maximum automobile parking requirement:** The maximum parking requirement for the entire development is 1,717 spaces. A total of 1,219 spaces are allowed for the office portion, 234 spaces are allowed for the food and beverage portion, five spaces are allowed for the retail portion and 259 spaces are allowed for the theater. The applicant is also obligated to provide an additional 80 spaces for the properties located at 1300 and 1400 Lagoon Avenue. The site is located in the PO, Pedestrian Oriented Overlay District which further reduces the maximum parking requirement by 25 percent. After calculating this reduction the parking requirement is 1,288 spaces plus the 80 contractual spaces for a total of 1,368. There will be a total of 474 parking spaces provided on the site.

**Bicycle Parking:** The minimum bicycle parking requirement for the entire development is 34 spaces. Sixteen spaces are required for the office portion, 12 spaces are required for the food and beverage portion, three spaces are required for the retail portion and three spaces are required for the theater. There will be a total of 76 bicycle parking spaces provided on site. Of the 34 spaces, 10 of them are required to be long-term spaces. Long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather

Department of Community Planning and Economic Development  
BZZ-6322

and shall be accessible to intended users. CPED is recommending that not less than 10 of the required bicycle parking spaces meet the requirements for long-term parking.

**Loading:** The loading space requirement for the entire development is two large (12' by 50') spaces and one small (10' by 25') space. There will be a total of one large and two small loading spaces provided on the site. The applicant is also proposing to have an on-street loading zone along Fremont Avenue South. To accommodate the loading zone, the existing lanes of traffic and the on-street parking the existing westernmost curb line will be moved towards the west. The applicant is proposing to provide five points worth of amenities through the PUD application to allow a reduction in the minimum loading space requirement.

- **Minimum/Maximum Floor Area:** The maximum FAR in the C3A zoning district is 2.7. The lot size is 109,212 and the buildings are 286,110, an FAR of 2.62.
- **Building Height:** In the C3A zoning district the zoning code limits the height of buildings to four stories or 56 feet. The proposed building will have an overall height of eight stories or 111 feet. The applicant did provide five points worth of amenities through the second phase of the PUD to exceed the maximum height allowed in the C3A district.
- **Minimum Lot Area:** The minimum lot area for a PUD is one acre. The lot area is 109,212 or 2.5 acres.
- **Dwelling Units per Acre:** Not applicable for this application.
- **Yard Requirements:** Not applicable for this application.
- **Specific Development Standards:** The specific development standard for a planned unit development says that the development shall conform to the standards of Chapter 527, Planned Unit Development.
- **Signs:** Signs are subject to the requirements of Chapter 543, On-Premise Signs. In the C3A zoning district there can be one-and-a-half square feet of signage for every one foot of primary building wall. However, if there is a freestanding sign on the zoning lot then signage is limited to one square foot for every one foot of primary building wall. Wall signs are limited to 180 square feet in size. Projecting signs are limited to 48 square feet in size and shall not extend outward from the building more than four feet. There is no height limitation for either wall signs or projecting signs. Freestanding monument signs are limited to 80 square feet in size and can be no taller than 8 feet. The zoning code limits the number of freestanding signs on a zoning lot to one. Backlit signs are prohibited. Further the PO Overlay District prohibits pole signs, backlit awning and canopy signs as well as backlit insertable panel projecting signs.

A comprehensive sign plan was approved for the development as an amendment to the PUD in January and then again in December of 2012. At this time no signage is proposed for the third phase of the PUD.

- **Refuse storage:** There will be a refuse and recycling storage area provided in the building.

