

**Department of Community Planning and Economic Development (CPED)**

Rezoning, Conditional Use Permit, Variance, Site Plan Review, Preliminary Plat and Alley Vacation  
BZZ-6259, PL-280 and Vac-1610

**Date:** October 28, 2013

**Applicant:** Dean Rose

**Address of Property:** 2220 West Broadway and 2413, 2419, 2423, 2425, 2503, 2507 and 2511 Penn Avenue North and a portion of 2512 Queen Avenue North

**Project Name:** Broadway Flats

**Contact Person and Phone:** Dean Rose with Rose Development LLC, (612) 552-4348

**CPED Staff and Phone:** Hilary Dvorak, (612) 673-2639

**Date Application Deemed Complete:** October 9, 2013

**End of 60-Day Decision Period:** December 8, 2013

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

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

**Existing Zoning:** R5, Multiple-family District, OR2, High Density Office Residence District and C3A,  
Community Activity Center District

**Proposed Zoning:** C3A, Community Activity Center District

**Zoning Plate Number:** 7

**Legal Description for 2413, 2419, 2423, 2425, 2503, 2507 and 2511 Penn Avenue North and a portion of 2512 Queen Avenue North:** Lots 4, 5, 6, 7, 8, 9, 10 and 11 Block 1, Wenz Addition to Minneapolis, Hennepin County, Minnesota and That part of Lot 19, Block 1, Wenz Addition to Minneapolis, Hennepin County, Minnesota which lies southerly, southeasterly and southwesterly of the following described line: Commencing at the northeast corner of said Lot 19; thence on an assumed bearing of South 02 degrees 54 minutes 08 seconds West, along the easterly line of said Lot 19, 52.36 feet to the point of beginning of the line to be described; thence North 87 degrees 15 minutes 31 seconds West 21.11 feet; thence South 44 degrees 38 minutes 13 seconds West 10.20 feet; thence North 51 degrees 05 minutes 35 seconds West 7.05 feet; thence South 45 degrees 06 minutes 17 seconds West 2.60 feet to the southerly line of said Lot 19 and said line there terminating. Together with that portion of the vacated ALLEY as dedicated in said Block 1 accruing thereto.

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**Proposed Use:** Mixed-use building with 103 dwelling units and approximately 17,000 square feet of ground floor commercial space.

**Concurrent Review:**

**Rezoning:** of the properties located at 2413 and 2419 Penn Avenue North from the OR2, High Density Office Residence District to the C3A, Community Activity Center District.

**Rezoning:** of the properties located at 2423, 2425, 2503, 2507 and 2511 Penn Avenue North and a portion of 2512 Queen Avenue North from the R5, Multiple-family District to the C3A, Community Activity Center District.

**Conditional use permit:** for a liquor store.

**Variiances:** of the PO Pedestrian Oriented Overlay District to allow the building to be setback greater than 8 feet, to allow more than 60 feet of parking lot frontage and to allow the driveway width to exceed 20 feet.

**Site plan review:** for a new mixed-use building with 103 dwelling units and approximately 17,000 square feet of ground floor commercial space.

**Preliminary Plat.**

**Vac1610:** Vacation of the entire 12-foot wide alley located within Block 1, Wenz Addition to Minneapolis.

**Applicable zoning code provisions:** Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variiances, specifically Section 525.520(20) "To vary the standards of any overlay district, other than the SH Shoreland Overlay District or the FP Floodplain Overlay District", Chapter 530, Site Plan Review and Chapter 598, Land Subdivision Regulations.

**Background:** The applicant is proposing to construct a new mixed-use building with 103 dwelling units and approximately 17,000 square feet of ground floor commercial space. One of the commercial tenants will be a liquor store. The other commercial tenants are unknown at this time. There will be one level of underground parking and additional surface parking. The underground parking will be for the residents of the building.

As part of this development the property is being replatted. The applicant is proposing to replat several lots into two new lots. A portion of 2512 Queen Avenue South will be split off and given to the development site and a portion of 2511 Penn Avenue North will be split off and given to the Church of St. Anne – St. Joseph Hien for its expanded parking lot.

**REZONING** – of the properties located at 2413 and 2419 Penn Avenue North from the OR2, High Density Office Residence District to the C3A, Community Activity Center District

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

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

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According to *The Minneapolis Plan for Sustainable Growth*, the subject properties to be rezoned are designated as urban neighborhood. The property abuts Penn Avenue North which is a designated Community Corridor. The block that the properties are located on abuts West Broadway on the south which is a designated Commercial Corridor and there is a designated Neighborhood Commercial Node centered around the intersection of West Broadway and Penn Avenue North. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

Land Use Policy 1.1 states: “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation step: (1.1.5) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

Land Use Policy 1.9 states: “Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.”

Land Use Policy 1.10 states: “Support development along Commercial Corridors that enhances the street’s character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.” This policy includes the following applicable implementation steps: (1.10.1) “Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low-impact light industrial – where compatible with the existing and desired character” and (1.10.5) “Encourage the development of high-density housing on Commercial Corridors.”

