

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit  
BZZ-5553

**Date:** May 21, 2012

**Applicant:** Minneapolis Public Schools (MPS), Attn: Mark Bollinger, 700 Meadow Lane North, Minneapolis, MN 55422, (763) 287-5487

**Address of Property:** 1250 West Broadway Avenue

**Project Name:** Minneapolis Public Schools (MPS) Education Service Center

**Contact Person and Phone:** UrbanWorks Architecture, Attn: Tod Elkins, 903 North 3<sup>rd</sup> Street, Suite 145, Minneapolis, MN 55401, (612) 455-3104

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

**Date Application Deemed Complete:** April 17, 2012

**End of 60-Day Decision Period:** June 16, 2012

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

**Ward:** 5                    **Neighborhood Organization:** Jordan Area Community Council and Northside Residents Redevelopment Council (NRRC)

**Existing Zoning:** OR2 (High Density Office Residence) District with a Pedestrian Oriented (PO) Overlay District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 8

**Lot area:** 231,739 square feet or approximately 5.32 acres

**Legal Description:** Not applicable for this application.

**Proposed Use:** Amend an approved Planned Unit Development (PUD) for a master sign plan.

**Concurrent Review:**

- UrbanWorks Architecture, on behalf of Minneapolis Public Schools (MPS), has submitted an application to amend the Conditional Use Permit for a Planned Unit Development for review of a master sign plan for the new MPS Headquarters building on the property located at 1250 West Broadway.

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

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**Background:** In October of 2010, the City Planning Commission approved land use applications (BZZ-4962) for a new 173,000 square foot, 4 and 5-story Minneapolis Public Schools (MPS) Educational Service Center. The land use applications approved included: (1) a rezoning of 2105 and 2119 Fremont Avenue North to the OR2 district; (2) Conditional Use Permit (CUP) for a Planned Unit Development (PUD) that included the following alternatives from the Zoning Code standards: (a) an alternative request to allow an increase in the maximum height allowed for principal structures in the OR2 district to 5 stories or 72 feet at the tallest point; (b) an alternative request to allow for a reduction in the periphery front yard requirement of 39 feet (due to a front yard increase) on the building site along Fremont Avenue North for surface parking stalls, drive-aisles, loading, and a transformer/generator; (c) an alternative request for a reduction in the periphery front yard requirement of 22 feet (due to a front yard increase) on the building site along Girard Avenue North for building placement and surface parking stalls; (d) an alternative request to allow the building to be located at 3 feet, 3 inches at the closest point along the required interior side yard on the east side of the site (the required interior side yard was 13 feet); (e) an alternative to allow the proposed public plaza (and associated encroachments) within the required front yard along West Broadway; (f) an alternative request to allow building placement alternatives in the PO Overlay District along West Broadway, Girard Avenue North, and Fremont Avenue North; (3) Variance to allow parking between the principal structure and the front lot line along Girard Avenue North and Fremont Avenue North; (4) Variance of the PO standards pertaining to the location of parking to the rear or the interior of the site, within the principal building served, or entirely below grade, and of the 40% window requirement on the Fremont Avenue elevation; and (5) Site plan review for a 4 and 5-story, approximately 173,000 square foot Minneapolis Public Schools Educational Service Center including 354 surface parking stalls.

Following the original approval for the site, the applicant submitted amended land use applications that received City Planning Commission approval in April of 2011 (BZZ-5102), as MPS had acquired the remaining six lots on the north side of the block in order to expand the surface parking lot located on the premises. The inclusion of those additional lots resulted in the expansion of the surface parking lot previously approved at 354 spaces to 490 surface stalls. All land use applications previously approved as noted above, with the exception of the variances of the PO standards (as the building/site configuration in the PO remained unchanged) were revisited. Additionally, the applicant submitted and received approval for a replat of the property into one lot as well as the vacation of existing utility easements located on the premises.

