

Department of Community Planning and Economic Development – Planning Division
Site Plan Review
BZZ – 3028

Date: August 14, 2006

Applicant: Hennepin Street Project LLC

Address of Property: 222 Hennepin Ave.

Project Name: Two Twenty Two

Contact Person and Phone: Kate Milliken-Binns, (416) 560-6428

Planning Staff and Phone: Jason Wittenberg, (612) 673-2297

Date Application Deemed Complete: May 19, 2006

End of 60-Day Decision Period: July 18, 2006

End of 120-Day Decision Period: On June 13, 2006, staff sent a letter to the applicant extending the decision period to no later than September 16, 2006. On June 22, 2006, staff received a facsimile from the applicant extending the decision period to no later than October 1, 2006.

Ward: 7 Neighborhood Organization: North Loop Neighborhood Association

Existing Zoning: B4C-1 and DP (Downtown Parking) Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 19

Legal Description: Not applicable for this application

Proposed Use: Mixed use development with 290 dwelling units and ground level commercial uses, including a grocery store.

Concurrent Review: Not applicable

Applicable zoning code provisions: Chapter 530, Site Plan Review.

Background: The full-block property located at 222 Hennepin Avenue currently houses an automobile dealership. The applicant has purchased the site and proposes to develop the block with 290 units of housing and approximately 80,000 square feet of ground-level commercial space, including a proposed grocery store. Whole Foods Market has been identified as the proposed grocery store tenant. The applicant initially proposed 35 floors and mechanical equipment above the roof would have extended to

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extend to 395 feet in height. The plan has been revised to 33 floors (plus mechanical equipment) extending to 375 feet in height.

The project would include accessible green space above the commercial level, including a semi-public area open the same hours as the grocery store. The semi-public area would be separated from an area dedicated to rooftop amenities for residents of the building.

The site is surrounded by a mix of primarily commercial uses and parking. Gateway Park and the River Towers condominiums are located nearby to the east of the site. The Towers include 27 and 16 story buildings. The ING/Reliastar complex is located directly across Hennepin Avenue from the site. A proposed mixed use building known as the Eclipse has been approved for the property directly across Washington Avenue from the site. The two Eclipse towers would be 32 and 24 stories. The low-rise Miller Meister office building is part of the Eclipse planned unit development. A mix of surface and structured parking and low-rise buildings are located in the historic districts across 1st Avenue and 2nd Street. The Warehouse Historic District is located directly across 1st Avenue North from the site and the St. Anthony Falls Historic District is located directly across N. 2nd Street.

The project is close to the minimum threshold that would trigger the need for a state-mandated environmental assessment worksheet (EAW). The applicant reduced the number of proposed dwelling units in order to avoid exceeding the threshold. If the scale of the project is increased to exceed the minimum threshold, the applicant must submit an EAW for review and approval by the City Council.

Staff expects that the Travel Demand Management (TDM) Plan will be completed by the Commission's public hearing date.

The North Loop Neighborhood Association sent a letter dated July 12, 2006, endorsing the project with a specific list of issues that they would like the applicant to address.

The Planning Commission continued the application from the meetings of June 12th and July 31st. The applicant has made revisions to the project, which were presented to the Committee of the Whole on July 20th, and are outlined in the staff report and an attachment submitted by the applicant.

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the site plan review:

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

Section A: Conformance with Chapter 530 of the Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- 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 and windows:
 - Residential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.

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- 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.**

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

- **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. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

Conformance with above requirements:

The proposed full-block development reinforces the street wall on all sides. Windows would allow views into and out of the building at ground-level on all sides. Pedestrian access is facilitated to both the residential and commercial uses with a residential lobby fronting Washington Avenue and two entrances to the proposed grocery store—one at the corner of Hennepin and N. 2nd Street and the other near the corner of Hennepin and Washington. A smaller scale commercial use (or uses) will have direct pedestrian access along Washington Avenue.