Housing Policy 3.1 states: “Grow by increasing the supply of housing.” This policy includes the following applicable implementation step: (3.1.1) “Support the development of new medium- and high-density housing in appropriate locations throughout the city.”

Housing Policy 3.2 states: “Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.” This policy includes the following applicable implementation step: (3.2.1) “Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.”

The *West Broadway ALIVE* small area plan was approved by the Minneapolis City Council in March of 2008. The plan designates the subject properties as urban neighborhood and within the urban scale development intensity category. Rezoning the subject properties to the C3A, Community Activity Center District is compatible with *The Minneapolis Plan for Sustainable Growth* and the *West Broadway ALIVE* plan.

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

The amendment will allow the applicant to construct a mixed-use development with ground floor commercial space and 103 dwelling units. Policies within *The Minneapolis Plan for Sustainable Growth* support constructing mixed-use and high-density housing developments in this area.

**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 majority of the properties on the block are zoned R5 but there are properties located in the R4, Multiple-family District, OR2, High Density Office Residence District and the C3A, Community Activity Center District also on the block. Rezoning the OR2 properties to the C3A zoning district will bring the entire development site under one zoning classification. Uses in the surrounding area are primarily residential of varying densities, a church and some small scale commercial and office uses. Zoning classifications of other properties in the area include R1A, OR2, C1 and C2. Rezoning the subject properties from the OR2 zoning district to the C3A zoning district will be compatible with the surrounding area.

**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.**

In general, there are reasonable uses allowed under the OR2 zoning classification but rezoning the OR2 properties to the C3A zoning district would bring the entire development site under one zoning classification. The City's adopted policies encourage mixed-use and high-density housing development on the property.

**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.**

The surrounding area is and has primarily remained a low density residential neighborhood. In 2004, a multiple-family development was constructed on the block immediately west of the subject properties and there is a proposal to expand the existing surface parking lot on the block. In 2009, the properties included in the *West Broadway ALIVE* study area underwent a rezoning study. As part of that study, the property located at 2220 West Broadway was rezoned from the C2, Neighborhood Corridor Commercial District to the C3A, Community Activity Center District.

**REZONING** – of the properties located at 2423, 2425, 2503, 2507 and 2511 Penn Avenue North and a portion of 2512 Queen Avenue North from the R5, Multiple-family District to the C3A, Community Activity Center District

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

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject properties to be rezoned are designated as urban neighborhood. The property abuts Penn Avenue North which is a designated Community Corridor. The block that the properties are located on abuts West Broadway on the south which is a designated Commercial Corridor and there is a designated Neighborhood Commercial Node centered around the intersection of West Broadway and Penn Avenue North. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

Land Use Policy 1.1 states: “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation step: (1.1.5) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

Land Use Policy 1.9 states: “Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.”

Land Use Policy 1.10 states: “Support development along Commercial Corridors that enhances the street’s character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.” This policy includes the following applicable implementation steps: (1.10.1) “Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low-impact light industrial – where compatible with the existing and desired character” and (1.10.5) “Encourage the development of high-density housing on Commercial Corridors.”

Housing Policy 3.1 states: “Grow by increasing the supply of housing.” This policy includes the following applicable implementation step: (3.1.1) “Support the development of new medium- and high-density housing in appropriate locations throughout the city.”

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The *West Broadway ALIVE* small area plan was approved by the Minneapolis City Council in March of 2008. The plan designates the subject properties as urban neighborhood and within the urban scale development intensity category. Rezoning the subject properties to the C3A, Community Activity Center District is compatible with *The Minneapolis Plan for Sustainable Growth* and the *West Broadway ALIVE* plan.

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

The amendment will allow the applicant to construct a mixed-use development with ground floor commercial space and 103 dwelling units. Policies within *The Minneapolis Plan for Sustainable Growth* support constructing mixed-use and high-density housing developments in this area.

**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 majority of the properties on the block are zoned R5 but there are properties located in the R4, Multiple-family District, OR2, High Density Office Residence District and the C3A, Community Activity Center District also on the block. Rezoning the R5 properties to the C3A zoning district will bring the entire development site under one zoning classification. Uses in the surrounding area are primarily residential of varying densities, a church and some small scale commercial and office uses. Zoning classifications of other properties in the area include R1A, OR2, C1 and C2. Rezoning the subject properties from the R5 zoning district to the C3A zoning district will be compatible with the surrounding area.

**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.**

In general, there are reasonable uses allowed under the R5 zoning classification but rezoning the R51 properties to the C3A zoning district would bring the entire development site under one zoning classification. The City's adopted policies encourage mixed-use and high-density housing development on the property.

