



**Request for City Council Committee Action from the Department of Community Planning  
& Economic Development – Planning Division**

Date: August 19, 2008  
To: Council Member Gary Schiff, Chair of Zoning and Planning Committee  
Referral to: Zoning and Planning Committee  
**Subject:** Referral from the August 18, 2008 City Planning Commission Meeting  
**Recommendation:** See report from the City Planning Commission

**Prepared by:** Lisa Baldwin, Planning Commission Committee Clerk (612-673-3710)

**Approved by:** Jason Wittenberg, Supervisor, CPED Planning-Development Services

**Presenter in Committee:**

3. Open Arms of Minnesota, 1511 25th St E, 2500, 2504, 2508, 2510, 2514, 2518 and 2520 Bloomington Ave, Becca Farrar, Sr Planner, x3594

**Community Impact (use any categories that apply)**

Other: See staff report(s) from the City Planning Commission

**Background/Supporting Information Attached**

The attached report summarizes the actions taken at the City Planning Commission meeting held on August 18, 2008. The findings and recommendations are respectfully submitted for the consideration of your Committee.

**REPORT  
of the  
CITY PLANNING COMMISSION  
of the City of Minneapolis**

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The Minneapolis City Planning Commission, at its meeting on August 18, 2008 took action to **submit the attached comment** on the following items:

**3. Open Arms of Minnesota (BZZ-4146, Ward: 9), 1511 25th St E, 2500, 2504, 2508, 2510, 2514, 2518 and 2520 Bloomington Ave ([Becca Farrar](#)).**

**A. Rezoning:** Application by DJR Architecture, Inc., on behalf of Open Arms of Minnesota, for a petition to rezone a portion of the properties including: 1511 25th St E, 2500, 2504, 2508, 2510 Bloomington Ave to the C2 district (Neighborhood Corridor Commercial District) and to add the Transitional Parking (TP) Overlay District to the existing R2B (Two-family district) properties located at 2514, 2518 and 2520 Bloomington Ave.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classification of the properties located at 1511 25th St E, 2500, 2504, 2508, 2510 Bloomington Ave to the C2 district (Neighborhood Corridor Commercial District) and to add the Transitional Parking (TP) Overlay District to the existing R2B (Two-family district) properties located at 2514, 2518 and 2520 Bloomington Ave.

**Department of Community Planning and Economic Development – Planning  
Division**

Rezoning, Conditional Use Permit, Variances and Site Plan Review  
BZZ-4146

**Date:** August 18, 2008

**Applicant:** Open Arms of Minnesota, 1414 East Franklin Avenue, Minneapolis, MN  
55404, (612)872-1152

**Address of Property:** 1511 25<sup>th</sup> Street East, 2500, 2504, 2508, 2510, 2514, 2518 and  
2520 Bloomington Avenue

**Project Name:** Open Arms of Minnesota

**Contact Person and Phone:** DJR Architecture, Inc., Attn: Paula Merrigan, 333  
Washington Avenue North, Suite 210, Minneapolis, MN 55401. (612)676-2730

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

**Date Application Deemed Complete:** July 25, 2008

**End of 60-Day Decision Period:** September 22, 2008

**End of 120-Day Decision Period:** On August 1, 2008, Staff sent a letter to the applicant  
extending the decision period to no later than November 21, 2008.

**Ward:** 9 **Neighborhood Organization:** Midtown Phillips Neighborhood Association  
East Phillips Improvement Coalition (EPIC)

**Existing Zoning:** C1 (Neighborhood Commercial) District and R2B (Two-family)  
District

**Proposed Zoning:** C2 (Neighborhood Corridor Commercial) District and R2B (Two-  
family) District with a TP (Transitional Parking Overlay) District

**Zoning Plate Number:** 21

**Lot area:** 36,917 square feet or .85 acres

**Legal Description:**

Properties to be rezoned to C2: 1511 25<sup>th</sup> Street East, 2500, 2504, 2508, 2510  
Bloomington Avenue –

That part of Lot 1 lying West of the East 106 feet, and that part of the North 22 feet lying West of the East 106 feet of Lot 2, Block 9, and the front or Easterly 66 feet of the Northerly 36 feet of Lot 1, Block 9 and the front or Easterly 66 feet of the Northerly 36 feet of Lot 1, Block 9 and the front or Easterly 66 feet of the Northerly 36 feet of Lot 1, Block 9 and the front or Easterly 66 feet of the Northerly 36 feet of Lot 1, Block 9, and the South 36 feet of Lot 2, Block 9 and the North 43.5' of Lot 3, Gale's 1st Addition to Minneapolis, Hennepin County, Minnesota.

Properties to be rezoned to add a TP Overlay District to the underlying R2B district: 2514, 2518 and 2520 Bloomington Avenue –

The South 14.5' of Lot 3 and the North Half of Lot 4, Block 9, the South Half of Lot 4 and the North 14 ½ feet of Lot 5, Block 9 and the South 43.5 feet of Lot 5, Block 9, Gale's 1st Addition to Minneapolis, Hennepin County, Minnesota.

**Proposed Use:** Construction of a 2-story structure to be utilized for a catering use.

**Concurrent Review:**

- Petition to rezone a portion of the properties including: 1511 25<sup>th</sup> Street East, 2500, 2504, 2508, 2510 Bloomington Avenue to the C2 district (Neighborhood Corridor Commercial District) and to add the Transitional Parking (TP) Overlay District to the existing R2B (Two-family district) properties located at 2514, 2518 and 2520 Bloomington Avenue.
- Conditional Use Permit to allow a surface parking lot in the TP Overlay District.
- Variance of the front yard setback requirement adjacent to the north property line along 25<sup>th</sup> Street East from approximately 18 feet to 0 feet for the first 40 feet (from west to east).
- Variance of the front yard setback requirement adjacent to the east property line along Bloomington Avenue for the R2B zoned properties from approximately 13 feet to 7 feet due to the residential structure to the south.
- Variance of the TP Overlay District standards.
- Variance of the off-street parking requirement from 54 spaces to 39 spaces.
- Variance of the impervious surface requirement in the R2B district to exceed the maximum of 65% allowed.
- Site Plan review for a 2-story or 27 foot tall structure to be utilized by Open Arms of Minnesota as a use deemed substantially similar to a catering use.

**Applicable zoning code provisions:** Chapter 525, Article VI Zoning Amendments, Chapter 525: Article VII Conditional Use Permits, Article IX, Variances and Chapter 530 Site Plan Review.

