



**CPED STAFF REPORT**  
Prepared for the City Planning Commission

CPC Agenda Item #3  
September 29, 2014  
BZZ-6771

**LAND USE APPLICATION SUMMARY**

*Property Location:* 2209 East Franklin Avenue  
*Project Name:* K’ul Chocolate  
*Prepared By:* Aaron Hanauer, Senior City Planner, (612) 673-2494  
*Applicant:* Peter Kelsey, K’ul Foods, LLC  
*Project Contact:* Sara Rothholz Weiner, ROTHHOLZ Architecture and Design, Inc  
*Request:* To allow for a limited production and processing facility in the CI Zoning District that exceeds the 1,200 square foot allowance.

*Required Applications:*

<b>Conditional Use Permit</b>	To allow for a limited production and processing facility (chocolate production) in the CI/Neighborhood Commercial District
<b>Variance</b>	Variance to increase the maximum floor area allowed for a limited production and processing facility in the CI Zoning District from 1,200 square feet to 2,150 square feet.

**SITE DATA**

<b>Existing Zoning</b>	CI/Neighborhood Commercial District PO/Pedestrian Oriented Overlay District
<b>Lot Area</b>	6,576 square feet / 0.15 acres
<b>Ward(s)</b>	6
<b>Neighborhood(s)</b>	Seward
<b>Designated Future Land Use</b>	Mixed Use
<b>Land Use Features</b>	Commercial Corridor
<b>Small Area Plan(s)</b>	None (Just outside the Franklin-Cedar/Riverside Transit-Oriented Development Master Plan)

<b>Date Application Deemed Complete</b>	September 5, 2014	<b>Date Extension Letter Sent</b>	N/A
<b>End of 60-Day Decision Period</b>	November 4, 2014	<b>End of 120-Day Decision Period</b>	N/A

## BACKGROUND

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The project site, 2209 East Franklin Avenue, is located in the Seward Neighborhood at the southwest corner of Franklin Avenue and Milwaukee Avenue. East Franklin Avenue within this area is made up one and two-story commercial buildings. Uses along East Franklin Avenue in this area include restaurants, coffee shops, a hardware store and salon. A large, three-story multifamily housing residential development is located on the north side of East Franklin Avenue. The project site also borders the Milwaukee Avenue Historic District to the south. The historic district is a contiguous two-block development of 19th century homes constructed for working class families.

The project site is zoned C1/Neighborhood Commercial District. East Franklin Avenue within this area is a mix of C1, C2 and R6 zoning. The properties to the south are zoned R2B/Two-Family District. The subject property and neighboring properties are also within the Franklin-Cedar/Riverside Transit Station Pedestrian Oriented Overlay District as it is located approximately five blocks to the east.

The future land use of the subject site and the neighboring properties along East Franklin Avenue are designated mixed-use. This designation encourages a variety of uses such as retail, office or residential uses on a single parcel or within an area, such as a commercial corridor. The project site is also located along the Franklin Avenue Commercial Corridor which extends from Nicollet Avenue from the west to 30th Avenue South to the east.

**SITE DESCRIPTION AND PRESENT USE.** The subject property is 6,576 square feet (approximately 82 feet wide by 80 feet deep). The site was redeveloped in 2003 for the Movement Arts Center, a karate, Pilates, yoga and self-defense studio. At that time, three commercial buildings were torn down to allow for the construction of the existing 3,785 square foot building (approximately 76 feet wide by 50 feet deep). The building is one foot from the front property line along East Franklin Avenue; along Milwaukee Avenue there is a two-foot wide planting strip. The building contains shielded lighting on the north, east and south elevations.

**RELATED APPROVALS** In May 2001, Seward Redesign presented plans to tear down three one-story commercial buildings and to construct a new commercial building for a martial arts school. Site plan review was not required at that time; however, the project required a parking variance (BZZ-69). The applicant received approval to reduce the required number of off-street parking spaces from 41 spaces to 0 spaces with the following conditions:

1. No fewer than seven parking stalls shall be provided on the site and adjacent to the alley provided that the parking spaces need not be adjacent to an on-site drive aisle or maneuvering area.
2. Bicycle parking shall be provided on the site, or with an encroachment permit, in the public right-of-way, for no fewer than four bicycles.

The eight off-street parking spaces that Seward Redesign proposed and built were not counted towards the required parking calculation because the parking spaces required maneuvering in the public alley and therefore were not conforming to the zoning code. The off-street parking is accessed by a one-way (traveling east to west), 20-foot wide public alley. On the south side of the alley, is an additional eight parking spaces that are part of the Milwaukee Avenue Homeowners Association.

Even though zoning code site plan review standards were not in place in 2001, the applicant was required to screen the parking lot from Milwaukee Avenue. The applicant built a six foot fence that contained a three foot high masonry base and a three foot high metal screen that is still in place today.