**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.**

The surrounding area is and has primarily remained a low density residential neighborhood. In 2004, a multiple-family development was constructed on the block immediately west of the subject properties and there is a proposal to expand the existing surface parking lot on the block. In 2009, the properties included in the *West Broadway ALIVE* study area underwent a rezoning study. As part of that study, the property located at 2220 West Broadway was rezoned from the C2, Neighborhood Corridor Commercial District to the C3A, Community Activity Center District.

**CONDITIONAL USE PERMIT** - for a liquor store

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

The Community Planning and Economic Development Department has analyzed the application and from the findings above concludes that:

**1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The establishment of a liquor store on the ground floor of a mixed-use building will not be detrimental to or endanger the public health, safety, comfort or general welfare. The liquor store is currently located across West Broadway from the site. When the tornado hit north Minneapolis in May of 2011, the liquor store building was badly damaged and had to be torn down. Since 2011, the applicant has been operating the liquor store out of a temporary building with the intention of constructing the proposed development and relocating.

**2. The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The establishment of a liquor store on the ground floor of a mixed-use building will not be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property. The liquor store is currently located across the street from the site. The current store is located in a standalone building with surface parking. The proposed liquor store will occupy approximately 8,000 square feet of ground floor commercial space in the mixed-use building. There is approximately 9,000 square feet of additional ground floor commercial space within the building. All of the commercial uses will share surface parking that is located towards the side and rear of the building.

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

The applicant will be working closely with CPED, the Public Works Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

In the C3A zoning district, the zoning code requires a minimum of 1 parking space per 500 square feet of gross floor area for a liquor store. The liquor store is approximately 8,000 square feet which requires 16 spaces. In the PO Pedestrian Oriented Overlay District the minimum parking requirement for non-residential uses is reduced to 75 percent of the total required. Applying the reduction reduces the minimum parking requirement for the liquor store to 12 spaces. There are a total of 159 parking spaces on the site.

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

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According to *The Minneapolis Plan for Sustainable Growth*, the subject properties to be rezoned are designated as urban neighborhood. The property abuts Penn Avenue North which is a designated Community Corridor. The block that the properties are located on abuts West Broadway on the south which is a designated Commercial Corridor and there is a designated Neighborhood Commercial Node centered around the intersection of West Broadway and Penn Avenue North. According to the principles and polices outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

Land Use Policy 1.4 states: “Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.” This policy includes the following applicable implementation steps: (1.4.1) “Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served” and (1.4.4) “Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street.”

Land Use Policy 1.5 states: “Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.”

Land Use Policy 1.9 states: “Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.”

Land Use Policy 1.10 states: “Support development along Commercial Corridors that enhances the street’s character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.” This policy includes the following applicable implementation step: 1.10.1 “Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low-impact light industrial – where compatible with the existing and desired character.”

The establishment of a liquor store on the ground floor of a mixed-use building is supported by the above listed policies and implementation steps of *The Minneapolis Plan for Sustainable Growth*. CPED staff does want to ensure that the internal floor plan for the liquor store does not block more than 40 percent of the windows that are associated with the liquor store. Therefore, CPED is recommending that a fixture plan be reviewed and approved before building permits are issued.

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

With the approval of the rezonings, conditional use permit, variance, site plan review, plat and alley vacation this development will meet the applicable regulations of the R6, Multiple-family District.

**VARIANCE** - of the PO Pedestrian Oriented Overlay District to allow the building to be setback greater than 8 feet, to allow more than 60 feet of parking lot frontage and to allow the driveway width to exceed 20 feet

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

**1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

**PO Overlay:** The applicant is seeking a variance of the PO Pedestrian Oriented Overlay District to allow the building to be setback greater than 8 feet, to allow more than 60 feet of parking lot frontage and to allow the driveway width to exceed 20 feet. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property.

The property comes to a point at the intersection of West Broadway and Penn Avenue North. Given this, the corner of the building has been setback from these property lines. If the building were to be constructed within 8 feet of both of these property lines the space within the building would be unusable. The lot configuration is an existing condition of the property.

Along Penn Avenue North there is a surface parking area that has 116 feet of lot frontage. The parking area is located below the building and is screened from the public street by a decorative screen wall. There is one level of underground parking and surface parking located throughout the site. In order to accommodate the amount of parking proposed, the width of the parking lot frontage along Penn Avenue North needs to be wider than 60 feet.

The 3 driveways leading into and out of the site have been designed with a width of 22 feet. The applicant had indicated that in order to get delivery trucks into and out of the site that the driveways need to be wider than 22 feet. The truck turning plan that was submitted to Public Works for the Preliminary Development Review meeting supports the wider curb cuts.

**2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

**PO Overlay:** The applicant is proposing to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan. The purpose of the PO Pedestrian Oriented Overlay District is to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and accessory parking facilities, and by prohibiting certain high impact and automobile-oriented uses.