**Background:** The applicant proposes to construct a new 2-story, 20,507 square foot structure to be utilized as a catering use by Open Arms of Minnesota on the properties located at 1511 25<sup>th</sup> Street East, 2500, 2504, 2508, 2510, 2514, 2518 and 2520 Bloomington Avenue. The properties are currently zoned C1 and R2B; rezonings are

necessary in order to develop the property as proposed. The applicant is proposing to rezone a portion of the subject site to the C2 district to allow the proposed catering use and to add a Transitional Parking (TP) Overlay District to the remaining R2B properties. The TP Overlay District was established to allow parking lots for passenger automobiles in residence and office residence districts when adjacent to a zoning district in need of additional parking for customers and employees. Essentially, all of the properties currently zoned C1 and one of the properties currently zoned R2B are proposed to be rezoned to the C2 district. A conditional use permit is required in order to allow a surface parking lot in the TP Overlay District; the proposed catering use is a permitted use in the C2 district. Several variances are required for the proposed development which include: (1) Variance of the front yard setback requirement adjacent to the north property line along 25<sup>th</sup> Street East from approximately 18 feet to 0 feet for the first 40 feet (from west to east); (2) Variance of the front yard setback requirement adjacent to the east property line along Bloomington Avenue for the R2B zoned properties from approximately 13 feet to 7 feet due to the residential structure to the south; (3) Variance of the TP Overlay District standards for the width of the parking lot as well as to the requirement for a secured gate between the hours of 10:00 pm and 6:00 am; (4) Variance of the off-street parking requirement from 54 spaces to 39 spaces; and (5) Variance of the impervious surface requirement in the R2B district to exceed the maximum of 65% allowed. Site plan review is also required for the proposed development.

Open Arms of Minnesota is a non-profit organization which serves meals to people living with HIV/AIDS, those that are going through treatment or surgery for cancer or living with other chronic illnesses such as MS and ALS. With the help of volunteers each week, the organization prepares and delivers meals to those living with illness as well as their dependent children and caregivers.

The proposed structure will include a catering kitchen, lobby, seating and changing areas for volunteers as well as a boardroom on the first floor. The second floor will contain office space and the partial basement will be utilized for storage.

Staff has received correspondence from both the Midtown Phillips Neighborhood Association and the East Phillips Improvement Coalition (EPIC) which has been attached for reference. Any additional correspondence received after the printing of this report will be forwarded on to the Planning Commission for further consideration.

## **REZONING**

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

#### **Whether the amendment is consistent with the applicable policies of the comprehensive plan.**

According to the *Minneapolis Plan*, the subject parcels are located within a vicinity that contains a mixture of land uses. Further, the site is located at the intersection of a

Neighborhood Commercial Node which is located at Bloomington Avenue and 25<sup>th</sup> Street East. The subject site is also located along Bloomington Avenue which is a designated Community Corridor. According to the Principles and Policies outlined in the *Minneapolis Plan*, the following apply to this proposal:

- 9.6 *Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.*

*Implementation Step:*

*Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods.*

- 9.23 *Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.*

*Implementation Step:*

*Encourage comprehensive and site specific solutions that address issues of compatibility of commercial areas with surrounding uses.*

- 9.27 *Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.*

The proposal to rezone a portion of the parcels from the C1 district to the C2 district as well as add the TP Overlay District to the remaining R2B properties for a catering use is in conformance with the above noted principles, policies and implementation steps of the comprehensive plan.

**2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.**

A rezoning to allow the proposed development on the premises would be considered in the interest of both the property owner, as it would allow the construction of a structure for a catering use of desired size (as the C1 district limits the size of commercial uses), and in the public interest insofar as it would allow a use that provides needed services for City residents and is supported by the immediate neighborhoods and City overall.

**3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the**

**proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

The site is currently zoned C1 and R2B. The site is located along Bloomington Avenue which is a designated Community Corridor. Further, the intersection of 25<sup>th</sup> and Bloomington is a designated Neighborhood Commercial Node. The subject site is located within a vicinity that has a mixture of uses and zoning classifications. The properties to the north and east are zoned C1 and C2, the properties to the west are zoned R2B, and the properties to the south are zoned R2B. Adjacent uses include a mixture of commercial and residential uses. Given the surrounding zoning classifications and uses in the area, Staff believes that the proposed C2 zoning district and the application of a TP Overlay District to the remaining R2B zoned properties would be compatible in this location.

**4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.**

There are reasonable uses of the property permitted under the existing C1 and R2B zoning districts, however, the uses would likely result in the under utilization of the subject site due to the area in which the parcel is located. The C1 zoning allows for a mixture of commercial uses and does allow catering as a permitted use; however, the C1 district limits the size of commercial uses. The proposed size of the catering use exceeds the maximum allowed; thus, the application for a rezoning to the C2 district. The R2B zoning district is a Two-family district. Permitted uses in the R2B district include, but are not limited to, the following:

- Single-family dwellings
- Two-family dwellings
- Community residential facilities serving six or fewer persons
- Community gardens
- Public parks
- Places of assembly

Planning Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classification for the site.

**5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

Under the 1963 Zoning Code, the subject properties and the surrounding area were zoned similarly to what they are zoned today, with the exception being the commercially zoned properties located at the corner of 25<sup>th</sup> Street East and Bloomington Avenue which were zoned B2S-2 (Neighborhood Service District). There has been somewhat of a change in

the character and trend of development within the general area. Due to the proximity to C2 zoning as well as the mix of uses within the general area as well as the immediate vicinity, Staff believes that the rezoning requests are reasonable, appropriate and consistent with adopted policy.

**CONDITIONAL USE PERMIT** –to allow a surface parking lot in the TP Overlay District.

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

The Minneapolis Department of Community Planning and Development, Planning Division, has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

**1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

Construction of a 39 space surface parking lot in the TP Overlay District should not have negative impacts on the area. The underlying zoning would remain R2B and the proposed development complements other uses in the area. Staff does not believe that the project would prove detrimental to public safety, comfort or general welfare. Further, the parking lot will be screened with landscaping which will help visually block views to the parking lot from the surrounding area and it will also include lighting for safety purposes.

**2. 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 site is currently vacant. The proposal to allow a surface parking lot on residentially zoned properties with the application of a TP Overlay would prove compatible with the surrounding uses and should not impede normal and orderly development of the area. The parking lot will provide necessary parking for the proposed development and will be screened with landscaping in compliance with the provisions outlined in Chapter 530 of the Zoning Code.

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

The site would be accessed by staff and volunteers off of Bloomington Avenue via one curb cut to the surface parking lot. Trucks will access the site off of 25<sup>th</sup> Street East and exit on to Bloomington Avenue. The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant will be required to continue to work 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 should the applications be approved. This would be required to ensure that all procedures are followed and that the development complies with all city and other applicable requirements. The applicant is aware that all applicable plans are expected to incorporate any applicable comments or modifications as required by the Public Works Department.

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

Chapter 541 of the zoning code requires one off-street parking space per 300 square feet of gross floor area in excess of 4,000 square feet for catering uses. Therefore, based on the proposed 20,507 square foot structure, 55 parking spaces would be required for the proposed development. The applicant proposes to include a bicycle rack in lieu of one required commercial parking space. Therefore, with a reduction for bicycle parking the parking requirement would be reduced to 54 required spaces (the bike rack must accommodate four bicycles). The applicant is proposing to locate 39 off-street parking spaces on the premises. Therefore, the variance request would be from 54 parking spaces to 39 parking spaces. Planning Staff would argue that adequate measures have been provided which is further detailed in the variance section below.