- **Lighting:** A lighting plan showing footcandles was submitted as part of the application materials. It is in conformation with both Chapter 535, Regulations of General Applicability and Chapter 541, Off-Street Parking and Loading.
- **Plaza:** The applicant is proposing to expand the size of the existing plaza. The overall size of the lot is 109,212 square feet. The combined footprint of the buildings is 60,963 square feet. Ten percent of 48,249 square feet is 4,825 square feet. The existing plaza is 7,230 square feet in size. Once expanded, the plaza will be 10,965 square feet in size or 23 percent of the site not occupied by the buildings. The size of the plaza does not include those areas dedicated for outdoor dining associated with any of the food and beverage uses. The plaza is located towards the interior of the site between the existing and proposed buildings. An existing walkway from Lagoon Avenue, the existing pedestrian bridge over the Midtown Greenway and the proposed pedestrian and bicycle paths from Fremont Avenue South provide direct access to the plaza from the public streets and sidewalks. The plaza will be designed in accordance with the accessibility requirements of the Americans with Disabilities Act. The plaza has been designed to promote natural surveillance and visibility as it is primarily hardscaped and there aren't any aerial obstructions with the exception of public art pieces, water features, fixed seating and landscaping. The surfacing materials proposed for the plazas include colored concrete and decorative pavers. In terms of seating, a minimum of 219 linear feet of seating is required in the plaza, 44 feet of which must be fixed seating and 44 feet must include backs. The applicant is providing approximately 313 linear feet of seating in the plaza, all 313 feet of the seating is fixed and 141 feet of which has backs. An additional 172 linear feet of backless seating is proposed. Seating types include benches with backs, backless benches and planter seat walls. The minimum planting requirement for the plaza is one tree for each 1,000 square feet of plaza space, or 11 trees. The plaza will contain 16 trees and numerous shrubs and perennials. Two additional amenities are required for plazas that are larger than 5,000 square feet. The additional amenities, flexible seating and a drinking fountain, were provided as part of the first two phases of the development. The lighting in the plaza will conform to the requirements of Chapter 535, Regulations of General Applicability. The plaza has been designed for winter use. The plaza is located towards the interior of the site between the existing and proposed buildings which provide protection from the elements. The minimum trash receptacle requirement for the plaza is one trash receptacle and one recycling receptacle for each 2,000 square feet of plaza space, or six each. The plaza will contain six trash and recycling receptacles. The plaza has been designed to be free of mechanical equipment.

**MINNEAPOLIS PLAN:**

According to *The Minneapolis Plan for Sustainable Growth*, the subject site is located within the boundaries of the designated Uptown Activity Center, has frontage on Lagoon Avenue which is a designated Commercial Corridor and is less than a half block off of Hennepin Avenue which is also a designated Commercial Corridor, and is directly abutting the Midtown Greenway on the north side of the site. According to *The Minneapolis Plan for Sustainable Growth*, the following policies and implementation steps apply to this proposal:

Urban Design Policy 10.9 states: “Support urban design standards that emphasize traditional urban form with pedestrian scale design features at the street level in mixed-use and transit-oriented development.”

Department of Community Planning and Economic Development  
BZZ-6322

Urban Design Policy 10.10 states: “Support urban design standards that emphasize a traditional urban form in commercial areas.” This policy includes the following applicable implementation steps: (10.10.1) “Enhance the city’s commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality four season public spaces and infrastructure” and (10.10.3) “Enhance pedestrian and transit-oriented commercial districts with street furniture, street plantings, plazas, water features, public art and improved transit and pedestrian and bicycle amenities” and (10.10.4) “Orient new buildings to the street to foster safe and successful commercial nodes and corridors” and (10.10.6) “Require storefront window transparency to assure both natural surveillance and an inviting pedestrian experience.”

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.”

There are two additional plans that must be considered when evaluating the proposal which include the *Midtown Greenway Land Use & Development Plan*, which was adopted by the City Council on February 23, 2007, and the *Uptown Small Area Plan* which was adopted by the City Council on February 1, 2008. A portion of the *Uptown Small Area Plan* study area overlaps with the *Midtown Greenway Land Use & Development Plan* area. Parcels north of Lagoon Avenue, east of Humboldt Avenue South, south of West 28<sup>th</sup> Street, and west of Bryant Avenue South are included in both plans.

The *Midtown Greenway Land Use & Development Plan*, includes parcels on each side of the Midtown Greenway from the western boundary of the City to Hiawatha Avenue and designates the subject site as a commercial, mixed-use site on the future land use plan as well as a Transit-Oriented Development District which allows density typically allowed in the R6, C3A or OR3 districts. There are three building types that are identified within the plan that would be considered suitable based on those designations which include: (1) apartments (which include for-sale and rental buildings 3 to 5 stories in height, etc.); (2) Tall apartments (which include for-sale and rental building that exceed 5 stories); and

(3) Greenway buildings (which are structures that effectively form part of the wall of the greenway trench and that have a lower level with doors or windows that face the Greenway. The guidelines outlined in the *Midtown Greenway Land Use & Development Plan* are more general, whereas those identified in the *Uptown Small Area Plan* are more specific and focus on the Greenway in relation to the retail center and the four neighborhoods of Uptown.

The *Uptown Small Area Plan* locates this property within the boundaries of an Activity Center. The future land use identified for this specific site is commercial mixed use, and the recommended development intensity is for transit oriented development. The plan suggests that development up to 84' feet is appropriate on major corridors. However, the plan treated previously approved projects such as MoZaic as existing conditions and did not suggest new development guidelines for those sites. The small area plans states that if plans for previously approved projects change they should be evaluated based on the initial approval, merits of the new design, and the recommendations in the plan.