**PROJECT DESCRIPTION.** The applicant, Peter Kelsey, is proposing to use the building for a chocolate production and processing facility with a retail storefront. This would be the building's sole use. The applicant proposes to produce chocolate from raw cacao beans and package the chocolates on the premise. The retail storefront will have an educational component that will inform the public on how cacao is grown, harvested and made into chocolate. Mr. Kelsey purchased the site in July 2014.

As part of the proposed project, the applicant is proposing the following site and exterior building changes:

- Restripe the parking lot and reduce the number of off-street parking spaces from eight to six to comply with zoning code trash enclosure requirements;
- Install a 10'x16' trash enclosure that is six feet tall. The trash enclosure is proposed to be made of wood and have a swing out door;
- Replace the plantings within the existing landscaped areas on the south and east side of the buildings. The existing landscaping has not been maintained or is not in compliance with the 2003 approved site plan. On the south side of the building, the applicant is proposing to install 14 Juniper Gold Strike shrubs (or comparable shrub) that will be distanced six feet on center. On the east side of the building, the applicant is proposing to install Green Carpet Pachysandra as ground cover the entire length of the building;
- Add six bike parking spaces on the east side of the building. The previously approved plan was approved with six bike parking spaces in the public right of way along Milwaukee Avenue; however, they are not in place today.

Limited production and processing facilities are a conditional use in the C1/Neighborhood Commercial District. A requirement of the limited production facilities is that the use shall not exceed 1,200 square feet of gross floor area. The applicant is proposing to have 2,150 square feet of gross floor area devoted to their production and processing equipment, therefore, the applicant requires a floor area variance.

**PUBLIC COMMENTS.** As of September 12, 2014, CPED has received one public comment. The Seward Neighborhood voted to recommend approval of the requested conditional use permit and variance. Any correspondence received after the staff report publication and prior to the public meeting will be forwarded on to the Planning Commission for consideration.

## ANALYSIS

### CONDITIONAL USE PERMIT

The Department of Community Planning and Economic Development has analyzed the conditional use permit application to allow a limited production and processing facility in the C1/Neighborhood Commercial District based on the following [findings](#):

- I. *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 the proposed chocolate production and processing facility will not be detrimental to or endanger the public health, safety, comfort or general welfare. The applicant is proposing to convert an existing commercial building to a chocolate production and processing facility with a retail storefront. The applicant is proposing limited work to the exterior of the building which includes restriping the parking lot, installing a trash enclosure, replacing plantings

within the existing landscaped area and adding bike parking. The applicant states that the interior demolition and build out will be completed by licensed contractors during normal daylight hours.

The maintenance and operation of the chocolate production and processing facility will also not be detrimental to or endanger the public health, safety, comfort or general welfare. All production and processing will take place indoors. The applicant is proposing the production operation take place Monday through Friday; no production is proposed to take place on weekends or overnights. In addition, no excessive noise or odors are expected to result from the use. The applicant states that they are using the same type of roaster for the cacao beans as is used for coffee beans. However, since the cacao beans are roasted at a lower temperature; 230 degrees Fahrenheit compared to 500 degrees Fahrenheit for coffee, the roasting process for cacao beans produces significantly less odor. The applicant also states that the manufacturer of the bean roaster has not had to install a catalytic converter on other cacao roasters in order to reduce odor. If odor complaints arise, the City of Minneapolis Environmental Health Department will be able to measure air quality for reasonable comfort and use.

- 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 and orderly development and improvement of surrounding property for uses permitted in the district.*

The conditional use will not be injurious to the use and enjoyment of other property in the vicinity. The surrounding area is fully developed and is comprised of neighboring commercial and multifamily residential properties along East Franklin Avenue. There are lower-density residential uses to the south; however, there is more than 70 feet that separates the subject building from these residential uses.

The conditional use permit will also not impede the normal and orderly development of surrounding properties for uses permitted in the district. There are a number of other food and beverage related establishments in the vicinity in the C1 and C2 zoning districts. The proposed chocolate production and retail establishment will complement the other food establishments. In addition, East Franklin Avenue is a designated commercial corridor that supports all types of commercial uses with some light industrial, as is proposed with the chocolate production and retail facility. The proposed use will enhance the Pedestrian Oriented Overlay District as it will have a retail area with large storefront windows fronting East Franklin Avenue. As a condition of approval, CPED is recommending that all windows remain in compliance with Section 530.120 of the zoning code and are not blocked by materials or equipment to allow views into and out of the building.

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

Adequate utilities, access roads and drainage will be provided as part of the project. The construction of the existing building in 2003 received Public Works approval for its proposed drainage, street design and sidewalk design. As part of the proposed project, the applicant is making minimal changes to the site and will not increase the impervious surface levels.

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

The applicant has proposed adequate measures to minimize traffic congestion in the public streets. The applicant will maintain six off-street parking stalls. In addition, the applicant is proposing to install six bike racks in the Milwaukee Avenue sidewalk to be in compliance with the subject site's 2003 approved site plan. The proposed bike parking will exceed the requirement for a limited

production and processing facility of this size, which is required to provide two-off street parking spaces.

