



Request for City Council Committee Action from the Department of Community Planning and Economic Development

Date: December 9, 2013

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning and Planning Committee

Subject: Appeal of the decision of the City Planning Commission associated with the approvals for the conditional use permit and site plan review applications for the Downtown East Phase I development located at 627, 701, 713 and 719 3rd Street South, 500, 501, 521, 628, 700, 716 and 728 4th Street South, 301, 329, 416 and 425 Portland Avenue, 520 5th Street South and 350 Park Avenue.

Recommendation: The following actions were taken by the Planning Commission on October 28, 2013 (BZZ-6260):

7. Downtown East (BZZ-6309 and PL-279, Ward: 7), 627, 701, 713 and 719 3rd St S, 500, 501, 521, 628, 700, 716 and 728 4th St S, 301, 329, 416 and 425 Portland Ave, 520 5th St S and 350 Park Ave (Hilary Dvorak).

A. Conditional Use Permit: Application by Rick Collins, VP of Development with Ryan Companies US, Inc., for a conditional use permit for a planned unit development that includes approximately 1.5 million square feet of office space, approximately 20,000 square feet of commercial space, 203 dwelling units and a principal parking facility for the properties located at 627, 701, 713 and 719 3rd St S, 500, 501, 521, 628, 700, 716 and 728 4th St S, 301, 329, 416 and 425 Portland Ave, 520 5th St S and 350 Park Ave.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit application for a planned unit development that includes approximately 1.5 million square feet of office space, approximately 20,000 square feet of commercial space, 203 dwelling units and a principal parking facility located at 627, 701, 713 and 719 3rd St S, 500, 501, 521, 628, 700, 716 and 728 4th St S, 301, 329, 416 and 425 Portland Ave, 520 5th St S and 350 Park Ave subject to the following conditions:

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

2. The commercial, residential, office or hotel uses shall be included along Chicago Ave as part of the initial construction of the above ground parking garage.
3. The skyway over 5th Ave S shall be designed so as to not require a support column in the public sidewalk. If this is not feasible for structural reasons, the support column shall be designed so the sidewalk has a minimum unobstructed width of eight feet.
4. 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 20 points: Leadership in Energy and Environmental Design (LEED), plaza, energy efficiency, living wall system, shared vehicle, enhanced landscaping, enhanced storm water management and a recycling storage area.
5. 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 Platinum certification requirements prior to building permits being issued.
6. The applicant shall submit documentation, including a letter signed by the owner or a licensed design professional, which shows that the building systems are designed to operate efficiently and exceed the Minnesota State Energy Code by at least 40 percent of the annual energy costs.
7. The living wall system shall be composed of panels that total a minimum of 60 percent of the wall area (13,860 square feet) of the north elevation of the above ground parking garage.
8. A portion of the plantings used in conjunction with the living wall system on the above ground parking garage shall provide greenery year round, if possible, subject to staff review and approval.
9. The areas where the future phases of the PUD will be located, including the north side of the mixed-use buildings and the south side of the above ground parking garage, shall be seeded and/or sodded.
10. The land that will be developed as a public park shall be seeded and/or sodded in high quality organic soil of a depth of no less than six inches.
11. There shall be no signs located on the non-primary building walls of the mixed-use buildings facing S 3rd St.
12. The amenity, as applied near the corner of 4th St and 5th Ave, shall be a use regularly open to the public.

Aye: Brown, Cohen, Kronzer, Schiff, Slack and Wielinski

Recused: Huynh

Absent: Gagnon (excused) and Luepke-Pier (excused)

B. Site Plan Review: Application by Rick Collins, VP of Development with Ryan Companies US, Inc., for a site plan review for the properties located at 627, 701, 713 and 719 3rd St S, 500, 501, 521, 628, 700, 716 and 728 4th St S, 301, 329, 416 and 425 Portland Ave, 520 5th St S and 350 Park Ave.