The corner of West Broadway and Penn Avenue North will be landscaped and will contain a piece of public art. So while the building will be set back from the property lines the space will include amenities and will allow for community gathering. The width of the parking lot frontage and the width of the driveways will not detract from the pedestrian character of the area. The parking lot is located below the building and will be screened from the public street by a decorative screen wall. The 3 proposed driveways are only 2 feet wider than what is allowed in the PO Pedestrian Oriented Overlay District and as wide as what is typically constructed elsewhere in the City.

**3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

**PO Overlay:** Granting of this variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. In addition, granting of the variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The proposed development will replace a former fast food restaurant, small-scale residential developments and vacant land. The proposed development will enhance the surroundings and will bring pedestrian- and transit-oriented activity to the block.

### **SITE PLAN REVIEW**

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

- 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, windows, and active functions:

- 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.

Minimum window area at the first or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above.

- 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.
  - g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.

**Minimum window area at the first or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above.**

- **Ground floor active functions: Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.**
- **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. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.**

**CPED RESPONSE:**

- The building reinforces the street wall, facilitates pedestrian access and maximizes natural surveillance. The building is set close to the front property lines, there are entrances and exits at street level that can be accessed by customers, residents and guests and there are large windows, decks and balconies on all sides of the development that maximize the opportunities for people to observe adjacent spaces and the public sidewalks.
- The building walls fronting along Penn Avenue North and West Broadway are required to be located within eight feet of the property line. The building is located between 2 and 6 feet from the property line along Penn Avenue North and between 2 and 6 feet from the property line along West Broadway. However, the property comes to a point at the intersection of West Broadway and Penn Avenue North. Given this, the corner of the building has been setback from these property lines. Alternative compliance is needed.
- The area in between the building and Penn Avenue North and West Broadway will contain landscaping, an outdoor seating area, public art and widened sidewalks.
- The principal entrance to the residential portion of the building faces Penn Avenue North. In addition, each commercial use will have a principal entrance facing West Broadway.
- The parking for the development will be located in one level of underground parking and surface parking located throughout the site. The surface parking is located to the sides and rear of the building.
- The exterior materials of the structure include brick, case stone, metal, fibercement board and glass. The sides and rear of the buildings are similar to and compatible with the front of the building. For those elevations that contain fibercement board, none exceed 30 percent of the overall surface area.
- The majority of the building does not contain areas that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. However, a portion of the west wall of the building contains an area that is 67 feet in length and void of windows, entries, recesses or projections, or other architectural elements. Alternative compliance is needed.
- At least 30 percent of the walls on the first floor and at least 10 percent of the walls on the upper floors that face a public street, public sidewalk, public pathway or on-site parking lot shall be windows. Because the site is located in the PO Pedestrian Oriented Overlay District the percentage of windows that is required for the non-residential portions of the building facing a public street or

sidewalk is 40 percent. The minimum window calculation for the first floor of the building is measured between two and ten feet above the adjacent grade. The majority of the building meets or exceeds the window requirements. However, the first floor of the west wall of the building facing the parking lot does not have any windows. Alternative compliance is needed.

- The windows in the development are vertical in nature and are evenly distributed along the building walls.
- Over 70 percent of the building frontage along Penn Avenue North and the entire building frontage along West Broadway contain active functions.
- The principal roof line of the buildings will be flat. In the neighborhood there is a mixture of pitched roofed and flat roofed buildings.

**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.**

**CPED RESPONSE:**

- All of the entrances leading into the building are connected to the public sidewalk via a series of walkways that run through the site. The surface parking area is also connected to the series of walkways.
- The applicant has incorporated a bus shelter into the Penn Avenue North side of the building towards West Broadway. It will be covered and will be lit.
- The parking for the development will be located in one level of underground parking and surface parking located throughout the site. The surface parking is located to the sides and rear of the building.
- The applicant is proposing to vacate the public alley on the block as part of this development.
- There is no maximum impervious surface requirement in the C3A zoning district. According to the materials submitted by the applicant 86 percent of the development site will be impervious.

**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.**

**CPED RESPONSE:**

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 83,805 square feet. The footprint of the buildings is 37,617 square feet. When you subtract the footprint from the lot size the resulting number is 46,188 square feet. Twenty percent of this number is 9,238 square feet. According to the applicant's landscaping plan there is 8,969 square feet of landscaping on the site or approximately 19 percent of the site not occupied by the building. The amount of landscaping that would have to be added to the site to meet this requirement is minimal. CPED is recommending that this requirement be met.
- The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement is 18 and 92 respectfully. The applicant is proposing to have a variety of canopy trees and shrubs on the site. In addition there will be a number of ornamental trees and perennials on the site. The applicant is also proposing to plant canopy trees in the right-of-way adjacent to Penn Avenue North and West Broadway. The planting schedule that was provided is difficult to read. CPED is recommending that the tree and shrub requirement be met on site.
- The zoning code requires that a 7-foot wide landscaped yard be provided when a parking or loading facility is fronting along a public street, public sidewalk or public pathway. There is a 5-foot wide landscaped yard around the perimeter of the parking lot. The amount of landscaping that would have to be added to the site to meet this requirement is minimal. CPED is recommending that this requirement be met.
- The zoning code requires screening that is 3 feet in height and not less than 60 percent opaque be provided when a parking or loading facility is fronting along a public street, public sidewalk or public pathway. The applicant is proposing to landscape the area between the property line and the

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parking lot with plant materials that will grow to a height of at least three feet and be not less than 60 percent opaque.