Furthermore, the applicant states that there will be less volume of cubic feet of material moved compared to a restaurant or bakery. The applicant estimates that sugar and packaging deliveries will not exceed once a week. In addition, the cacao beans will be stored off-site and delivered by a small company owned van as needed.

It should also be noted that the project site has great access to alternative modes of transportation. There are bus stops for two routes (#2 and #67) within a block of the project site and the Franklin Avenue Light Rail Station is within five blocks. In addition, there is a Nice Ride station within two blocks of the project site and protected bike lanes along East Franklin Avenue.

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

Approving the conditional permit to allow for a limited production and processing facility at 2209 East Franklin Avenue would be consistent with the applicable policies of the comprehensive plan. The proposed project is in line with the Mixed Use designation on the future land use map in *The Minneapolis Plan for Sustainable Growth*. The proposed project will also support the East Franklin Avenue Commercial Corridor and the Franklin Avenue LRT Station Pedestrian Oriented Overlay District as there will be an active retail storefront with large storefront windows.

The proposed project is also supported by the following land use and urban design policies within the comprehensive plan.

Land Use Policy 1.2: Ensure appropriate transitions between uses with different size, scale and intensity.

1.2.3 Lessen the negative impacts of non-residential uses on residential areas through controls on noise, odors, and hours open to the public.

Land Use Policy 1.3: Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.

1.3.1 Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings.

1.3.2 Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.

Land Use Policy 1.4: 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.

1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

1.4.2 Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.

Land Use Policy 1.9: 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.

1.9.1 Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.

Urban Design Policy 10.9: 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.

10.9.1 Encourage both mixed-use buildings and a mix of uses in separate buildings where appropriate.

10.9.2 Promote building and site design that delineates between public and private spaces.

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 10.19: Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces, buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.

10.19.1 In general, larger, well-placed, contiguous planting areas that create and define public and private spaces shall be preferred to smaller, disconnected areas.

10.19.2 Plant and tree types should complement the surrounding area and should include a variety of species throughout the site that include seasonal interest. Species should be indigenous or proven adaptable to the local climate and should not be invasive on native species.

10.19.3 Landscaped areas should include plant and tree types that address ecological function, including the interception and filtration of stormwater, reduction of the urban heat island effect, and preservation and restoration of natural amenities.

10.19.4 Landscaped areas should be maintained in accordance with Crime Prevention Through Environmental Design (CPTED) principles, to allow views into and out of the site, to preserve view corridors and to maintain sight lines at vehicular and pedestrian intersections.

Urban Design Policy 10.22: Use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land.

10.22.1 Integrate “eyes on the street” into building design through the use of windows to foster safer and more successful commercial areas in the city.

10.22.3 Design the site, landscaping, and buildings to promote natural observation and maximize the opportunities for people to observe adjacent spaces and public sidewalks.

10.22.4 Provide on-site lighting at all building entrances and along walkways that maintains a minimum acceptable level of security while not creating glare or excessive lighting of the site.

10.22.5 Locate landscaping, sidewalks, lighting, fencing and building features to clearly guide pedestrian movement on or through the site and to control and restrict people to appropriate locations.

10.22.7 Locate entrances, exits, signs, fencing, landscaping, and lighting to distinguish between public and private areas, control access, and to guide people coming to and going from the site.

The proposed chocolate production and processing facility is located just outside of the Franklin-Cedar/Riverside Transit-Oriented Development Master Plan. This plan's eastern extent is 22<sup>nd</sup> Avenue South; one block to the west of the subject property.

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

In addition to the conditional use permit, a variance has been requested to increase the gross floor area of the limited production and processing use from 1,200 square feet to 2,150 square feet.

### **VARIANCE: To increase the maximum floor area for a limited production facility**

The Department of Community Planning and Economic Development has analyzed the application for a variance to increase the maximum floor area allowed for a limited production and processing facility in the CI Zoning District from 1,200 square feet to 2,150 square feet based on the following [findings](#):

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.*

The applicant is proposing to utilize a 3,785 square foot existing building for a limited production and processing use. There are two floor area requirements for a limited production and processing facility in a commercial district.

- The use shall not exceed 1,200 square feet of gross floor area;
- The use shall have a main entrance that opens to a retail or office component equal to not less than 15 percent of the floor area of the use.

The applicant is proposing to use 2,150 square feet in the existing building for the production and processing of chocolates, which exceeds the 1,200 square foot maximum and therefore requires a variance. The applicant is also proposing to dedicate 21 percent of the building's floor area to retail and office space (782 square feet) which exceeds the minimum requirement.