**5. Is consistent with the applicable policies of the comprehensive plan.**

See the above listed response to finding #1 in the rezoning application.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit, the rezoning request, relevant variances, and site plan review.**

**551.430. Conditional Uses.** In addition to the conditional uses allowed in the primary zoning district, the following conditional uses may be allowed in the TP Overlay District, subject to the provisions of Chapter 525, Administration and Enforcement.

(1) Parking lot, serving customers and employees only. Parking lots for customer and employee automobiles may be located in the TP Overlay District, subject to Chapter 541, Off-Street Parking and Loading, and the following standards:

**a. The parcel on which the parking lot is located shall have a side lot line that abuts the zoning district served or shall be part of the zoning lot served.**

The parking lot would be considered part of the larger zoning lot.

**b. The width of the parking lot shall not exceed seventy-five (75) feet.**

A variance of this provision is required as the parking lot has approximately 130 feet of frontage along Bloomington Avenue. The applicant has applied for a variance of this standard.

- c. The use of the parking lot shall be restricted to the parking of passenger automobiles only. No commercial vehicles shall be parked or stored.**

The applicant has indicated that no commercial vehicles will be parked in the parking lot.

- d. The parking lot shall be closed with a secured gate or other appropriate mechanism between the hours of 10:00 p.m. and 6:00 a.m., except as specifically authorized by the conditional use permit.**

The applicant is not proposing to close the parking lot between 10 pm and 6 am. Planning Staff is granting an exception from this provision.

- e. The parking lot shall at no time be used for outdoor sales, display or storage.**

The applicant has indicated that there will be no outdoor sales, display or storage occurring in the parking lot.

- f. Each entrance to and exit from such parking lot shall be located at least twenty (20) feet from any adjacent property located in a residence or office residence district.**

The proposed development complies with this provision.

- g. The parking lot shall be landscaped and screened pursuant to the provisions of Chapter 530, Site Plan Review.**

This development is subject to site plan review. Please see the site plan review section below.

If all land use/zoning applications are approved, including the rezoning, conditional use permit, variances and site plan review, the proposal would comply with all provisions of the C2, R2B and TP Overlay Districts.

**VARIANCES** – (1) Variance of the front yard setback requirement adjacent to the north property line along 25<sup>th</sup> Street East from approximately 18 feet to 0 feet for the first 40 feet (from west to east); (2) Variance of the front yard setback requirement adjacent to the east property line along Bloomington Avenue for the R2B zoned properties from approximately 13 feet to 7 feet due to the residential structure to the south; (3) Variance of the TP Overlay District standards; (4) Variance of the off-street parking requirement

from 55 spaces to 39 spaces; (5) Variance of the impervious surface requirement in the R2B district to exceed the maximum of 65% allowed.

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

**1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**Front yard setback requirement along 25<sup>th</sup> Street East from 18 feet to 0 feet:** Staff would argue that the property could be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning ordinance would cause undue hardship. The property is subject to an 18 foot setback for the first 40 feet, from west to east from the centerline of the public alley due to the residential zoning and use located to the west. The proposed development is in compliance with the required setback for 37 feet, 9 inches and only needs a variance for 2 feet, 3 inches of the 40 feet. Requiring that the structure meet the setback for an additional 2 feet, 3 inches would likely result in a small corner cut out of the proposed building wall or an irregular street facing elevation adjacent to 25<sup>th</sup> Street East.

**Front yard setback requirement along Bloomington Avenue from 13 feet to 7 feet:** Staff would argue that the property could be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning ordinance would cause undue hardship. There are two zoning classifications proposed for the site with the R2B zoning remaining on the south side and a TP overlay district applied to allow parking for the proposed catering use. Due to the residential structure and zoning to the south, a front yard setback is applicable along Bloomington Avenue for the R2B zoned portion of the site. A variance from 13 feet to 7 feet is requested for a small stretch along Bloomington Avenue. Requiring that the parking lot adhere to the 13 foot front yard setback would result in undue hardship as it would result in a major reconfiguration of the parking lot on the subject site as well as result in a further off-street parking variance for the use proposed for the site.

**Variance of the TP Overlay District standards:** Staff would argue that the property could be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning ordinance would cause undue hardship. The applicant is proposing to vary one of the TP Overlay District standards for the allowable width of a parking lot. Staff believes that in this circumstance the request is reasonable. Requiring that the width of the parking be reduced from approximately 130 feet to 75 feet would result in a lack of functionality within the parking lot.

**Variance of the off-street parking requirement:** Staff would argue that the property could be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning ordinance would cause undue hardship. Based on the Chapter 541 standards, a total of 55 parking spaces would be required for the proposed

development. The applicant proposes to include a bicycle rack in lieu of one required commercial parking space. Therefore, with a reduction for bicycle parking the parking requirement would be reduced to 54 required spaces (the bike rack must accommodate four spaces). The applicant is proposing to locate 39 off-street parking spaces on the premises and has demonstrated that the proposed off-street parking would be adequate for the proposed development as the City's standards do not reflect this organization's use patterns. The organization would have a minimum of employees/volunteers parking long term on the site.

**Variance of the impervious surface requirement in the R2B district:** Staff would argue that the property could be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning ordinance would cause undue hardship. There are several zoning classifications on the subject site. The R2B zoned portion of the site will be utilized as a commercial surface parking lot provided the conditional use permit in the TP Overlay District is approved. Requiring that the project be in compliance with standards applicable for residential uses would restrict the viability and functionality of the proposed parking lot.

**2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**Front yard setback requirement along 25<sup>th</sup> Street East from 18 feet to 0 feet:** The circumstances could be considered unique as the applicant is subject to two front yard setback requirements due to the fact that the parcel has frontage on two public streets. These circumstances have not been created by any persons presently having an interest in the property. The existing residentially zoned property and use to the west of the site across the public alley is creating the need for the setback variance. The development is adhering to the required setback of 18 feet for 37 feet, 9 inches of the required 40 feet along 25<sup>th</sup> Street East.

**Front yard setback requirement along Bloomington Avenue from 13 feet to 7 feet:** The circumstances could be considered unique as the applicant is subject to two front yard setback requirements due to the fact that the parcel has frontage on two public streets. These circumstances have not been created by any persons presently having an interest in the property. The existing residentially zoned property and use to the south of the site is creating the need for the setback variance as applicable for all of the R2B zoned properties located within the zoning lot. The proposed development is meeting the required setback for the majority of the frontage. A small segment of the proposed parking lot is not meeting the setback as a driveway encroaches into the required yard.

**Variance of the TP Overlay District standards:** The circumstances could be considered unique as the applicant is attempting to preserve the underlying residential zoning and applying a TP Overlay District to allow the proposed commercial parking on

the premises. To require the commercial parking lot to adhere to the maximum width of 75 feet would inhibit the functionality of the proposed parking lot as well as require a further variance of the off-street parking requirement.