- Not less than one tree shall be provided for every 25 linear feet of parking lot frontage. The parking lot has 156 feet of frontage along Penn Avenue North which requires 6 trees and the parking lot has 58 feet of frontage along West Broadway which requires 2 trees. The applicant is proposing to have 3 trees planted in the boulevard along Penn Avenue North. Alternative compliance is needed.
- The zoning code requires that a 7-foot wide landscaped yard be provided when a parking or loading facility is abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use. There is a 7-foot wide landscaped yard around the perimeter of the parking lot where it abuts a residence district.
- The zoning code requires screening that is 6 feet in height and not less than 95 percent opaque be provided when a parking or loading facility is abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use. The applicant is proposing to landscape the area between the interior property line and the parking lot with plant materials that will grow to a height of at least 3 feet and be not less than 60 percent opaque. In order to better screen the parking area from the adjacent property CPED is recommending that plant materials that grow to a height of at least 6 feet and not less than 95 percent opaque be selected for this area.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. The majority of the parking spaces will not be located within 50 feet of an on-site deciduous tree. Alternative compliance is needed.
- Tree islands in parking lots must have a minimum width of 7 feet in any direction. The tree islands in the parking lot have a minimum width of 7 feet in every direction.

**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.**

**CPED RESPONSE:**

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- The parking for the development will be located in one level of underground parking and surface parking located throughout the site. The surface parking is located to the sides and rear of the building. Stormwater runoff from the surface parking lot will be directed to an underground storage chamber.
- The proposed mixed-use building will not block views of important elements of the city.
- The proposed mixed-use building will not shadow public spaces and adjacent properties.
- The proposed mixed-use building will not generate wind currents at ground level.
- The site plan complies with crime prevention design elements as there are walkways that direct people to the building entrances, there is series of internal walkways that connect all of the entrances to one another, there are large windows, decks and balconies on all sides of the building that maximize the opportunities for people to observe adjacent spaces and the public sidewalks and there are lights located near all of the pedestrian entrances and throughout the site.
- This site is neither historically designated nor located in a historic district.

**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:**

- **Use:** Liquor stores require a conditional use permit in the C3A zoning district.
- **Off-Street Parking and Loading:**

**Minimum automobile parking requirement:** In the C3A zoning district, the zoning code requires a minimum of 1 parking space per dwelling unit. There will be 103 dwelling units in the building which requires 103 spaces. In the C3A zoning district, the zoning code requires a minimum of 1 parking space per 500 square feet of gross floor area for a liquor store. The liquor store is approximately 8,000 square feet which requires 16 spaces. In the C3A zoning district, the zoning code requires a minimum of 1 parking space per 500 square feet of gross floor area over 4,000 square feet for general retail sales and services uses. There is approximately 8,800 square feet of general retail sales and services uses in the building which requires 10 spaces. The total minimum parking requirement for all uses within the building is 129 spaces. In the PO Pedestrian Oriented Overlay District the minimum parking requirement for non-residential uses is reduced to 75 percent of the total required. Applying the reduction reduces the minimum parking requirement to 123 spaces. There are a total of 159 parking spaces on the site.

**Maximum automobile parking requirement:** In the C3A zoning district, there is no maximum parking requirement for a dwelling unit when parking is enclosed. However, when the parking is located outside the maximum number of spaces allowed per dwelling unit shall not exceed 2. There will be 103 dwelling units in the building. There are 63 parking spaces located in the underground garage. All of these spaces will be designated for the housing portion of the development. In the C3A zoning district, the zoning code requires a maximum of 1 parking space per 200 square feet of gross floor area for a liquor store. The liquor store is approximately 8,000 square feet which requires 40 spaces. In the C3A zoning district, the zoning code requires a maximum of 1 parking space per 200 square feet of gross floor area for general retail sales and services uses. There is approximately 8,800 square feet of general retail sales and services uses in the building which

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requires 44 spaces. The total maximum parking requirement for all non-residential uses within the building is 84 spaces. In the PO Pedestrian Oriented Overlay District the maximum parking requirement for non-residential uses is reduced to 75 percent of the total required. Applying the reduction reduces the maximum parking requirement to 63 spaces. There are a total of 159 parking spaces on the site. Because the applicant did not apply for a variance of the maximum parking requirement CPED is recommending that at least 96 of the parking spaces within the development be designated for residents.