Practical difficulties exist in complying with the ordinance because of circumstances unique to the property that were not created by persons presently having an interest in the property. The existing 3,785 square foot building was constructed in 2003. The applicant did not have an interest in the property until 2014. With the proposed plans, the applicant is looking to use the existing building; not expand its size.

The gross floor area limitation of 1,200 square feet for a limited production facility in the CI zoning district would not allow the applicant to fully utilize the existing building for a permitted conditional use. The applicant proposal will meet all other commercial district requirements for a limited and production facility use: in a commercial district:

- The use is consistent and compatible with retail sales and services.
- The use produces minimal off-site impacts due to their limited nature and scale.
- The use (food production) is not classified as a medium industrial use or a general industrial use or any use which is first allowed in the I2 or I3 Districts.

- The use shall have a main entrance that opens to a retail or office component equal to not less than fifteen (15) percent of the floor area of the use.
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.*

The applicant is proposing to use the property in a reasonable manner that will be keeping with the spirit and intent of the zoning code ordinance. The 1,200 square foot feet of gross floor area maximum and other requirements for a limited production facility in the commercial zoning district are intended to ensure that the uses are consistent and compatible with retail sales and services and to limit off-site impacts due to their limited nature and scale. The proposed chocolate production and retail facility is consistent and compatible with the retail sales and service establishments along the East Franklin Avenue Commercial Corridor which include restaurants and coffee shops. It will also meet all other commercial zoning district requirements for limited production and processing uses as outlined in section 548.30 of the zoning code.

- The use is consistent and compatible with retail sales and services.
- The use produces minimal off-site impacts due to their limited nature and scale.
- The use (food production) is not classified as a medium industrial use or a general industrial use or any use which is first allowed in the I2 or I3 Districts.
- The use shall not exceed one thousand two hundred (1,200) square feet of gross floor area,
- The use shall have a main entrance that opens to a retail or office component equal to not less than fifteen (15) percent of the floor area of the use.

The applicant's proposal with a retail area along East Franklin Avenue that contains large storefront windows will also enhance the area's Pedestrian Oriented Overlay District. Pedestrians will be able to view into the retail and chocolate production areas.

The chocolate production and processing facility will also have limited off-site impacts. As stated in the conditional use permit findings above, the production and processing of chocolate will have less odors than the production and processing of other foods and beverages, including coffee. In addition, the proposed chocolate production facility will have a lower traffic demand than other uses permitted in the CI zoning district, including a restaurant, coffee shop or bakery.

Granting of the variance will be consistent with the comprehensive plan as outlined in the conditional use permit findings above.

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.*

The proposal to allow an increase in the limited production and processing use from 1,200 square feet to 2,150 square feet will not alter the essential character of the locality or be injurious to the use or enjoyment of other property. The proposed development is consistent with the purpose of the city's commercial zoning districts to promote adaptive reuse of existing commercial buildings and to maintain and improve compatibility with surrounding areas. Limited production and processing activities are specifically listed as consistent with retail sales and services in Section 548.30 of the code. The activities related to the proposed chocolate production and processing facility, though larger than what is allowed under the zoning code, would be conducted completely within the building. Therefore, no off-site impacts are expected. In addition, the use is not expected to be detrimental to the health, safety or welfare of the general public nor to those using nearby properties.

## RECOMMENDATIONS

### **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 application for a conditional use permit to allow a limited production and processing facility (chocolate production) in the CI/Neighborhood Commercial District at 2209 East Franklin Avenue, subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by September 29, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The trash enclosure, if built with outswing doors, shall not extend beyond the property lines.
4. All windows shall remain in compliance with Section 530.120 of the zoning code in terms of transmittance ratio (0.6 or higher) and allowing views into and out of the building.
5. Department of Community Planning and Economic Development staff review and approval of the final building elevations, floor, site, lighting and landscape plans.
6. A minimum of 14 Juniper Gold Strike shrubs or comparable shrub shall be installed on the east side of the building that are evenly distributed. On the east side of the building, the applicant shall install Green Carpet Pachysandra or comparable planting the entire length of the building.
7. Six bike parking spaces on the east side of the building shall be installed. If the parking spaces are installed in the public right of way the applicant shall receive Public Works approval.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to increase the maximum floor area allowed for a limited production and processing facility at 2209 east Franklin Avenue in the CI Zoning District from 1,200 square feet to 2,150 square feet.

## ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map and aerials
3. Architectural plan set: Survey site plan/landscape plan, floor plan, elevations
4. Images of site and surrounding area
5. Public comments

## 2211 East Franklin Avenue

Date: August 12, 2014

Proposed Use: Artisan chocolate manufacturing from raw cacao with retail shop.