**Variance of the off-street parking requirement:** The circumstances could be considered unique as the applicant has demonstrated that the parking that is being provided in the surface parking lot is adequate for the proposed development. According to the applicant, only a small number of vehicles will be located in the parking lot on a long term basis. The majority of the volunteers will utilize the parking lot on a short term basis just to pick up meals for delivery. The proposed parking adequately serves the needs of the user.

**Variance of the impervious surface requirement in the R2B district:** The circumstances could be considered unique as the applicant is proposing to preserve much of the R2B zoning within the larger zoning lot. The applicant could have proposed further extending the commercial zoning for the purposes of the commercial parking lot; thus, not subjecting the site to an impervious surface requirement. Maintaining the residential zoning subjects the site to the impervious surfacing requirements applicable in the residential districts.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**Front yard setback requirement along 25<sup>th</sup> Street East from 18 feet to 0 feet:** The granting of the front yard setback variance would likely be in keeping with the spirit and intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The proposed development needs a variance for only 2 feet, 3 inches of the required linear setback of 40 feet. The applicant has designed the structure in a manner sensitive to surrounding uses.

**Front yard setback requirement along Bloomington Avenue from 13 feet to 7 feet:** The granting of the front yard setback variance would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The proposed development meets the setback requirement for the majority of the residentially zoned frontage adjacent to Bloomington Avenue. A variance is necessary for a small segment due to a driveway encroachment within the proposed surface parking lot.

**Variance of the TP Overlay District standards:** The granting of a variance for one of the TP Overlay District standards would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The applicant is proposing to screen the parking lot with landscaping which would help to visually block

views to the parking lot from the surrounding area thus mitigating the impacts of an expansion in width.

**Variance of the off-street parking requirement:** The granting of the parking variance would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The applicant has demonstrated that the proposed parking would be adequate to serve the needs of the proposed use.

**Variance of the impervious surface requirement in the R2B district:** The granting of the variance of the impervious surface requirement for the R2B zoned properties would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. Despite not meeting the R2B requirement, landscaping is being provided on the site that complies with the Chapter 530 standards as it would typically relate to a commercial parking lot on a commercially zoned site. In order to mitigate this issue, Planning Staff will recommend that the applicant explore on-site filtration.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**Front yard setback requirement along 25<sup>th</sup> Street East from 18 feet to 0 feet:** Staff believes that the granting of the variance of the front yard setback requirement would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

**Front yard setback requirement along Bloomington Avenue from 13 feet to 7 feet:** Staff believes that the granting of the variance of the front yard setback requirement would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

**Variance of the TP Overlay District standards:** Staff believes that the granting of the variance of the TP Overlay District standards would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

**Variance of the off-street parking requirement:** Staff believes that the granting of the off-street parking variance would likely have little impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety. The applicant has demonstrated in their application materials that the parking provided for the project is expected to be adequate.

**Variance of the impervious surface requirement in the R2B district:** Staff believes that the granting of the variance of the impervious surface requirement in the R2B district would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

## **SITE PLAN REVIEW**

### **Required Findings for 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 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 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.**
  - 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 531.20 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.**

The development is subject to required yards along all sides of the property; however the proposed structure is located within 8 feet of the property lines adjacent to 25<sup>th</sup> Street East and Bloomington Avenue. The building would be oriented towards both designated front yards adjacent to 25<sup>th</sup> Street East and Bloomington Avenue; however the principal entry although connected via a shared lobby, seems more oriented towards the parking lot than towards Bloomington Avenue. Planning Staff would recommend that the Planning Commission require more of a prominent entry along Bloomington Avenue as no principal entry is being provided along the other street frontage of 25<sup>th</sup> Street East. Further, allowing the entry to be aligned more towards the parking lot results in a missed opportunity for the development to engage the public street. The design somewhat maximizes natural surveillance and visibility,

and facilitates pedestrian access and circulation along both street frontages; however Planning Staff believes that there are opportunities to improve the current layout. Incorporating a prominent entry along Bloomington Avenue as well as additional windows along 25<sup>th</sup> Street East to balance the elevations would dramatically improve the relationship between the building and public streets. The area between the building and the public streets would have new shrub plantings along both street frontages.

The elevation of the building along 25<sup>th</sup> Street East does not incorporate windows that meet the 30% window requirement as approximately 28% are provided. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. Alternative compliance would be necessary. Currently that elevation has uneven window distribution and only a portion of the windows are aligned in a more or less vertical manner. Planning Staff would recommend that the Planning Commission require compliance with the 30% requirement as there are opportunities to increase the size of the windows located at the corner of the building as well as align them so that visually the building is more even along the north elevation. The elevation of the building along Bloomington Avenue meets the 30% window requirement as approximately 43% are provided. The windows on this elevation are more or less evenly distributed and aligned vertically in proportion. The south elevation of the site faces an on-site parking lot and is therefore also subject to the 30% window requirement. The south elevation of the proposed structure meets the 30% window requirement as approximately 38% are provided. The windows on this elevation are more or less distributed evenly and are vertical in proportion. The proposed development meets the 10% window requirement on each floor above the first floor that faces the public street and public sidewalk.

There are blank, uninterrupted walls greater than 25 feet in width on the west building elevation that do not include windows, entries, recesses or projections, or other architectural elements. The west elevation should include much needed building articulation as the elevation as a whole is blank and unattractive. Alternative compliance is necessary. Further, the proposed mechanical penthouse located on the roof of the proposed structure has blank walls greater than 25 feet on each elevation. Planning Staff believes that it is practical to require compliance with this code provision and will recommend that the Planning Commission require it as well.

The exterior materials would be compatible on all sides of the proposed building as different types of burnished block and industrial metal siding as well as various metal elements would be utilized. The proposed building form and combination of flat and pitched roofs would be considered compatible with other buildings in the area.

No parking ramp is proposed as part of the development as a surface parking lot is proposed on the premises with primary access off of Bloomington Avenue.

**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.**

There is a combined principal entry lobby to the building that has doors facing both Bloomington Avenue on the east elevation of the building and the surface parking lot on the south elevation. The development is connected to the public sidewalk via a large walkway.

There are no transit shelters within the development, however the site is located along a Metro Transit bus line.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. Planning Staff will require the applicant to comply with the screening requirements along the south and west property lines.

There is a public alley adjacent to the site; however, the proposed development will not utilize the alley for access purposes.

The site has somewhat been designed to minimize the use of impervious surfaces through landscaping. Approximately 78% of the net site is impervious. There is a large surface parking lot located on the south side of the site. The applicant has provided perimeter landscaping as well as landscaped parking lot islands on the premises to mitigate some of the proposed hardscape impacts.