The building would be constructed within eight feet of the front property line except that all four corners are recessed at the ground level. Staff recommends that the Commission grant alternative compliance to allow the proposed layout. The proposal meets the intent of the ordinance because the building is constructed up to or close to the lot lines on all sides. The proposed treatment of entrances allows for improved pedestrian movement. Staff recommends that the applicant consider construction of an integrated transit shelter along Washington Avenue near Hennepin. Public art should be considered in the setback area along 1st Avenue and 2nd Street and/or the setback at the corner of Washington and Hennepin. As noted above, the building would be constructed up to the property lines in most locations. Recessed areas would primarily allow for improved pedestrian movement.

All principal entrances would face the public streets.

All accessory parking would be located within the building and below grade.

Architectural detail, such as a mix of materials and columns that interrupt expanses of glass, is provided and opportunities for natural surveillance have been provided. The applicant has provided additional windows and visual interest at the ground-level facing both N. 2nd Street and 1st Avenue N.

Except for the upper level mechanical area, there would be no blank, uninterrupted walls in excess of 25 feet. While two locations along the 1st Avenue elevation would provide blank walls at eye level, the overall floor between grade and 14 feet would include window area. The upper level mechanical equipment would be screened by a blank wall on all sides. Because of the function of the mechanical level and the proposed height of the mechanical level, compliance

with the provision is less necessary and staff recommends that the Commission allow for blank walls on the mechanical level.

Plain face concrete block would not be used as a primary exterior building material.

The base of the building would be primarily masonry and glass on all sides. The upper (residential floors) would be primarily glass, spandrel glass, and metal.

At least 30 percent commercial portion and 20 percent of the residential portion of the first floor and at least 10 percent of the upper floors of the building walls facing all public streets are required to be windows. Ground-level windows are measured in the area between two and 10 feet above the adjacent grade. The analysis of the project's compliance with this requirement follows:

Ground-level windows

- *Hennepin Avenue:* According to staff calculations, the proposed Hennepin Avenue elevation, which includes entirely non-residential uses, would include approximately 90 percent window area.
- *Washington Avenue:*
 - *Commercial portion:* According to staff calculation, the Washington Avenue elevation would have approximately 83 percent window area on the commercial frontage.
 - *Residential portion (88 linear feet of frontage):* According to staff calculation, approximately 90 percent of the residential frontage would be windows.
- *1st Avenue North elevation:* According to staff calculation, the 1st Avenue elevation, if classified as an entirely commercial frontage, would include approximately 39 percent window area (not including windows where the bottom sill is higher than four feet above grade and not including the glass loading dock door, which would also consist of transparent glass). For window area in excess of the minimum requirements, the applicant may consider treatments that minimize any negative effects of viewing a loading dock area.
- *2nd Street North elevation:* According to staff calculation, the 2nd Street elevation would include approximately 64 percent window area.

As proposed by the applicant, the ground-level windows would be vertical in their orientation and would be distributed in a more or less even manner on all sides.

All ground-level windows must comply with the following standards from section 530.120 of the zoning code:

- 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.
- First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
- 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.

Windows above the ground-level

- All street-facing walls above the ground level would far exceed the 10 percent minimum window requirement with the exception of mechanical walls at the top of the building. Staff recommends that the Commission grant alternative compliance from all window requirements on the upper mechanical level due to the impracticality of locating windows on the level that is intended to visually screen mechanical equipment.

Consistent with the character of the area, a flat roof is proposed.

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.

Conformance with above requirements:

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

- Hennepin Ave.: 12'4" (includes area devoted to street trees)
- Washington Ave.: Approximately 15'. The building would be set slightly back from Washington Avenue an increasing distance as one travels north along Washington. This would allow for improved pedestrian circulation. The drop-off bay that had been proposed along Washington Avenue has been eliminated.
- 1st Ave. N.: 11'7"
- 2nd St. N.: 17'9" Note that there is a street/sidewalk easement at that allows for improved pedestrian circulation at the corner of 1st Avenue and 2nd Street. In addition, Public Works staff has indicated that a tighter curb radius must be provided at this intersection, similar to the current configuration.