### Description of Project:

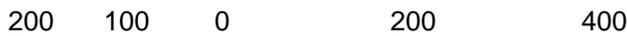
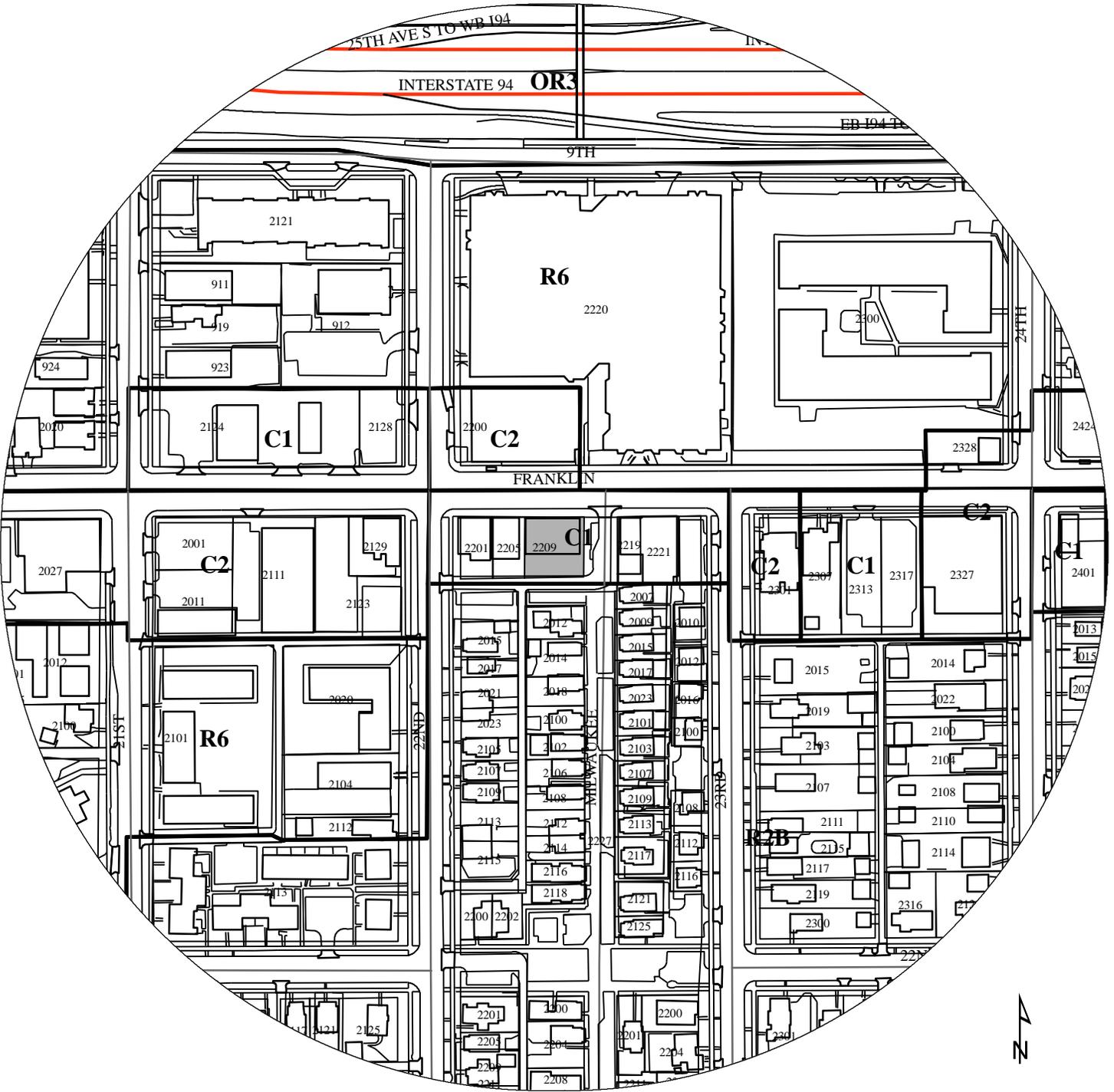
K'ul Chocolate will bring artisan chocolate manufacturing from raw cacao beans to Minneapolis in the Seward neighborhood. Importing beans from sustainable and organic farms in Central and South America the chocolate will be made on site with the latest technology. The roasting, winnowing, grinding, conching, tempering, molding and packaging of the chocolate bars will all be done on premise. The retail shop will have a multi media display of how cacao is grown, harvested and made into to chocolate to inform the public including children of how this beloved food comes into being.

### Conditional Use Application:

Approval is being sought for non-conforming use expanding the permitted production space of 1200 square feet for property zoned C-1 to 2400 square feet.