**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.**

According to the applicant, once the project is complete, approximately 8,114 square feet or 30% of the site not occupied by buildings will be landscaped, which would exceed the 20% landscaping requirement. The site is approximately 36,917 square feet in size with buildings occupying a footprint of 9,956 square feet. Based on the site information, approximately 5,393 square feet of landscaping would be required. The zoning code requires that there be at least 11 trees and 54 shrubs planted on the site. The applicant is proposing to have 15 canopy trees, 5 ornamental trees and 111 shrubs on the site. The proposal is exceeding the minimum landscape quantity requirements. No rock mulch shall be permitted on the final landscape plan.

The surface parking located on the premises is subject to a 7 foot landscaped yard adjacent to Bloomington Avenue, the south interior side yard and the west rear yard adjacent to the public alley. The proposal is in compliance with this provision. Additionally, the property is subject to the screening requirements as outlined in Chapter 530. The applicant is proposing to provide screening in the form of a masonry hedge along Bloomington Avenue which meets the screening requirement in that location. There is required screening along both the south interior side yard and the west rear yard adjacent to the public alley that must be 6 feet in height. Alternative compliance is necessary. Planning Staff will require that the proposal incorporate a 6-foot tall wood fence to comply with this requirement.

Parking lots fronting public streets are also subject to the provision that requires that not less than 1 tree shall be provided for each 25 linear feet of parking or loading area lot frontage. The proposal is in compliance with this provision. Additionally, interior lot landscaping is required for areas within parking lots are unavailable for parking or vehicular circulation. The proposal is in compliance with this provision. Parking lots with 10 spaces or more are also required to be designed so that no parking space is located more than 50 feet from the center of an on-site deciduous tree, and tree islands must have a minimum width of 7 feet in each direction. The proposal complies with both of these provisions as well.

**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.

All parking for the proposed development is being provided in a 39 space surface parking lot which is accessed off of Bloomington Avenue. The water drainage on site has been designed so as not to drain onto any adjacent lots. Curbing is proposed to be provided on site. The applicant is encouraged to explore on-site retention and filtration.

Staff would not expect the proposal to result in the blocking of views. The proposed structure would be expected to have negligible shadowing impacts on adjacent properties and public spaces. The proposed structure would be expected to have minimal impacts on light, wind and air in relation to the surrounding area as well.

The City's CPTED officer had no comments on the proposed development as the plan met the City of Minneapolis requirements for police safety. Planning Staff would expect to review a detailed lighting plan upon submission of final plans.

There are no historic structures on the premises as the site is currently vacant.

**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 proposed use of the site for catering is permitted in the C2 district. The proposal to use the R2B zoned properties for a commercial surface parking lot is conditional with the application of the TP Overlay District.

With the approval of the rezoning, conditional use permit, variances and site plan review, this development would meet the requirements of the C2 and R2B zoning districts, as well as the TP Overlay District.

**Parking and Loading:** Chapter 541 of the zoning code requires one off-street parking space per 300 square feet of gross floor area in excess of 4,000 square feet for catering uses. Therefore, based on the proposed 20,507 square foot structure, 55 parking spaces would be required for the proposed development. The applicant proposes to include a bicycle rack in lieu of one required commercial parking space. Therefore, with a reduction for bicycle parking the parking requirement would be reduced to 54 required spaces (the bike rack must accommodate four spaces). The applicant is proposing to locate 39 off-street parking spaces on the premises. Therefore, the variance request would be from 54 parking spaces to 39 parking spaces. Planning Staff would argue that adequate measures have been provided which is further detailed in the variance section below.

**Dumpster screening:** Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. A trash enclosure is located adjacent to the west building wall. No plain face CMU shall be permitted on the trash enclosure.

**Signs:** No signage is proposed at this time. Any proposed future signage shall meet the requirements of the code. Separate permits are required from the Zoning Office for any future signage on site.

**Lighting:** A photometric plan was not submitted as part of the application. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

**Maximum Floor Area:** The maximum F.A.R. for all structures in the C2 District is the gross floor area of the building which is 20,507 square feet divided by the area of the lot which is 36,917 square feet. The outcome is .55 which is less than the maximum of 1.7 that is permitted.

**Minimum Lot Area:** Not applicable for the proposed development.

**Dwelling Units per Acre:** Not applicable for the proposed development.

**Height:** Maximum building height for principal structures located in the C2 District is 4 stories or 56 feet, whichever is less. The proposal would conform with this requirement as the structure is proposed to be 2 stories or 27 feet tall.

**Yard Requirements:** The required yards are as follows:

- *Front*
  - *25<sup>th</sup> Street East:* 18 feet for the first 40 feet (from west to east)
  - *Bloomington Avenue:* for the R2B zoned properties from approximately 13 feet to 7 feet due to the residential structure to the south
- *Rear/Interior side yard (5+2x):* 7 feet

**Building coverage:** The maximum building coverage in the R2B District is 70 percent. Buildings would cover approximately 27 percent of the net site and 0% of the R2B zoned portion of the site.

**Impervious surface area:** The maximum impervious surface coverage in the R2B District is 65 percent. Impervious surfaces would cover approximately 78% of the net site and 74 percent of the R2B zoned portion of the site. A variance for this provision is discussed above.

### **MINNEAPOLIS PLAN**

See the above listed response to finding #1 in the rezoning application.

### **Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council**

See the above listed response to finding #1 in the rezoning application.

### **ALTERNATIVE COMPLIANCE**

**The Planning Commission 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.**

Alternative compliance is requested by the applicant to meet the following standards:

30% window requirement: The elevation of the building along 25<sup>th</sup> Street East does not incorporate windows that meet the 30% window requirement as approximately 28% are provided. Alternative compliance would be necessary. Currently that elevation has uneven window distribution and only a portion of the windows are aligned in a more or less vertical manner. Planning Staff would recommend that the Planning Commission require compliance with the 30% requirement as there are opportunities to increase the size of the windows located at the corner of the building as well as align them so that visually the building is more even along the north elevation.

Blank, uninterrupted walls greater than 25 feet in width: There are blank, uninterrupted walls greater than 25 feet in width on the west building elevation that do not include windows, entries, recesses or projections, or other architectural elements. The west elevation should include much needed building articulation as the elevation as a whole is blank and an unattractive. Alternative compliance is necessary. Further, the proposed mechanical penthouse located on the roof of the proposed structure has blank walls greater than 25 feet on each elevation. Planning Staff believes that it is practical to require compliance with this code provision and will recommend that the Planning Commission require it as well.

Required screening: There is required screening along both the south interior side yard and the west rear yard adjacent to the public alley that must be 6 feet in height. Alternative compliance is necessary. Planning Staff will require that the proposal incorporate a 6-foot tall wood fence to comply with this requirement.

**RECOMMENDATIONS:**

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the rezoning:**

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the properties located at 1511 25<sup>th</sup> Street East, 2500, 2504, 2508, 2510 Bloomington Avenue to the C2 district (Neighborhood Corridor Commercial District) and to add the Transitional Parking (TP) Overlay District to the existing R2B (Two-family district) properties located at 2514, 2518 and 2520 Bloomington Avenue.