Revised plans appear to show pedestrian ramps at the curb cut along 2nd St. Pedestrian ramps are not allowed. Curb cuts/driveways must be designed to accommodate a continuous walking surface.

Bus routes are located along both Washington and Hennepin Avenues. A reverse-flow bus lane (located in front of the building on Hennepin Avenue) currently carries bus traffic toward the downtown core. The applicant is encouraged to integrate a transit shelter into the project along

Hennepin Avenue. Such transit shelter would require review by Metro Transit, the Public Works Department, CPED-Planning, and the Police Department.

Access to off-street parking would take place through one curb cut along N. 2nd Street and would exit through one curb cut along 1st Avenue North. The curb cut to the loading area would be 35 feet in width—the maximum that may be allowed without a variance. The Access Minneapolis Plan anticipates that all adjacent streets be reconfigured to accommodate two-way in the future. The parking garage has been designed in a manner that would allow for the entrances and exits to be reversed.

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

The applicant proposes a green roof that would slow the rate at which water would enter the storm sewer system and would help to reduce/mitigate the urban heat island. A stormwater management plan must be reviewed and approved by the Public Works Department.

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.**

Conformance with above requirements:

Buildings with 50,000 square feet or more of new or additional gross floor area located in the Downtown districts are exempt from the general landscaping and screening requirements. In addition, there are no proposed surface parking lots that would require landscaping and screening. The applicant has proposed groundcover and four trees at the corner of 1st Avenue and 2nd Street. The applicant has substantially increased the number of street trees in the public right of way, which must be reviewed and approved by Park & Recreation Board staff. The applicant proposes to install a great deal of vegetation on the rooftop above the commercial level of the building. The Public Works Department has requested a detailed planting plan as part of their analysis of the stormwater management plan.

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.
- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- 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.

Conformance with above requirements:

No parking lots are proposed, thus eliminating issues related to concrete curbing.

The applicant has submitted a preliminary lighting study showing compliance with the footcandle requirements of 535.590. All proposed lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

535.590. Lighting. (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

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- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

As noted above, there would be no open-air parking lots. No nearby residential properties would be affected by headlight glare from the development.

A building with 33-floors would be expected to affect an existing view from nearby properties. There is no height limitation in the downtown districts. The applicant has reduced the massing of the tower below the 23rd floor and has increased the massing on the upper floors.

The applicant has submitted shadow studies. The placement of the tower would cast the most significant shadows on the lower level of the development itself rather than on significant public spaces and adjacent properties.

Staff is somewhat concerned about the potential for significant ground-level winds along Washington Avenue, where the tower is not set back from the base of the building. The applicant should consider setting the tower back from an identifiable base.

Windows and entrances would allow surveillance to and from the commercial spaces. A fixture plan must be submitted to ensure that shelving and other equipment will not block views into and out of the building. The sidewalks will be lighted to ensure a degree of nighttime visibility. Pedestrians would be clearly guided to the public spaces. The second-level park would include a clear delineation between semi-public and private spaces. The Police Department has requested that the applicant submit a lighting plan for the proposed above grade semi-public space and that they submit a security camera plan.

The existing structure is not historic or eligible for designation. The site is located across from two historic districts.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE: The site is zoned B4C-1 and is located in the Downtown Parking (DP) Overlay District. Residential uses, regardless of the number of units, are permitted use in the B4C-1 District. Grocery stores are also a permitted use. The DP Overlay District restricts surface parking lots in the downtown area. All proposed parking would be below grade.

Parking and Loading: The minimum off-street parking requirement for residential uses in Downtown Districts is 0.9 spaces per dwelling unit. With 290 units, the applicant would be required to provide 261 spaces for the residential component of the development. The applicant proposes 449 spaces for the residential component, approximately 1.54 spaces per dwelling unit.