1. The establishment and operation of K'ul Chocolate at 2211 East Franklin Avenue will be conducted in accord with all applicable rules and regulations for food manufacture and be licensed under the State of Minnesota Department of Agriculture. Construction will be limited to the interior of the building and completed by licensed contractors during normal daylight hours. Making chocolate does not require or generate any hazardous material. Therefore, the conditional use will not be detrimental or endanger the public health, safety, comfort or general welfare.
2. Since cacao is roasted at far lower temperatures (230F) it does not produce the kind of odors associated with coffee roasting (500F). The manufacture of the roaster has never had to install an oxidizer to reduce odor on a cacao machine while it is mandatory on coffee roasters. The manufacture is low volume so consequently requires very little truck traffic and will not have any impact outside the confines of the building. The existing off street parking is double that required for Limited Production use in a building of this size. Therefore, the conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding for uses permitted in the district.
3. The building is ten years old and as such has adequate utilities, roads, drainage, and other facilities are already in place.
4. The low volume nature of the chocolate shop and manufacture along with more than adequate off street parking will minimize the impact on traffic congestion.

5. I have been told that my conditional use is consistent with the comprehensive plan.
6. Other than the production space expansion the conditional use conforms to all other applicable regulations for the site.





Road  
A standard road map

Automatic  
Switches to the best map style as you zoom

olis • Greater Longfellow



S 23rd Ave

S 23rd Ave

S 22nd Ave

Milwaukee Ave

Milwaukee Ave

Milwaukee Ave

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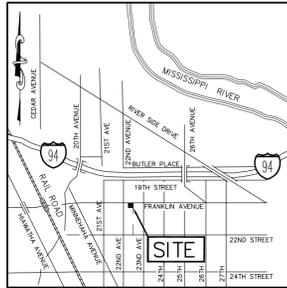
50 feet 10 m

**KEMPER & ASSOCIATES INC.**  
PROFESSIONAL LAND SURVEYORS

721 OLD HIGHWAY 8 N.W.  
NEW BRIGHTON, MINNESOTA 55112  
651-631-0351  
FAX 651-631-8805  
Email: kemper@pro-na.net  
www.kempersurveys.com

ALTA SURVEY OF

**2209 FRANKLIN AVENUE EAST**  
CITY OF MINNEAPOLIS, HENNEPIN COUNTY, MINNESOTA



VICINITY MAP  
(NO SCALE)

**LEGEND**

SSMH	SANITARY MANHOLE	←	NOTES TRAFFIC FLOW DIRECTION
STMH	STORM MANHOLE	▨	NOTES BITUMINOUS SURFACING
CB	CATCH BASIN	▨	NOTES CONCRETE SURFACING
FW	FIRE HYDRANT	▨	NOTES BRICK SURFACING
WV	WATER VALVE	(M)	NOTES DIMENSION MEASURED DURING THE COURSE OF THIS SURVEY
ET	ELECTRIC TRANSFORMER	(R)	NOTES RECORD DIMENSION AS PER LEGAL DESCRIPTIONS
GM	GAS METER	•	NOTES SET SURVEY MONUMENT MARKED "KEMPER 18407"
TR	TELEPHONE RISER	○	NOTES FOUND SURVEY MONUMENT
SN	SIGN		
E	ELECTRIC		
T	TELEPHONE		
SS	SANITARY SEWER LINE		
ST	STORM SEWER LINE		
W	WATER MAIN OR SERVICE		
G	GAS MAIN OR SERVICE		

**NOTES PERTAINING TO SCHEDULE B**

STEWART TITLE GUARANTY COMPANY  
COMMITMENT NO. 38370  
COMMITMENT DATE: APRIL 3, 2014

18. TERMS AND CONDITIONS OF RESOLUTION DESIGNATING THE MILWAUKEE AVENUE AREA FOR HERITAGE PRESERVATION, ADOPTED JULY 25, 1975, FILED JUNE 5, 1978, AS DOCUMENT NO. 4382767 AFFECTS SUBJECT PROPERTY AND IS BLANKET IN NATURE.