**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 for a conditional use permit to allow a surface parking lot in the Transitional Parking (TP) Overlay District on the properties located at 2514, 2518 and 2520 Bloomington Avenue subject to the following condition:

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.
2. Staff is granting an exception from the provision that the parking lot be closed with a secured gate or other appropriate mechanism between the hours of 10:00 p.m. and 6:00 a.m.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the front yard setback requirement adjacent to the north property line along 25<sup>th</sup> Street East from approximately 18 feet to 0 feet for approximately 2 feet, 3 inches of the first 40 feet (from west to east) for the properties located at 1511 25<sup>th</sup> Street East, 2500, 2504, 2508, 2510, 2514, 2518 and 2520 Bloomington Avenue.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the front yard setback requirement the east property line along Bloomington Avenue for the R2B zoned properties from approximately 13 feet to 7 feet due to the residential structure to the south for the properties located at 1511 25<sup>th</sup> Street East, 2500, 2504, 2508, 2510, 2514, 2518 and 2520 Bloomington Avenue.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the TP Overlay District standards relating to maximum parking lot width for properties located at 1511 25<sup>th</sup> Street East, 2500, 2504, 2508, 2510, 2514, 2518 and 2520 Bloomington Avenue subject to the following conditions:

1. The surface parking lot shall not exceed a width of approximately 130 feet.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the off-street parking requirement from 54 spaces to 39 spaces for the properties located at 1511 25<sup>th</sup> Street East, 2500, 2504, 2508, 2510, 2514, 2518 and 2520 Bloomington Avenue subject to the following conditions:

1. A bike rack with parking for four bicycles shall be installed on the premises.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance the impervious surface requirement in the R2B district to exceed the maximum of 65% allowed for properties located at 1511 25<sup>th</sup> Street East, 2500, 2504, 2508, 2510, 2514, 2518 and 2520 Bloomington Avenue subject to the following condition:

1. Impervious surfaces shall not exceed 78% on the entire zoning lot.
2. Staff shall encourage the applicant to explore on-site retention and filtration.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:**

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission **approve** the site plan review application for a catering use on the properties located at 1511 25<sup>th</sup> Street East, 2500, 2504, 2508, 2510, 2514, 2518 and 2520 Bloomington Avenue subject to the following conditions:

1. All site improvements shall be completed by September 26, 2009, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

2. Planning Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. Incorporation of a more prominent principal entry adjacent to the Bloomington Avenue street frontage.
4. Incorporate windows on the north elevation of the building adjacent to 25<sup>th</sup> Street East that meet the 30% window requirement. Further the windows should be reconfigured to allow for even distribution and vertical alignment on the elevation.
5. Incorporation of windows, entries, recesses, projections or other architectural elements along the west ground floor elevation of the proposed building and along each elevation of the proposed rooftop penthouse to break up the blank uninterrupted walls that exceed 25 feet in width per Section 530.120 of the zoning code.
6. Required screening in the form of a 6-foot tall wood fence shall be provided along the south interior side yard and the west rear yard adjacent to the public alley.
7. No plain face CMU shall be utilized on the trash enclosure. Materials shall be utilized which are compatible with those located on the building.
8. Rock mulch shall be replaced with wood mulch on the final landscape plan.

**Attachments:**

1. Rezoning Matrix
2. PDR Report
3. Statement of use / description of the project
4. Findings – CUP
5. Correspondence
6. Zoning map
7. Plans – Site, landscape, elevations, floor plans, shadow survey, etc.
8. Photos
9. Oblique aerial

**Excerpt from the  
CITY PLANNING COMMISSION  
MINUTES**

**Minneapolis Community Planning & Economic Development (CPED)  
Planning Division**

250 South Fourth Street, Room 300  
Minneapolis, MN 55415-1385  
(612) 673-2597 Phone  
(612) 673-2526 Fax  
(612) 673-2157 TDD

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**MEMORANDUM**

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DATE: August 20, 2008

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of August 18, 2008

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The following actions were taken by the Planning Commission on August 18, 2008. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners present: President Motzenbecker, Gorecki, LaShomb, Luepke-Pier, Nordyke, Norkus-Crampton, Schiff and Tucker – 8

Not present: Huynh (excused) and Williams

Committee Clerk: Lisa Baldwin (612) 673-3710

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**3. Open Arms of Minnesota (BZZ-4146, Ward: 9), 1511 25th St E, 2500, 2504, 2508, 2510, 2514, 2518 and 2520 Bloomington Ave ([Becca Farrar](#)).**

**A. Rezoning:** Application by DJR Architecture, Inc., on behalf of Open Arms of Minnesota, for a petition to rezone a portion of the properties including: 1511 25th St E, 2500, 2504, 2508, 2510 Bloomington Ave to the C2 district (Neighborhood Corridor Commercial District) and to add the Transitional Parking (TP) Overlay District to the existing R2B (Two-family district) properties located at 2514, 2518 and 2520 Bloomington Ave.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classification of the properties located at 1511 25th St E, 2500, 2504, 2508, 2510 Bloomington Ave to the C2 district (Neighborhood Corridor Commercial District) and to add the Transitional Parking (TP) Overlay District to the existing R2B (Two-family district) properties located at 2514, 2518 and 2520 Bloomington Ave.

**B. Conditional Use Permit:** Application by DJR Architecture, Inc., on behalf of Open Arms of Minnesota, for a conditional use permit to allow a surface parking lot in the TP Overlay District for properties located at 1511 25th St E, 2500, 2504, 2508, 2510, 2514, 2518 and 2520 Bloomington Ave.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow a surface parking lot in the Transitional Parking (TP) Overlay District on the properties located at 2514, 2518 and 2520 Bloomington 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 one year of approval.
2. The parking lot shall be secured with a chain or other mechanism after hours.
3. There shall be at least eight bicycle parking spaces.

**C. Variance:** Application by DJR Architecture, Inc., on behalf of Open Arms of Minnesota, for a variance of the front yard setback requirement adjacent to the north property line along 25th St E from approximately 18 feet to 0 feet for the first 40 feet (from west to east) for properties located at 1511 25th St E, 2500, 2504, 2508, 2510, 2514, 2518 and 2520 Bloomington Ave.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a variance of the front yard setback requirement adjacent to the north property line along 25th Street East from approximately 18 feet to 0 feet for approximately 2 feet, 3 inches of the first 40 feet (from west to east) for the properties located at 1511 25th St E, 2500, 2504, 2508, 2510, 2514, 2518 and 2520 Bloomington Ave.

**D. Variance:** Application by DJR Architecture, Inc., on behalf of Open Arms of Minnesota, for a variance of the front yard setback requirement adjacent to the east property line along Bloomington Ave for the R2B zoned properties from approximately 13 feet to 7 feet due to the residential structure to the south for properties located at 1511 25th St E, 2500, 2504, 2508, 2510, 2514, 2518 and 2520 Bloomington Ave.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a variance of the front yard setback requirement the east property line along Bloomington Ave for the R2B zoned properties from approximately 13 feet to 7 feet due to the residential structure to the south for the properties located at 1511 25th St E, 2500, 2504, 2508, 2510, 2514, 2518 and 2520 Bloomington Ave.