Construction on the project is nearly complete, and the applicant is proposing a comprehensive sign plan for the building at this time. Signs are subject to the requirements of Chapter 543, On-premise Signs. In the OR2 zoning district, one-and-a-half square feet of signage for every one foot of primary building wall is permitted provided no freestanding sign is located on the zoning lot. Wall signs are limited to 180 square feet in size with a guaranteed minimum of 30 square feet and no limit on the number within the size limitation. The maximum height of signs in the OR2 district is typically limited to 14 feet, however, when a building contains a nonresidential use above the ground floor, one (1) sign for such use not higher than 28 feet is allowed. 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.

The applicant is not proposing any freestanding signs on the site; therefore, one-and-a-half square feet of signage would be allowed for every one foot of primary building wall. A primary building wall is defined as “an exterior building wall that faces a street or that faces an accessory parking area and contains a public entrance. When the exterior building walls are not parallel to a street, they shall be assigned to the street frontage to which they are most oriented”. Due to the configuration of the site, there are four primary building walls. The north, south, east and west elevations of the building could

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accommodate the maximum amount of wall signage permitted on each elevation, or 180 square feet as the building walls in each location total at least 120 feet.

The applicant has submitted a sign plan that illustrates how much signage is being proposed. Overall, the applicant has requested approval of two different sign types totaling five signs that are located on three primary building facades. Two of the proposed wall signs are designed with aluminum channel letters and are not illuminated and the other three proposed wall signs are internally illuminated with LED bulbs. The applicant has applied for a modification to the previously approved conditional use permit for a PUD to allow three of the proposed five signs to exceed the maximum allowable height of 14 feet in the OR2 district. This is due to the fact that one sign is lower than 14 feet and another sign is lower than 28 feet.

**Master Sign Plan Information and Analysis:**

<b>Wall Mounted Signs - 5</b>					
<b>Height above grade</b>	<b>Proposed Area (sq ft)</b>	<b>Primary wall</b>	<b>Façade location</b>	<b>Illuminated</b>	<b>Staff Recommendation</b>
14 feet, 9 inches	42	Yes	South	No	<i>Approve as proposed</i>
12 feet, 9 inches	42	Yes	North	No	<i>Approve as proposed</i>
66 feet, 1 inch	38	Yes	North	Yes	<i>Approve as proposed</i>
66 feet, 1 inch	38	Yes	West	Yes	<i>Approve as proposed</i>
60 feet, 5 inches	38	Yes	South	Yes	<i>Approve as proposed</i>

Staff has not received any official correspondence from the Jordan Area Community Council or any neighborhood letters/emails prior to the printing of this report. Any correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

**CONDITIONAL USE PERMIT** – Modification to the previously approved conditional use permit for a Planned Unit Development for a master sign plan.

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

The Department of Community Planning and Economic Development– Planning Division 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 Planning Division does not believe that modifying the previously approved conditional use permit to include a master sign plan for the MPS Education Service Center would be detrimental to or endanger the public health, safety, comfort or general welfare. The amount of signage proposed would be proportional to the size of the building and the location of the signage is appropriate given the configuration of the

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building on the site and the access to and from the on-site parking. The proposal allows for ample, visible signage, minus the potential for visual clutter.

**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 Planning Division does not believe that modifying the previously approved conditional use permit to include a master sign plan for the MPS Education Service Center would 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. The amount of signage proposed would be proportional to the size of the building and the location of the signage is appropriate given the configuration of the building on the site and the access to and from the on-site parking. The proposal allows for ample, visible signage, minus the potential for visual clutter.

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

Modifying the previously approved conditional use permit to include a master sign plan for the MPS Education Service Center will not impact utilities, access roads, drainage or other necessary facilities.

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

Modifying the previously approved conditional use permit to include a master sign plan for the MPS Education Service Center will not impact traffic congestion in the public streets.

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

According to *The Minneapolis Plan for Sustainable Growth*, a portion of the development parcel which includes the proposed building is located along West Broadway which is a designated Commercial Corridor and along Fremont Avenue North which is a designated Community Corridor in this location. The entire development parcel is located within an area designated as an urban neighborhood. According to *The Minneapolis Plan for Sustainable Growth*, the following policies and implementation steps apply to this master sign proposal:

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

The Planning Division believes that the proposed master sign plan is in conformance with the above policy of *The Minneapolis Plan for Sustainable Growth*. In general, the plan suggests that sign design must balance the desire to convey information with a need to maintain visual aesthetics so that signage is not intrusive. The development encompasses nearly two full city blocks with proposed signage that exceeds the overall height allowed but does not exceed the overall square foot allowances permitted on site.

