

**City of Minneapolis**  
**Request for Committee Action**

**To:** Zoning & Planning  
**Date:** 11/12/2015  
**From:** Community Planning & Economic Development  
**Prepared by:** Andrew Liska, City Planner  
**Presented by:** Andrew Liska, City Planner  
**File type:** Action  
**Subcategory:** Land Use Application

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**Subject:**

Non-conforming use appeal: Basim Sabri, on behalf of Karmel Properties, LLC, 2910-2936 Pillsbury Ave S

**Description:**

Considering an appeal submitted by Basim Sabri, on behalf of Karmel Properties, LLC, of the decision of the City Planning Commission approving land use applications (BZZ-7324) for the expansion of a non-conforming use with an added sixth condition, for additions to the 1st, 2nd, 3rd, and 4th floors for new tenant space, for the property located at 2910-2936 Pillsbury Ave S.

**Previous Actions:**

On October 19, 2015, the City Planning Commission approved the land-use applications for the Expansion of a Non-Conforming Use and Site Plan Review for the proposed building additions located at 2910 – 2936 Pillsbury Avenue South.

As part of the City Planning Commission review, the following actions were also taken:

**4. Karmel Plaza and Square, 2910 - 2936 Pillsbury Ave S, Ward 10.**

**This item was continued from the September 8 and September 21, 2015 meetings.**

**Staff report by [Andrew Liska](#), BZZ-7324**

The City Planning Commission adopted staff findings for the application by Basim Sabri of Karmel Properties, LLC.

**A. Expansion of a Non-Conforming Use.**

Action: **Approved** the application for an expansion of non-conforming use to allow the proposed expansion to the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> floors, subject to the following conditions:

1. Unless otherwise authorized or required by the City Planning Commission, the conditions of approval for BZZ-1361, BZZ-4801, BZZ-5482, and BZZ-6524, BZZ-6921, and BZZ-7113 shall remain in effect.
2. The easternmost 65 feet of the 4<sup>th</sup> floor shall be set back not less than 42 feet from the north property line. The remainder of the 4<sup>th</sup> floor shall be set back not less than 62 feet from the north property line.
3. CPED staff review and approval of the final site, floor, and building elevation plans.
4. The exterior materials shall match the existing structure in material, color, and texture.
5. All site improvements shall be completed by October 19, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

6. The expansion of nonconforming use shall be limited to the square footage on the south side of the building, internal to the site, which is referenced on page two of the staff report.

**B. Site Plan Review.**

Action: **Approved** the application to expand the 1<sup>st</sup> floor approximately 451 square feet, the 2<sup>nd</sup> floor approximately 993 square feet, the 3<sup>rd</sup> floor approximately 6,607 square feet, and the 4<sup>th</sup> floor approximately 820 square feet, subject to the following conditions:

1. Unless otherwise authorized or required by the City Planning Commission, the conditions of approval for BZZ-1361, BZZ-4801, BZZ-5482, and BZZ-6524, BZZ-6921, and BZZ-7113 shall remain in effect.
2. The easternmost 65 feet of the 4<sup>th</sup> floor shall be set back not less than 42 feet from the north property line. The remainder of the 4<sup>th</sup> floor shall be set back not less than 62 feet from the north property line.
3. All walls shall comply with the minimum window requirements from section 530.120 of the Zoning Code.
4. CPED staff review and approval of the final site, floor, and building elevation plans.
5. The exterior materials shall match the existing structure in material, color, and texture.
6. All site improvements shall be completed by October 19, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

**Ward/Neighborhood/Address:**

Ward 10  
Whittier  
113 East 26th Street

**Background/Analysis:**

Basim Sabri has filed an appeal regarding the decision of the City Planning Commission to approve the land-use application for the Expansion of a Non-Conforming Use associated with the building additions. The appellant is appealing the inclusion of a sixth condition associated with this approval which limits the expansion of the structure to the south side of the structure only. The applicant provided four reasons for the appeals: *"1. There was no testimony or evidence in opposition to the request for the expansion of the non-conforming use; 2. The Planning Commission made no findings to justify limiting the expansion of non-conforming uses to only a portion of the concurrently approved addition to the building; 3. The action of the Planning Commission in item A to grant non-nonconforming use rights cannot be limited to a portion of the building, especially without stating a basis for the limitation; 4. There were no findings that could have been made on the record established to support limiting some of the project to the I-1 use."*

End of 60/120-Day Decision Period: The 120-day decision period ends November 28, 2015.

**Financial Review:**

**No financial impact.**

**Attachments:**

1. Appellant's Statement
2. CPED Staff Report and Attachments