**E. Variance:** Application by DJR Architecture, Inc., on behalf of Open Arms of Minnesota, for a variance of the TP Overlay District standards for properties located at 1511 25th St E, 2500, 2504, 2508, 2510, 2514, 2518 and 2520 Bloomington Ave.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a variance of the TP Overlay District standards relating to maximum parking lot width for properties located at 1511 25th St E, 2500, 2504, 2508, 2510, 2514, 2518 and 2520 Bloomington Ave subject to the following condition:

1. The surface parking lot shall not exceed a width of approximately 130 feet.

**F. Variance:** Application by DJR Architecture, Inc., on behalf of Open Arms of Minnesota, for a variance of the off-street parking requirement for properties located at 1511 25th St E, 2500, 2504, 2508, 2510, 2514, 2518 and 2520 Bloomington Ave.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a variance of the off-street parking requirement from 54 spaces to 39 spaces for the properties located at 1511 25th St E, 2500, 2504, 2508, 2510, 2514, 2518 and 2520 Bloomington Ave subject to the following condition:

1. A bike rack with parking for eight bicycles shall be installed on the premises.

**G. Variance:** Application by DJR Architecture, Inc., on behalf of Open Arms of Minnesota, for a variance of the impervious surface requirement in the R2B district to exceed the maximum of 65% allowed for properties located at 1511 25th St E, 2500, 2504, 2508, 2510, 2514, 2518 and 2520 Bloomington Ave.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a variance the impervious surface requirement in the R2B district to exceed the maximum of 65% allowed for properties located at 1511 25th St E, 2500, 2504, 2508, 2510, 2514, 2518 and 2520 Bloomington Ave subject to the following conditions:

1. Impervious surfaces shall not exceed 78% on the entire zoning lot.
2. Staff shall encourage the applicant to explore on-site retention and filtration.

**H. Site Plan Review:** Application by DJR Architecture, Inc., on behalf of Open Arms of Minnesota, for a site plan review for a 2-story or 27 foot tall structure to be utilized by Open Arms of Minnesota as a use deemed substantially similar to a catering use for properties located at 1511 25th St E, 2500, 2504, 2508, 2510, 2514, 2518 and 2520 Bloomington Ave.

**Action:** The City Planning Commission **approved** the site plan review application for a catering use on the properties located at 1511 25th St E, 2500, 2504, 2508, 2510, 2514, 2518 and 2520 Bloomington Ave subject to the following conditions:

1. All site improvements shall be completed by September 26, 2009, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. Planning Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. Incorporation of a more prominent principal entry adjacent to the Bloomington Avenue street frontage.
4. Incorporate windows on the north elevation of the building adjacent to 25th St E that meet the 30% window requirement. Further the windows should be reconfigured to allow for even distribution and vertical alignment on the elevation.

5. Incorporation of windows, entries, recesses, projections or other architectural elements along the west ground floor elevation of the proposed building and along each elevation of the proposed rooftop penthouse to break up the blank uninterrupted walls that exceed 25 feet in width per Section 530.120 of the zoning code.
6. Required screening shall be provided along the south interior side yard and the west rear yard adjacent to the public alley.
7. No plain face CMU shall be utilized on the trash enclosure. Materials shall be utilized which are compatible with those located on the building.
8. Rock mulch shall be replaced with wood mulch on the final landscape plan.
9. The final landscape plan shall include plant types that are of sufficient height to discourage graffiti.

Staff Farrar presented the staff report.

Commissioner Schiff: Can you review the width of the sidewalks along Bloomington Ave as well as 25<sup>th</sup> St?

Staff Farrar: I may have to consult the applicant; I'll have to pull out the site plan to see what the curb to property line dimensions are on 25<sup>th</sup>. On Bloomington Ave, as you can see, the variation from the property line to the curb line varies from 10'5" to essentially 9'9" which isn't outlined here. You can see the 9'10" and 9'11". There is a variable width from curb line to property line along Bloomington Ave. Let me quickly check the site plan to see if it's outline for the 25<sup>th</sup> St frontage. I'll have to defer to the applicant on that specific width.

Commissioner Schiff: Are new sidewalks and new curbs being poured for this project?

Staff Farrar: I'd also have to defer to the applicant on that. I know that they did not intend on putting a boulevard along Bloomington Ave based on comments on received from Public Works as a result of PDR.

Commissioner Schiff: What were those comments?

Staff Farrar: I actually did confer with Public Works prior to this meeting and basically saying that there is not enough width to meet the city standards for a boulevard. Typically, what Public Works like to see is a six foot sidewalk with a 4.5 foot boulevard, preferably five feet, and due to the variation in the property line to curb line dimensions along Bloomington, that was one reason why there wasn't a requirement.

Commissioner Schiff: You can get back to me on that because I measure a 70 foot right-of-way which is enough for two 12 foot driving lanes, two 10 foot parking lanes plus two sets of eight foot sidewalks and two sets of five foot boulevards so I'm wondering why Public Works says there is not enough width for all that.

Staff Farrar: It's just based on what is actually dedicated right-of-way on the property is my understanding. When we're looking at projects, we look how much space exists between the actual line of the curb at the existing street and the property line of the actual structure. As you

know, this site is vacant. Being that there is the variation from 9'9" to the 10'5", obviously there is a portion of it which could meet the requirements for a boulevard but being that the whole stretch along Bloomington could not accommodate one; Public Works did not feel like this should be a requirement on this site.

Commissioner Schiff: We keep using circular logic to justify lack of boulevards where there are none already so obviously we have a lot of work to iron this out between the Planning Department and the Public Works Department because simply stating there is not one there therefore there shouldn't be one is not logic that's going to make the inner city look like the rest of the city anytime soon.

Commissioner Norkus-Crampton: Are there times the parking lot should be closed? According to this letter, and I don't recall seeing anything in the report saying there were particular hours and I know we try to do shared parking in other parts of the city, I don't know what other business around there that would use it, but there was a concern about crime and drug dealing and stuff because of other problems in the area so I was curious if there was any conversation along those lines.

Staff Farrar: There is a requirement with the application of a TP Overlay district. If you look on page eight of the staff report, it's item D and says "the parking lot shall be closed with a secured gate or other appropriate mechanism between the hours of 10 and 6, except as specifically authorized by the conditional use permit." We did believe that gating off this parking lot could potentially result in a situation where you have...it's isolated and the applicant felt that it wouldn't be a good idea to close it off and create barriers between that space and the public streets. Planning staff concurred that we didn't think the site should be secured. I would have to defer to the applicant in terms of whether or not they would need to have their business operate beyond 6:00 p.m.