There is an additional plan that must be considered when evaluating the proposal which is the *West Broadway Alive Plan*. This plan was adopted by the City Council in March of 2008. The plan states this about signage: “All commercial establishments should provide exterior signage. The position of signage can vary within the constraints provided by the city’s zoning code. Projecting signage is encouraged, as

are designs that are highly colorful, or that evoke a sense of movement or playfulness. The creation of building or business signage is an opportunity to hire an artist or designer that can create something truly unique and distinctive.” The Planning Division believes that the proposed master sign plan is generally in conformance with the West Broadway Alive Plan.

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

The City Planning Commission can approve alternatives to the zoning regulations applicable to the zoning district in which the planned unit development is located where the planned unit development includes site amenities. Site amenities are subject to the following standards:

- All planned unit developments shall provide at least one amenity or a combination of amenities that total at least ten 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 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 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.

**Minimum required amenity(ies) of 10 points.**

1. This requirement was previously satisfied under the associated CUP approval for the MPS Education Service Center PUD (BZZ-4962 and BZZ-5102) in October of 2010 and April of 2011. *The minimum required amenity(ies) of ten (10) points was fulfilled by the following components: 1. Meeting the minimum standards for Leadership in Energy and Environmental Design (LEED) NC Silver Certification (Project Id#1000008875).*

**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 district as part of the associated CUP approvals for the MPS Education Service Center PUD as the structure as proposed was not located within 8 feet of the front lot line; it was proposed and constructed 25 feet, 4 inches from the property line along West Broadway, approximately 47 feet from Fremont Avenue North (although the enclosed loading area, is located approximately 15 feet, 2 inches from the property line) and approximately 51 feet from Girard Avenue North. *Five points were required and provided as follows: art feature (3 points), decorative fencing (1 point) and enhanced stormwater management (1 point).*

**Bulk regulations - floor area:** No alternative requested.

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**Bulk regulations - 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 OR2 district from 4 stories or 56 feet to 5 stories or 72 feet as part of the associated CUP approvals for the MPS Education Service Center PUD. *Five points were required and provided as follows: shared bicycles (3 points) and reflective roof (2 points).*

**Lot area requirements:** No alternative requested.

**Yards:** No alternative requested as part of this amended CUP application. The applicant did request an alternative to allow a reduction/elimination of several required yards along the periphery of the PUD. *Five points were required and provided as follows: reflective roof (1 point), shared vehicle (3 points) and recycling storage area (1 point.)*

**On-premise signs:** The total height of the signage proposed for the MPS Education Service Center PUD exceeds what is allowed in Chapter 543 of the Zoning Code. The applicant needs to provide an amenity or a combination of amenities totaling at least five points for the above sign exceptions being requested. See “amenities provided” section below.

**Off-street parking and loading:** No alternative requested. The proposal is meeting the minimum parking requirement.

**Amenities provided:** The applicant must provide an amenity or a combination of amenities totaling at least five points for the proposed master sign plan. The applicant proposes the following amenity from Table 527-1: *Amenities that significantly exceed standards – as the project meets the minimum standards for LEED NC Gold Certification.* The Zoning Code states that the commission may consider an additional five points to the point value listed for any amenity in Table 527-1, Amenities, where the commission finds the proposed amenity substantially exceeds the standards required in Table 527-1, Amenities, for the amenity. The applicant has provided documentation that indicates the project’s compliance with LEED NC Gold Certification standards.

A total of 5 points are needed based on this amended CUP proposal for the MPS Education Service Center PUD. Planning Staff believes it is appropriate to accept LEED NC Gold Certification in lieu of the requested alternative.

**Phasing plan:** There is no phasing plan associated with this project. The development is being completed in one phase.