**Bicycle Parking:** In the C3A zoning district, the zoning code requires a minimum of 1 bicycle parking space per 2 dwelling units. There will be 103 dwelling units in the building which requires 52 spaces. In the C3A zoning district, the zoning code requires a minimum of 3 bicycle parking space for a liquor store. In the C3A zoning district, the zoning code requires a minimum of 3 bicycle parking spaces or 1 space per 5,000 square feet of gross floor area, whichever is less, for general retail sales and services uses. There is approximately 8,800 square feet of general retail sales and services uses in the building which requires 3 spaces. The total minimum bicycle parking requirement for all uses within the building is 58 spaces. There will be a total of 76 bicycle parking spaces provided on the site. Of the 76 spaces, 52 of them will be provided in the garage, 15 will be provided within the parking lot and 9 of them will be bicycle lockers located along Penn Avenue North.

**Loading:** The loading requirement for a multiple-family development with 100 to 250 dwelling units is one small loading space. None of the commercial uses within the building require a loading space. The applicant is proposing to provide 1 small loading space on the site.

- **Maximum Floor Area:** The maximum FAR in the C3A zoning district is 2.7. The lot in question is 83,805 square feet in area. The applicant proposes a total of 154,217 square feet of gross floor area, an FAR of 1.84.
- **Building Height:** Building height in the C3A zoning district is limited to 4 stories or 56 feet. The applicant proposes a building that will be 4 stories or 54 feet in height.
- **Minimum Lot Area:** There is no minimum lot area for dwelling units, liquor stores or general retail sales and services in the C3A zoning district.
- **Dwelling Units per Acre:** The lot is 1.92 acres in size. The proposed development will provide 54 dwelling units per acre which falls within the high density range (50 to 120 dwelling units per acre) of *The Minneapolis Plan for Sustainable Growth*.
- **Yard Requirements:** The front yard setback requirement along Penn Avenue North and West Broadway is 0 feet and the interior side yard setback requirement along the other property lines is 11 feet. All of the C3A zoning district setbacks are being met. In the PO Pedestrian Oriented Overlay District the maximum building setback from a front property line is 8 feet. The applicant has applied to vary this provision.
- **Specific Development Standards:** The specific development standards for a liquor store are:

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Liquor store, off-sale:

- (1) The use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.
- (2) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

In April of 2012, the State Legislature authorized the City of Minneapolis to approve the relocation of the liquor store across the street in spite of not meeting the five-acre minimum as required by Title 14. This is the law that was passed by the legislation:

**CHAPTER 235–S.F.No. 2392**

*An act relating to liquor; modifying liquor regulation; authorizing liquor licenses; amending Minnesota Statutes 2010, sections 340A.315, by adding subdivisions; 340A.404, subdivision 4a; 340A.412, subdivision 14; 340A.419, subdivision 2; Minnesota Statutes 2011 Supplement, section 340A.404, subdivision 5a; proposing coding for new law in Minnesota Statutes, chapter 340A.*

Sec. 10. SPECIAL PROVISION; CITY OF MINNEAPOLIS.

- (a) The city of Minneapolis may extend any interim zoning, liquor licensing, or other approvals granted to Kick's Liquor Store, Inc., a Minnesota corporation currently licensed as an exclusive liquor store doing business as Broadway Liquor Outlet at 2201 West Broadway, where the building housing the business at its current location was damaged beyond reasonable repair by the 2011 tornado, to permit the ongoing interim operation of the business in a temporary structure at the current location prior to the relocation of the business to a permanent facility located across the street at 2200-2220 West Broadway, or as this property is or may be more fully described in the property records of Hennepin County, notwithstanding limitations of law, local ordinances, or charter provisions relating to zoning or liquor licensing.
- (b) The city of Minneapolis may grant, renew, or otherwise reissue the existing off-sale intoxicating liquor license to Kick's Liquor Store, Inc., doing business as Broadway Liquor Outlet, upon the relocation of the business to the permanent facility at 2200-2220 West Broadway or as this property is or may be more fully described in the property records of Hennepin County, notwithstanding limitations of law, local ordinances, or charter provisions relating to liquor licensing or contiguous zoning requirements.

EFFECTIVE DATE. This section is effective upon approval by the Minneapolis City Council and compliance with Minnesota Statutes, section 645.021.

- **Signs:** In the C3A zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall. However, if there is a freestanding monument sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 180 square feet in size. Projecting signs are limited to 48 square feet in size. There is no height limitation for either wall signs or projecting signs. Freestanding monument signs are limited to 80 square feet and can be no taller than 8 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one. No signage is being proposed at this time.

- **Refuse storage:** The trash and recycling storage area for the development will be located within the building.
- **Lighting:** A lighting plan showing footcandles was not submitted as part of the application materials. All lighting shall comply with Chapter 535, Regulations of General Applicability and Chapter 541, Off-Street Parking and Loading and CPED Staff shall review the details of the fixtures in the final review prior to permit issuance.