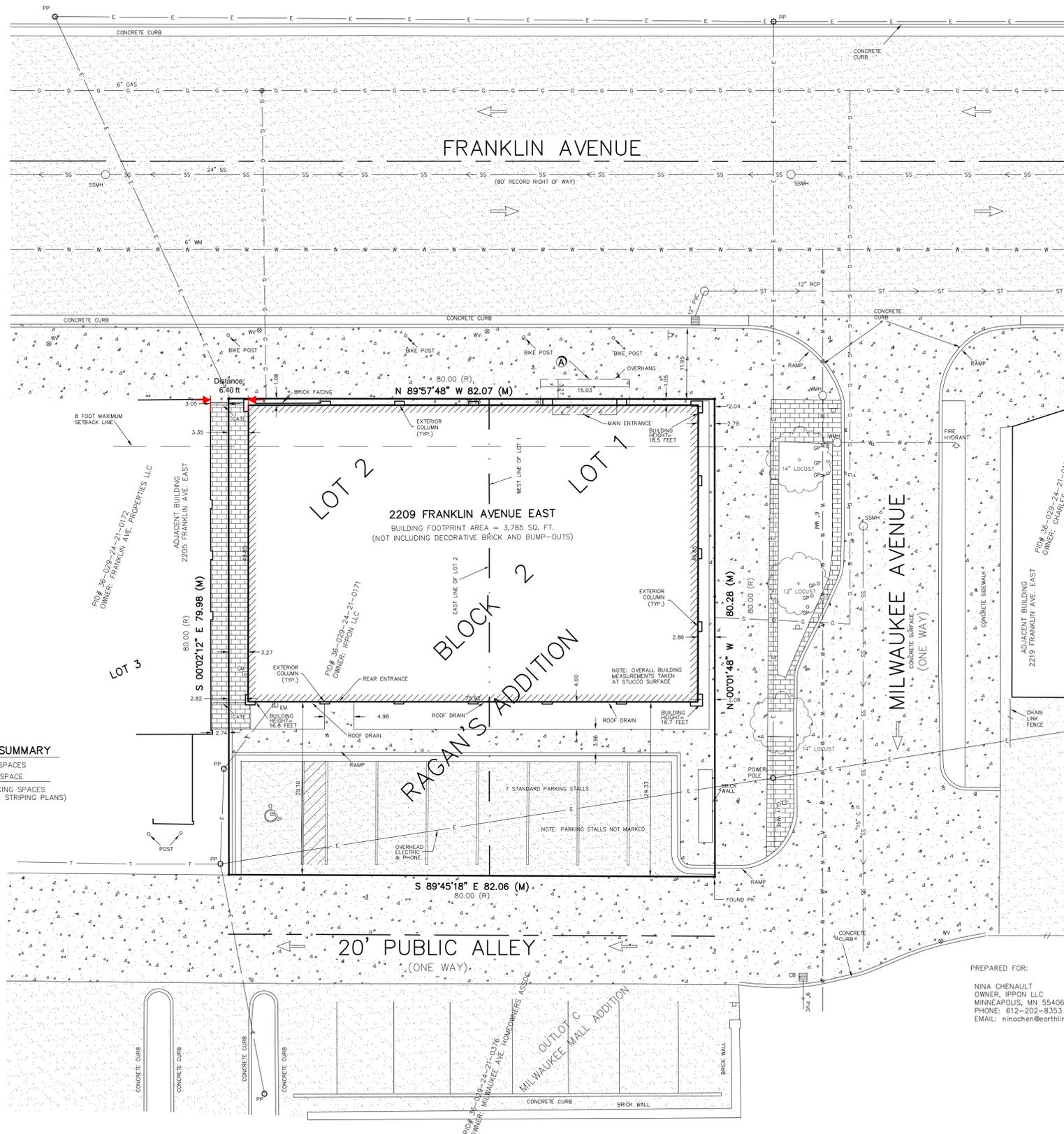
2209 FRANKLIN AVENUE EAST (REAR)  
MINNEAPOLIS, MINNESOTA

**NOTES**

- THIS SURVEY WAS CONDUCTED WITH A LEICA RDS 1201 TOTAL STATION AND LEICA 1209 GPS SYSTEM.
- ALL DIMENSIONS FROM BUILDINGS TO PROPERTY LINES ARE MEASURED PERPENDICULAR TO SAID PROPERTY LINES.
- ALL DRIVEWAY AND STREET THROAT DIMENSIONS SHOWN ARE MEASURED FACE OF CURB TO FACE OF CURB, UNLESS OTHERWISE NOTED.
- THERE IS NO OBSERVABLE EVIDENCE OF CEMETERIES OR BURIAL GROUNDS ON SUBJECT PROPERTY.
- THERE ARE NO PONDS, LAKES, SPRINGS OR RIVERS BORDERING OR RUNNING THROUGH SUBJECT PROPERTY.
- UTILITIES SHOWN HEREON ARE AS PER ABOVE GROUND EVIDENCE AND UTILITY MARKING PROVIDED BY FORMER STATE ONE-CALL UTILITY LOCATE TOGETHER WITH PROVIDED UTILITY PLANS.
- ACCESS IS GAINED TO THE SUBJECT PROPERTY VIA FRANKLIN AVENUE EAST WHICH IS A DEDICATED PUBLIC RIGHT-OF-WAY.
- THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
- THERE ARE NO CHANGES IN STREET RIGHT OF WAY LINES EITHER COMPLETED OR PROPOSED, AND AVAILABLE FROM THE CONTROLLING JURISDICTION.
- THERE IS NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
- THERE IS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

**FLOOD ZONE**

SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NUMBER 27053C0378E WITH AN EFFECTIVE DATE OF SEPTEMBER 2, 2004 HENNEPIN COUNTY, MINNESOTA



2209 FRANKLIN AVENUE EAST (FRONT)  
MINNEAPOLIS, MINNESOTA

1 INCH EQUALS 10 FEET

BASIS FOR BEARINGS:  
NORTH LINE OF LOT 1, BLOCK 4,  
MILWAUKEE MALL ADDITION  
RECORDED AS 5 89'57'48" E

**LEGAL DESCRIPTION**

STEWART TITLE GUARANTY COMPANY  
COMMITMENT NO. 38370  
COMMITMENT DATE: APRIL 3, 2014

Lots 1 and 2, Block 2, Ragan's Addition to Minneapolis.