The minimum off-street parking requirement for nonresidential uses in B4C-1 District is one space per 1,400 square feet of gross floor area. Based on providing approximately 79,920 square feet of non-residential area (exclusive of parking and loading areas), 57 spaces would be required accessory to the commercial uses while the applicant proposes 304 spaces.

If more than 300 parking spaces are provided for the commercial uses, eight accessible spaces must be provided. It appears that six are currently proposed. The required van accessible space is provided. As noted on the applicant's plan, the garage must provide clearance to accommodate an accessible van as required by Minnesota rule 1341.0428 subpart 5. The number of accessible spaces serving the residential use exceeds two percent.

The applicant proposes three large loading spaces and one small loading space as required by Chapter 541 of the zoning code.

Section 541.440 of the zoning code requires the applicant to provide 30 secure bicycle parking spaces. Where automobile parking spaces are monitored or are covered or weather protected, bicycle parking spaces shall be provided on the same basis. A secure bicycle parking space shall include a bicycle rack which permits the locking of the bicycle frame and one (1) wheel to the rack, and which supports the bicycle in a stable position without damage to wheels, frame or components. The applicant proposes to provide 30 bicycle parking spaces in the commercial parking level of the garage. Staff recommends that, to meet the intent of the provision, the Commission require signs directing customers and employees to the secured bicycle parking. Elevators will provide access to this level. Cyclists would also have the ability to ride down the vehicle entrance ramp. The applicant will also provide secured bicycle storage areas for many of the residential units.

Signs: The applicant, along with Whole Foods Market, will finalize a sign package at a future date. The applicant understands that all signs must comply with Chapter 543 unless they return to the City Planning Commission or Board of Adjustment for a variance and sign adjustment application. Here is a preliminary analysis of the sign area and locations that were provided on the elevations.

- Allowed 2.5 square feet of signage for 1 linear foot of building wall

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- Wall signs can be a maximum of 120 square feet, with a maximum height of 16 feet to the top of the sign
- Projecting signs can be a maximum of 48 square feet, with a maximum height of 24 feet to the top of the sign, and may not project more than four feet from the wall.
- Back-lighting is prohibited.
- Specifically, Hennepin Avenue and 2nd Street North may have the biggest compliance issues. The plan shows approximately 315 square feet of sign area per side, right above the Whole Foods entrance. This will be the biggest challenge, and appears to be too tall. There is also a circular sign along Hennepin Avenue that is too high as well.
- On the Washington Ave and 1st Avenue North sides, the plans appear to be in compliance, but again must meet requirements for the district.

Maximum Floor Area: The lot area is 110,499 square feet. The maximum FAR allowed in the B4C-1 District is 4. The applicant qualifies for a 20 percent floor area bonus for enclosed parking, as allowed by section 549.110 of the zoning code. With this density bonus, the applicant is allowed up to 530,395 square feet of gross floor area (GFA), which would be an FAR of 4.8. (The mathematical calculation is as follows: $110,499 \times 4 = 441,996$, plus a 20 percent bonus of $88,399 = 530,395$.) The proposed FAR is 4.44. The applicant has significantly reduced the amount of floor area in the tower portion of the development and now proposes 490,684 square feet of GFA (based on the definition in section 520.160 of the zoning code), which is well within the amount of floor area that would be allowed without consideration of the floor area premiums allowed in the downtown districts. The project would clearly qualify for an additional FAR of four based on having an enclosed freight loading terminal and for providing mixed uses.

Minimum Lot Area: Parcels with residential uses in the downtown districts must have at least 5,000 sq. ft. of lot area. The lot has 110,499 square feet of area.

Dwelling Units Per Acre: With 290 dwelling units on a site having 110,499 square feet of lot area, the proposal would include approximately 114 dwelling units per acre.

Height: The Downtown Districts have no maximum building height. The size of the building is limited by the maximum FAR (see analysis above). The proposed building, to the roof, would be 350 feet in height. The roof of the structure housing the mechanical equipment would be 375 feet in height above grade. The building would have 33 floors (excluding mechanical) and would be equivalent to 36 stories (including mechanical) based on the definition of “story” in section 520.160 of the zoning code.