**MINNEAPOLIS PLAN:**

According to *The Minneapolis Plan for Sustainable Growth*, the subject properties to be rezoned are designated as urban neighborhood. The property abuts Penn Avenue North which is a designated Community Corridor. The block that the properties are located on abuts West Broadway on the south which is a designated Commercial Corridor and there is a designated Neighborhood Commercial Node centered around the intersection of West Broadway and Penn Avenue North. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

Urban Design Policy 10.4 states: “Support the development of residential dwellings that are of high quality design and compatible with surrounding development.”

Urban Design Policy 10.5 states: “Support the development of multi-family residential dwellings of appropriate form and scale.”

Urban Design Policy 10.6 states: “New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level.” This policy includes the following applicable implementation steps: (10.6.1) “Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within require setbacks”, (10.6.3) “Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces”, (10.6.5) “Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level” and (10.6.6) “Integrate transit facilities and bicycle parking amenities into the site design.”

Urban Design Policy 10.9 states: “Support urban design standards that emphasize traditional urban form with pedestrian scale design features at the street level in mixed-use and transit-oriented development.” This policy includes the following applicable implementation steps: (10.9.2) “Promote building and site design that delineates between public and private spaces”, (10.9.3) “Provide safe, accessible, convenient, and lighted access and way finding to transit stops and transit stations along the Primary Transit Network bus and rail corridors” and (10.9.4) “Coordinate site designs and public right-of-way improvements to provide adequate sidewalk space for pedestrian movement, street trees, landscaping, street furniture, sidewalk cafes and other elements of active pedestrian areas.”

Urban Design Policy 10.14 states: “Encourage development that provides functional and attractive gathering spaces.”

Urban Design Policy 10.17 states: “Provide sufficient lighting to reflect community character, provide a comfortable environment in a northern city and promote environmentally friendly lighting systems.” This policy includes the following applicable implementation steps: (10.17.1) “Provide high-quality lighting fixture designs that are appropriate to street types and land use, and that provide pedestrian friendly illumination, but minimize glare and dark sky conditions, and other unnecessary light pollution” and (10.17.6) “Provide sufficient lighting for better way-finding and safe circulation within and around a development.”

Urban Design Policy 10.18 states: “Reduce the visual impact of automobile parking facilities.”

The proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

**ALTERNATIVE COMPLIANCE:**

- **The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:**
- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally 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.**

**CPED RESPONSE:**

- **The first floor of the building shall be located not more than 8 feet from the front lot line.** The building walls fronting along Penn Avenue North and West Broadway are required to be located within eight feet of the property line. The building is located between 2 and 6 feet from the property line along Penn Avenue North and between 2 and 6 feet from the property line along West Broadway. However, the property comes to a point at the intersection of West Broadway and Penn Avenue North. Given this, the corner of the building has been setback from these property lines. If the building were to be constructed within 8 feet of both of these property lines the space within the building would be unusable. The corner of West Broadway and Penn Avenue North will be landscaped and will contain a piece of public art. So while the building will be set back from the property lines the space will include amenities and will allow for community gathering. CPED recommends that the City Planning Commission grant alternative compliance.
- **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.** The majority of the

building does not contain areas that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. However, a portion of the west wall of the building contains an area that is 67 feet in length and void of windows, entries, recesses or projections, or other architectural elements. This area of the building is used to access the underground parking garage. The wall of the building has been designed with clearstory windows running across it but the bottom of the window is located 10 feet above grade. CPED recommends that the City Planning Commission grant alternative compliance.

- **At least 30 percent of the walls on the first floor and at least 10 percent of the walls on the upper floors that face a public street, public sidewalk, public pathway or on-site parking lot shall be windows. Because the site is located in the PO Pedestrian Oriented Overlay District the percentage of windows that is required for the non-residential portions of the building facing a public street or sidewalk is 40 percent.** The majority of the building meets or exceeds the window requirements. However, the first floor of the west wall of the building facing the parking lot does not have any windows. Given the site layout the building is required to meet the window requirement on all 4 sides. This area of the building is used to access the underground parking garage. Even if there were windows in this wall there wouldn't be anyone inside of the building given the function of this space. CPED recommends that the City Planning Commission grant alternative compliance.
- **Not less than one tree shall be provided for every 25 linear feet of parking lot frontage.** The parking lot has 156 feet of frontage along Penn Avenue North which requires 6 trees and the parking lot has 58 feet of frontage along West Broadway which requires 2 trees. The applicant is proposing to have 3 trees planted in the boulevard along Penn Avenue North. The trees along Penn Avenue North are proposed to be planted in the boulevard because the majority of the parking lot frontage is below the building. CPED recommends that the City Planning Commission grant alternative compliance for this. However, 2 trees could be planted on either side of the driveway along West Broadway. CPED recommends that this be done.
- **In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree.** The majority of the parking spaces will not be located within 50 feet of an on-site deciduous tree. The majority of the spaces that will not be located within 50 feet of an on-site deciduous tree are located underneath the building. CPED recommends that the City Planning Commission grant alternative compliance.