President Motzenbecker opened the public hearing.

Shirley Heyer (2426 13<sup>th</sup> Ave S): I'm speaking for Midtown Phillips Neighborhood Association and also East Phillips Improvement Coalition. I sent that email today; I've been on vacation. The issue of a fenced parking lot is the key issue for the neighborhood. With a fence people are locked inside. On the other hand, without a fence it's going to be occupied at least from 10:00 p.m. to 6:00 a.m. with drug dealers and prostitutes. We have that problem right now at 26<sup>th</sup> and Bloomington and we still have it on 15<sup>th</sup>, 14<sup>th</sup> and 25<sup>th</sup> and they're just going to see this as prime location. I've had some conversations with the architects and the owner of the property. They're willing to sit down with both East Phillips and Midtown this week and discuss some more about the fencing. We didn't want a long wooden fence in the alley, for example. Also we'll discuss the plantings and entry from the building on to Bloomington. There is another business a block away that has a gated lock and is very secure at night and people don't get locked in there and that's the kind of fencing we would prefer, but we'll speak with the architects and open arms this week and see if we can't work out something that's acceptable. East 25<sup>th</sup> sidewalk has a very wide grass boulevard with one tree before the alley and then it has a six foot sidewalk roughly and they're going to have two rows of plantings because there is a question of being a public urinal if plantings are more than a foot or two tall. That's very common in our neighborhood along Bloomington. If they're willing to talk about those things with us and it's not coming before the City Council this Friday then I think we can work things out. We very much support this building. The west wall, we would like to see a mural rather than windows if the inside is

coolers and storage. We had safety issues about the entry on to East 25<sup>th</sup> for their delivery trucks; they have a separate driveway and not the alley because there is really a high amount of pedestrian traffic, children and bikes. If we can work all those things out then we'd be happy.

President Motzenbecker closed the public hearing.

Commissioner Schiff: I'd like to hear the architect's details on how they're going to handle the six foot requirement. Not all fences attract graffiti so we could specify which type of fence, but if you're going to do something with green plantings, what are you going to choose and is this going to be six foot of greenery that takes 20 years to grow is it something that's going to be six feet right off the bat?

Paula Merrigan [not on sign-in sheet]: I'm with DJR Architecture. We agreed to talk with Shirley about exactly how to do that. We wanted something more vegetative and we want to strike that balance between something that deals with CPTED principles and welcomes people and something that provides security in the neighborhood in a way that the Midtown Phillips and East Phillips understand so we agreed to set up a meeting to work that out. We understand it needs to be a certain height and provide that security and provide some kind of light buffer for neighbors but we also don't want to lock everybody out. The answer is it could be a box hedge, it could be arborvitae; we just got the agreement today for it potentially not to be wooden and we will work with the neighborhood to do it.

Commissioner Schiff: As long as we keep it open then you can still figure out the final...

Paula Merrigan: The police want to see through it, but then we want to keep people...we have to find the right solution and working with the neighborhood that balances security and CPTED principles.

Commissioner Norkus-Crampton: I noticed that a lot of the volunteers are going to be arriving using bikes and busses, is that correct?

Paul Merrigan: Yes, there are a lot of people using alternative transportation.

Commissioner Norkus-Crampton: Is there a bus stop in front of this area? There is no bus stop incorporated into this project and a neighbor had mentioned something about at least a bench and I'm not sure how wide the sidewalk. Now I'm confused about that and what we can actually fit in there. Since there isn't transit being incorporated into your project and there is a parking variance involved in this, would that be something that you guys could manage at least bus seating or something there to just kind of make it a little easier for people to use the transit at your area?

Paula Merrigan: I'd like to find out where the bus stop is because I don't think there is one on our side.

Commissioner Norkus-Crampton: Oh, it is across?

Paula Merrigan: It's not on our side of the street.

Commissioner Schiff: I'd like to move approval of the rezoning (Tucker seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 7-0.

Commissioner Schiff: I'd like to move approval of the conditional use permit. The staff is recommending an exception to the secured gate in the parking lot. I'm going to delete that requirement; I do believe that would be a mistake, having a lot of familiarity with Bloomington Ave and the unique grip that open-air drug dealing has on this corridor. We recently added the closed parking lot requirement to the SuperAmerica at 25<sup>th</sup> St so the parking lot just needs to be closed when the last person is gone from the building. It can be a chain, it doesn't have to be permanent or anything expensive, but it does need to be chained off otherwise drug dealers will use that parking lot for drug dealing late at night when no one is around and that's by experience of all the other surface parking lot owners on Bloomington Ave for the past decade. Better to prevent it up front and just have a simple gate there whenever the building is closed. I'm going to take out the hours because I don't know if you're going to be done by 10pm every night; simply stating that the parking lot shall be closed with a chain or other appropriate mechanism after hours (Norkus-Crampton seconded).

President Motzenbecker: Those in favor of that amendment? Opposed?

The motion to add the condition passed 7-0.

Commissioner Norkus-Crampton: I'd like to add one other condition. I'd like to increase the four bike parking spaces to at least eight. We have people that are going to be using transit and biking and we should be providing infrastructure to make that happen.

President Motzenbecker: Those in favor of that amendment? Opposed?

The motion to add the condition passed 7-0.

President Motzenbecker: The vote for the CUP with the added conditions that the parking will be closed with a chain or other mechanism after working hours and that there will be eight bike parking spaces as opposed to four. All those in favor? Opposed?

The motion carried 7-0.

Commissioner Schiff: I'd like to move approval of variances C, D, E, F and G (Tucker seconded). I'd like to commend DJR Architecture for their handling of the storm water management. They did get an accolade from Paul Chelsen for their investment on the storm water management. While there is a variance here on the amount of impervious surface, what they are doing is actually better than just plain old green space to handle that storm water runoff.

President Motzenbecker: All those in favor of the variances? Opposed?

The motion carried 7-0.

Commissioner Schiff: I'd like to move approval of the site plan review (Tucker seconded). On number, subtract the language that says "wood fence" so that it just reads "required screening shall be provided along the south interior side yard and west rear yard adjacent to the public

alley.” I’d like to also double check that Ms. Heyer address the public urination problem, we also have big problems with graffiti and so there needs to be a balance with the landscaping to make sure that landscaping is covering up blank walls. I’d like to insert a direction there for staff that final landscaping plans shall recognize graffiti prevention efforts with sufficient height to discourage graffiti or use of wall vines or other plantings.

Commissioner Norkus-Crampton: Do you want to add the fence and the landscaping and the hedging on there because I don’t see that anywhere that that’s actually a condition.

Commissioner Schiff: Condition number six, I was removing “wood fence.”

Commissioner Schiff: We’re assuming that the shrubbery will be there too? Ok, great.

President Motzenbecker: All those in favor of those added conditions? Opposed?

The motion carried 7-0.

President Motzenbecker: Any more discussion on the site plan review? All those in favor? Opposed?

The motion carried 7-0.