**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.**

The 173,000 square foot office building currently under construction that will serve the Minneapolis Public Schools headquarters functions, fits in well with the neighborhood context as the surrounding area includes a mixture of residential, commercial and institutional uses that are of varying heights, style, and designs.

**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 Travel Demand Management Plan. The applicant is proposing to provide parking that meets the minimum and maximum parking requirements for the use as outlined in the Zoning Code. Further, a total of 60 bicycle parking spaces are provided. The approved TDMP for the site states that MPS will develop and implement measures to encourage non-single occupancy vehicle modes of transportation with the goal of having at least 45% of its transportation trips made by transit, bicycling, telecommuting or walking. Some of the strategies that are proposed within the TDMP are as follows: designation of an Employee Transportation Coordinator; various strategies for communication and education; carpool and vanpool incentives; promote rideshare, walking, transit and bicycling; and promote flex-time and telecommuting.

**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 that were included as part of the associated MPS Education Service Center PUD included the pursuance of LEED NC Silver Certification, inclusion of an art feature within the public plaza proposed along West Broadway, shared bicycles, reflective roof, a shared vehicle, decorative fencing, enhanced stormwater management through the collection of stormwater runoff in the parking areas via bio swales, pervious pavers and below ground water tanks for irrigation, and a recycling storage area. As proposed, the master sign plan requires additional amenities that are being satisfied through the project's compliance with LEED NC Gold Certification.

**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 and compatibility of individual buildings and parking areas within the PUD development to other site elements and to surrounding development is apparent. The building footprint consists of two rectangular portions running east-west connected by a 90 foot link. The building on the site is 4 stories tall along West Broadway, and 5 stories tall towards the interior of the site. The entire north side of the site is covered by surface parking. While Staff remains concerned about the amount of land covered by surface parking, the parking lot is thoroughly landscaped and screened. The surrounding context and uses within the vicinity are varied. Overall the proposed PUD has contextually appropriate scale and massing, likely minimal microclimate effects on the surrounding neighborhood and results in a development along a designated Commercial Corridor that should not only improve the neighborhood but be a catalyst for future redevelopment opportunities within the area.

**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.**

The building is located on the south side of the site along West Broadway. The surface parking areas are located on the north side of the site and fill out the remainder of the block. An appropriate transition area is proposed between the PUD and the adjacent residential uses located across the public right-of-way as landscaping and screening are being provided.

**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 is working closely with the Public Works Department, the Plan Review Section of the Inspections 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. Further, the project complies with all applicable City requirements for stormwater, as well as 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 development utilized a construction waste recycling program. The project also complies with standards specific to LEED NC Gold Certification.

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

The applicant has received approval for both a preliminary and final plat for the site which complied with all of the applicable requirement in Chapter 598 of the Zoning Code.

## **RECOMMENDATIONS**

### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application to amend the previously approved conditional use permit application for the MPS Education Service Center Planned Unit Development to include a master sign plan on the property located at 1250 West Broadway Avenue 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 one year of approval.

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2. As previously required (BZZ-4962 and BZZ-5102) by Section 527.120 of the Zoning Code, the development shall include the following amenities from Table 527-1, Amenities: Leadership in Energy and Environmental Design (LEED) NC Silver Certification, Art Feature, Shared Bicycles, Reflective Roof, Shared Vehicle, Decorative fencing, Enhanced Stormwater Management, and a Recycling Storage Area.
3. As required for the master sign plan by Section 527.120 of the Zoning Code, the development shall include the following amenity from Table 527-1: LEED NC Gold Certification.
4. All new signs shall relate in size, shape, material, color, illumination and character to the function and architectural character of the building.
5. A total of five wall-mounted signs shall be permitted on the premises. Three of the five signs shall be permitted to exceed the maximum permitted height as outlined in the staff report.
6. Backlit signs are prohibited.

**Attachments:**

1. Statement of use and description
2. Findings
3. LEED Credit Matrix
4. Correspondence – JACC, NRRC and Don Samuels
5. Zoning Map
6. Master sign plan
7. Site Plan
8. Photos