Yard Requirements: The proposed full-block development has no minimum yard requirements.

Specific Development Standards: Grocery stores are subject to the following specific development standards in Chapter 536 of the zoning code

Grocery store. The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

Hours of Operation: Maximum hours open to the public in the B4C-1 are allowed as follows:

6:00 a.m. to 10:00 a.m. seven days per week

If a nonresidential use proposes to exceed the allowed hours, a conditional use permit would be required. Specific hours of the grocery store have not been determined. The applicant has noted that the hours of a typical Whole Foods Market are 7:00 a.m. to 10:00 p.m.

Refuse screening: Refuse storage would be located within the building.

MINNEAPOLIS PLAN: The *Downtown 2010 Plan* is the adopted comprehensive plan for the downtown area. The following principles and policies outlined in *Downtown 2010 Plan* apply to this proposal:

- Promote street-level design of buildings that contribute to downtown’s vitality and security encouraging individual entrances to street-level building tenants, windows and architectural detailing.
- Promote retail and other interesting uses at street level in order to reinforce the linking function of streets and to create vitality. These uses should be encouraged at the street level throughout downtown and required where the continuity of retail is important.
- Compatible office, hotel, institutional and residential uses should supplement retail above the street and skyways.
- Promote building heights and designs that protect the image and form of the downtown skyline, that provide transition to the edges of downtown and that protect the scale and qualities in areas of distinctive physical or historic character.
- Encourage a variety of retail with diverse price points in downtown in order to serve a broad range of residents.
- Expand housing opportunities in downtown for all income levels, with an emphasis on providing additional moderate to high income, owner-occupied units.
- Support the retention and development of neighborhood-serving retail.

The Planning Division believes that overall this development does meet the above policies of the *Downtown 2010 Plan*.

Note that the site is across the street from the area covered by the *Downtown East/North Loop Master 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

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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.**

Staff recommends that the Commission grant alternative compliance for the following components of the project:

- **Setbacks at four corners of the building.**

The four corners of the building include recesses that place portions of each corner more than eight feet from the lot lines. The proposal meets the intent of the ordinance because the building is constructed up or close to the lot lines on all sides. The proposed treatment of entrances allows for improved pedestrian movement. Staff recommends that the applicant consider construction of an integrated transit shelter along Washington Avenue near Hennepin.

- **Minimum window area and blank wall limitation on mechanical walls at top of the building.**

Providing windows and recesses and projection in the upper level mechanical areas is not practical and is less necessary due to the substantial height above street level.

RECOMMENDATION

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review to allow a mixed use building located at 222 Hennepin Avenue, subject to the following conditions:

1. Minimum ground-level window area shall be provided on all four elevations of the development as required by section 530.120(b) of the zoning code. Required ground-level window area shall allow views into and out of the building and shall comply with the standards of section 530.120(b) of the zoning code. Prior to obtaining a certificate of occupancy for the grocery store use, a detailed floor plan of the proposed grocery shall be submitted for review and approval by the CPED – Planning Division to confirm that shelving and other equipment will not obstruct required window area.
2. Signs shall be provided to direct customers and employees to the secured bicycle parking required by section 541.440 of the zoning code.
3. The scope of the project shall not be increased in a manner that would exceed the minimum threshold for a state mandated environmental assessment worksheet (EAW) unless the applicant submits and the City approves an EAW.
4. Community Planning and Economic Development Department – Planning Division staff review and approval of the final building elevations, site, lighting, and landscape plans prior to issuance of a building permit.
5. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by August 14, 2007, or the permit may be revoked for non-compliance, unless extended by the zoning administrator.

Attachments:

1. PDR comments
2. Statements from applicant
3. Correspondence to neighborhood association and council office
4. Zoning maps
5. Aerial photo
6. Survey and plans (site, landscape, loading, floor plans, building elevations, etc.)
7. Streetscape details
8. Elevation renderings
9. Shadow studies
10. Erosion control and stormwater management information
11. Photos