Other recommendations in the plan that are applicable to the site are that buildings be stepped back to minimize shadowing of the Midtown Greenway, and that buildings have modest step backs on the north side of Lagoon Avenue and Lake Street to prevent a "canyon" effect; and that there be a healthy mix of residential and office uses in upper floors. The site is also identified in the plan as a site that could potentially accommodate shared parking. This would assist with the overall goals of the plan for promoting better management of existing parking resources, promoting transit options as well as promoting shared parking practices between complimentary uses such as entertainment and offices.

The proposed development is in general conformance with the adopted policies of *The Minneapolis Plan for Sustainable Growth*, the *Midtown Greenway Land Use & Development Plan* and the *Uptown Small Area 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.**

**CPED RESPONSE:**

- **The building walls fronting along a front or corner side property line are required to be located within eight feet of the property line except where a greater yard is required by the zoning ordinance.** The building wall fronting along a front or corner side property line is required to be located within eight feet of the property line except where a greater yard is required by the zoning ordinance. The proposed building will be set back 18 feet from the property line along Fremont Avenue South. Given the buildings overall height of eight stories or 111 feet an 18-foot setback from the property line is complementary. In the area between the building and the property line there will be public art, landscaping and bicycle racks. CPED recommends that the City Planning Commission grant alternative compliance.
- **There are areas on the building elevations that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements.** 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 1<sup>st</sup> floor on the south side of the building and along the upper levels of the building on the east and west sides that are blank. The back of house operations for the building have been located on the south side of the building at the ground level. Given that this side of the building faces two existing buildings it will not be as visible as the other three sides of the building. The areas that are blank on the upper levels of the building on the east and west sides are covered with weathering steel. The weathering steel will be applied in large pieces and will have joint lines between them. While the material will be continuous for more than 25 linear feet the building has been designed with a lot of movement so as to not appear blank. CPED recommends that the City Planning Commission grant alternative compliance.
- **The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped.** The lot area of the site is 109,212 square feet. The footprint of the buildings is 60,963 square feet. When you subtract the footprint from the lot size the resulting number is 82,249 square feet. Twenty percent of this number is 16,450 square feet. According to the applicant's landscaping plan there will be 7,685 square feet of landscaping on the site or approximately nine percent of the site not occupied by the building. The landscaped areas are dispersed throughout the plaza and along Fremont Avenue South. Additional square footage could be taken out of the plaza and converted to green space. However, the plaza is an amenity that provides public gathering space in a high-density area. CPED recommends that the City Planning Commission grant alternative compliance.

## **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 for Phase III of a Planned Unit Development that includes a new 186,000 square foot office building with 9,500 square feet of ground floor restaurant/commercial space and 40 underground parking spaces located at 1320 Lagoon Avenue, 1350 Lagoon Avenue and 2900 Fremont Avenue South subject to the following conditions:

Department of Community Planning and Economic Development  
BZZ-6322

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.
2. As required by section 527.120 of the zoning code, the development shall comply with the standards for some combination of the following amenities from Table 527-1, Amenities totaling a minimum of 10 points: pedestrian improvements, water feature, Leadership in Energy and Environmental Design (LEED), plaza, and public art.
3. The applicant shall submit the LEED checklist and documentation, approved by a LEED Accredited Professional (LEED-AP), that shows that the project will comply with LEED Silver certification requirements prior to building permits being issued.
4. The applicant shall provide information pertaining to the capital cost of the project, information pertaining to the art pieces that will be located on site and information pertaining to where the art pieces 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.

**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 planned unit development located at 1320 Lagoon Avenue, 1350 Lagoon Avenue and 2900 Fremont Avenue South 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. The photo-screened glass clad walls shall not be used for signage purposes.
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. Not less than 10 of the required bicycle parking spaces shall meet the requirements for long-term parking.
5. All lighting shall comply with the regulations of Chapter 535, Regulations of General Applicability and Chapter 541, Off-Street Parking and Loading.
6. 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.

Department of Community Planning and Economic Development  
BZZ-6322

**Attachments:**

1. Preliminary Development Review report from October 26, 2013
2. Project purpose and description
3. LEED checklist
4. Plaza description
5. Conditional use permit findings
6. TDMP
7. October 23, 2013, letters to Council Member Tuthill, LHENA, CARAG, the Uptown Association and the Midtown Greenway Coalition
8. Letters from the public
9. Zoning Map
10. Site , civil and architectural plans
11. Photos of the site and surrounding properties