### **PRELIMINARY PLAT - PL-280**

#### **Required Findings:**

1. **The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the comprehensive plan.**

The applicant is proposing to replat several lots into two new lots. Lot 1 is being created for the proposed mixed-use development and Lot 2 is being created for the Church of St. Anne – St. Joseph Hien parking lot.

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The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.230 (5), which requires utility easements to be five feet wide on side lot lines and ten feet wide on rear lot lines, where no alley is provided. In order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (5) is required to eliminate the drainage and utility easements from both lots. While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

Given the layout of the proposed development drainage and utility easements are not possible around the interior lot lines. The Public Works Department has agreed that drainage easements are not needed for this development. Given this CPED recommends varying the drainage easement requirement to zero.

**2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

The applicant is proposing to replat several lots into two new lots.

**3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision or the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard.**

The land intended for building can be used safely without endangering the residents or users of the subdivision or the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard. The site is relatively flat.

**4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to**

**buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

The parcels created by this application present no foreseeable difficulties for this development. No significant alterations to the land appear necessary.

**5. The subdivision makes adequate provision for stormwater runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development will not exceed the amount occurring prior to development.**

The Surface Water and Sewers Division of the Public Works Department will review and approve the drainage and sanitary system plans for this development prior to building permits being issued.

**VACATION (Vac-1610)** – Vacation of the entire 12-foot wide allow located within Block 1, Wenz Addition to Minneapolis

**Development Plan:** The site plan for the development is attached.

**Responses from Utilities and Affected Property Owners:** Of the utilities and/or affected property owners that have responded Xcel Energy and CenturyLink have requested an easement.

**Findings:** The Public Works Department and the Community Planning and Economic Development Department find that the area proposed for the vacation is not needed for any public purpose and it is not part of a public transportation corridor.

## **RECOMMENDATIONS**

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning of the properties located at 2413 and 2419 Penn Avenue North from the OR2, High Density Office Residence District to the C3A, Community Activity Center District.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning of the

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properties located at 2423, 2425, 2503, 2507 and 2511 Penn Avenue North and a portion of 2512 Queen Avenue North from the R5, Multiple-family District to the C3A, Community Activity Center District.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for a liquor store located at 2220 West Broadway and 2413, 2419, 2423, 2425, 2503, 2507 and 2511 Penn Avenue North and a portion of 2512 Queen Avenue North subject to the following conditions:

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

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the variance application of the PO Pedestrian Oriented Overlay District to allow the building to be setback greater than 8 feet, to allow more than 60 feet of parking lot frontage and to allow the driveway width to exceed 20 feet for the property located 2220 West Broadway and 2413, 2419, 2423, 2425, 2503, 2507 and 2511 Penn Avenue North and a portion of 2512 Queen Avenue North.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for a new mixed-use building with 103 dwelling units and approximately 17,000 square feet of ground floor commercial space located 2220 West Broadway and 2413, 2419, 2423, 2425, 2503, 2507 and 2511 Penn Avenue North and a portion of 2512 Queen Avenue North subject to the following conditions:

1. Approval of the final site, landscaping, elevation and lighting plans by the Department of Community Planning and Economic Development.
1. All site improvements shall be completed by October 28, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

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2. At least 20 percent of the site not occupied by the building shall be landscaped per Section 530.160 of the zoning code.
3. The minimum tree and shrub requirement shall be met on site per Section 530.160 of the zoning code.
4. A 7-foot wide landscaped yard shall be provided where the parking or loading facility is fronting along a public street, public sidewalk or public pathway per Section 530.170 of the zoning code.
5. A minimum of 2 trees shall be planted on either side of the driveway along West Broadway per Section 530.170 of the zoning code.
6. Plant materials that grow to a height of at least 6 feet and not less than 95 percent opaque shall be provided between the interior property line and the parking lot per Section 530.170 of the zoning code.
7. At least 96 of the parking spaces within the development shall be designated for residents.

**Recommendation of the Department of Community Planning and Economic Development for the preliminary plat:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the preliminary plat application for the property located 2220 West Broadway and 2413, 2419, 2423, 2425, 2503, 2507 and 2511 Penn Avenue North and a portion of 2512 Queen Avenue North.

**Recommendation of the Department of Community Planning and Economic Development for the vacation:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the vacation application of the entire 12-foot wide allow located within Block 1, Wenz Addition to Minneapolis, subject to the retention of easements in favor of Xcel Energy and CenturyLink.

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**Attachments:**

1. Preliminary Development Review report from October 4, 2013
2. Project purpose and vision
3. Rezoning, conditional use permit and variance findings
4. Alley vacation information
5. September 27, 2013, letters to Council Member Samuels and the Jordan Area Community Council
6. March 14, 2012, letter from the Jordan Area Community Council
7. April 18, 2013, letter from the West Broadway Business and Area Coalition
8. Letters from the public
9. Zoning Map
10. Survey information
11. Civil, site and landscaping plans
12. Photographs of the site