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for a planned unit development located at 627, 701, 713 and 719 3rd St

S, 500, 501, 521, 628, 700, 716 and 728 4th St S, 301, 329, 416 and 425 Portland Ave, 520 5th St S and 350 Park Ave subject to the following conditions:

1. Approval of the final site, landscaping, elevation and lighting plans by the Department of Community Planning and Economic Development.
2. All lighting shall comply with the regulations of Chapter 535, Regulations of General Applicability and Chapter 541, Off-Street Parking and Loading.
3. All site improvements shall be completed by November 12, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
4. There is mechanical equipment shown between the mixed-use buildings and 5th Ave S, Portland Ave and Park Ave. There may also be mechanical equipment located between the stand-alone residential building and 5th Ave S. If the mechanical equipment is not located below ground, the mechanical equipment shall be screened with decorative fencing or landscaping.
5. There shall be stairs and entry stoops leading to at least three of the ground floor residential units within the stand-alone residential building facing 5th Ave S.
6. The building footprints shall be located where shown on the submitted plans.
7. There shall be no blank walls over 25 feet in length on the stand-alone residential building.
8. The sidewalk on 5th St, adjacent to the "stand-alone residential building," shall be a minimum of 20 feet in width.

Aye: Brown, Cohen, Kronzer, Schiff, Slack and Wielinski

Recused: Huynh

Absent: Gagnon (excused) and Luepke-Pier (excused)

C. Plat: Application by Rick Collins, VP of Development with Ryan Companies US, Inc., for a preliminary plat for the properties located at 627, 701, 713 and 719 3rd St S, 500, 501, 521, 628, 700, 716 and 728 4th St S, 301, 329, 416 and 425 Portland Ave, 520 5th St S and 350 Park Ave.

Action: The City Planning Commission adopted the findings and **approved** the preliminary registered land survey application for the property located at 627, 701, 713 and 719 3rd St S, 500, 501, 521, 628, 700, 716 and 728 4th St S, 301, 329, 416 and 425 Portland Ave, 520 5th St S and 350 Park Ave.

Aye: Brown, Cohen, Kronzer, Schiff, Slack and Wielinski

Recused: Huynh

Absent: Gagnon (excused) and Luepke-Pier (excused)

Ward: 7

Prepared by: Hilary Dvorak, Principal Planner, 612-673-2639 Approved by: Jason Wittenberg, Planning Manager Presenters in Committee: Hilary Dvorak, Principal Planner

Community Impact:

Neighborhood Notification: Notice of the Planning Commission hearing was mailed on October 18, 2013, and notice of the appeal was mailed on November 27, 2013.

- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 120-day decision period: February 15, 2014
- Other: Not applicable

Background/Supporting Information:

Rick Collins – VP of Development with Ryan Companies US, Inc., has filed an appeal of the decision of the City Planning Commission for a planned unit development that includes approximately 1.5 million square feet of office space, approximately 20,000 square feet of commercial space, 203 dwelling units and a principal parking facility located at 627, 701, 713 and 719 3rd Street South, 500, 501, 521, 628, 700, 716 and 728 4th Street South, 301, 329, 416 and 425 Portland Avenue, 520 5th Street South and 350 Park Avenue. The appeal is associated with the decision of the City Planning Commission specifically related to the following conditions of approval associated with the conditional use permit and site plan review applications:

Conditional use permit:

- There shall be no signs located on the non-primary building walls of the mixed-use buildings facing South 3rd Street.

Site plan review:

- The sidewalk on South 5th Street, adjacent to the “stand-alone residential building,” shall be a minimum of 20 feet in width.

Both Ryan Companies US, Inc., and L.J. Rotman and Kevin Coan with Hinshaw & Culbertson, LLP, on behalf of the Minnesota Vikings Football Club, LLC, have also filed appeals regarding the issue of prohibited roof signs. However, the City Planning Commission action approving a conditional use permit for a planned unit development from which these parties appeal did not address prohibited roof signs. There is nothing in the Planning Commission action regarding roof signs for these parties to appeal. Roof signs are prohibited pursuant to Minneapolis Code of Ordinances 543.50(1).

The minutes from the November 12, 2013, City Planning Commission meeting are attached. The appellants' complete statements and reasons for the appeal are also attached.