Hennepin County, Minnesota  
Abstract Property

LOT AREA =  
6,576 SQ. FT.  
OR 0.1510 ACRES

**ZONING REQUIREMENTS**

- ZONED C1, NEIGHBORHOOD COMMERCIAL DISTRICT  
SUBJECT TO PO: PEDESTRIAN ORIENTED OVERLAY DISTRICT
- MINIMUM LOT AREA: NONE
  - MINIMUM LOT WIDTH: NONE
  - MAXIMUM BUILDING HEIGHT: NONE LISTED
  - MINIMUM FRONT SETBACK: NONE LISTED
  - MAXIMUM FRONT SETBACK: 8 FEET
  - MARTIAL ARTS SCHOOL IS A PERMITTED USE.
- BUILDING SETBACKS:**  
UNLESS SUBJECT TO THE PROVISIONS BELOW,  
USES LOCATED IN THE COMMERCIAL DISTRICTS  
SHALL NOT BE SUBJECT TO MINIMUM YARD  
REQUIREMENTS.
- (B) COMMERCIAL DISTRICTS NEAR RESIDENCE AND  
OFFICE RESIDENCE DISTRICTS OR RESIDENTIAL  
STRUCTURES.

- (1) FRONT YARD REQUIREMENTS, WHERE A STREET FRONTAGE INCLUDES PROPERTY ZONED AS A RESIDENCE OR OFFICE RESIDENCE DISTRICT AND PROPERTY ZONED AS COMMERCIAL DISTRICT, OR WHERE A STREET FRONTAGE INCLUDES STRUCTURES USED FOR PERMITTED OR CONDITIONAL RESIDENTIAL PURPOSES, A FRONT YARD EQUAL TO THE LESSER OF THE FRONT YARD REQUIRED BY SUCH RESIDENCE OR OFFICE RESIDENCE DISTRICT OR THE ESTABLISHED FRONT YARD OF SUCH RESIDENTIAL STRUCTURE SHALL BE PROVIDED IN THE COMMERCIAL DISTRICT FOR THE FIRST FORTY (40) FEET FROM SUCH RESIDENCE OR OFFICE RESIDENCE DISTRICT BOUNDARY OR RESIDENTIAL PROPERTY.
- (2) SIDE YARD REQUIREMENTS, WHERE A SIDE LOT LINE ABUTS A SIDE OR REAR LOT LINE IN A RESIDENCE OR OFFICE RESIDENCE DISTRICT, OR ABUTS A SIDE OR REAR LOT LINE OF A STRUCTURE USED FOR PERMITTED OR CONDITIONAL RESIDENTIAL PURPOSES, A YARD EQUAL TO THE MINIMUM SIDE YARD THAT WOULD BE REQUIRED FOR A CONDITIONAL USE ON THE ABUTTING RESIDENTIAL LOT SHALL BE PROVIDED ALONG SUCH SIDE LOT LINE.
- (3) REAR YARD REQUIREMENTS, WHERE A REAR LOT LINE ABUTS A SIDE OR REAR LOT LINE IN A RESIDENCE OR OFFICE RESIDENCE DISTRICT, OR ABUTS A SIDE OR REAR LOT LINE OF A STRUCTURE USED FOR PERMITTED OR CONDITIONAL RESIDENTIAL PURPOSES, A YARD EQUAL TO THE MINIMUM SIDE YARD THAT WOULD BE REQUIRED FOR A CONDITIONAL USE ON THE ABUTTING RESIDENTIAL LOT SHALL BE PROVIDED ALONG SUCH REAR LOT LINE.

(AS PER CITY OF MINNEAPOLIS ZONING CODE)  
(OWNER TO VERIFY PRIOR TO CONSTRUCTION/DEMOLITION)

**STATEMENT OF APPARENT ENCROACHMENTS**

- (A) OVERHANG AT MAIN ENTRANCE ENCLOSES INTO RIGHT-OF-WAY A DISTANCE OF 3.3 FEET

**SURVEYOR'S CERTIFICATE**

To: Commercial Partners Title, LLC; Stewart Title Guaranty Company; Ippon LLC; Nina Chenault; Peter C. Kelsey

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements of ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 7(a), 7(b)(1), 7(c), 8, 9, 11(b), 13, 14, 16, 17 and 18 of Table A thereof. The field work was completed on June 17, 2014.

Date: JUNE 24, 2014

*Mark D. Kemper*  
Mark D. Kemper, Professional Land Surveyor  
Minnesota Registration No. 18407  
Kemper & Associates, Inc.  
721 Old Hwy. 8 NW  
New Brighton, Minnesota 55112  
Phone: 651-631-0351  
Fax: 651-631-8805  
kemper@kempersurveys.com

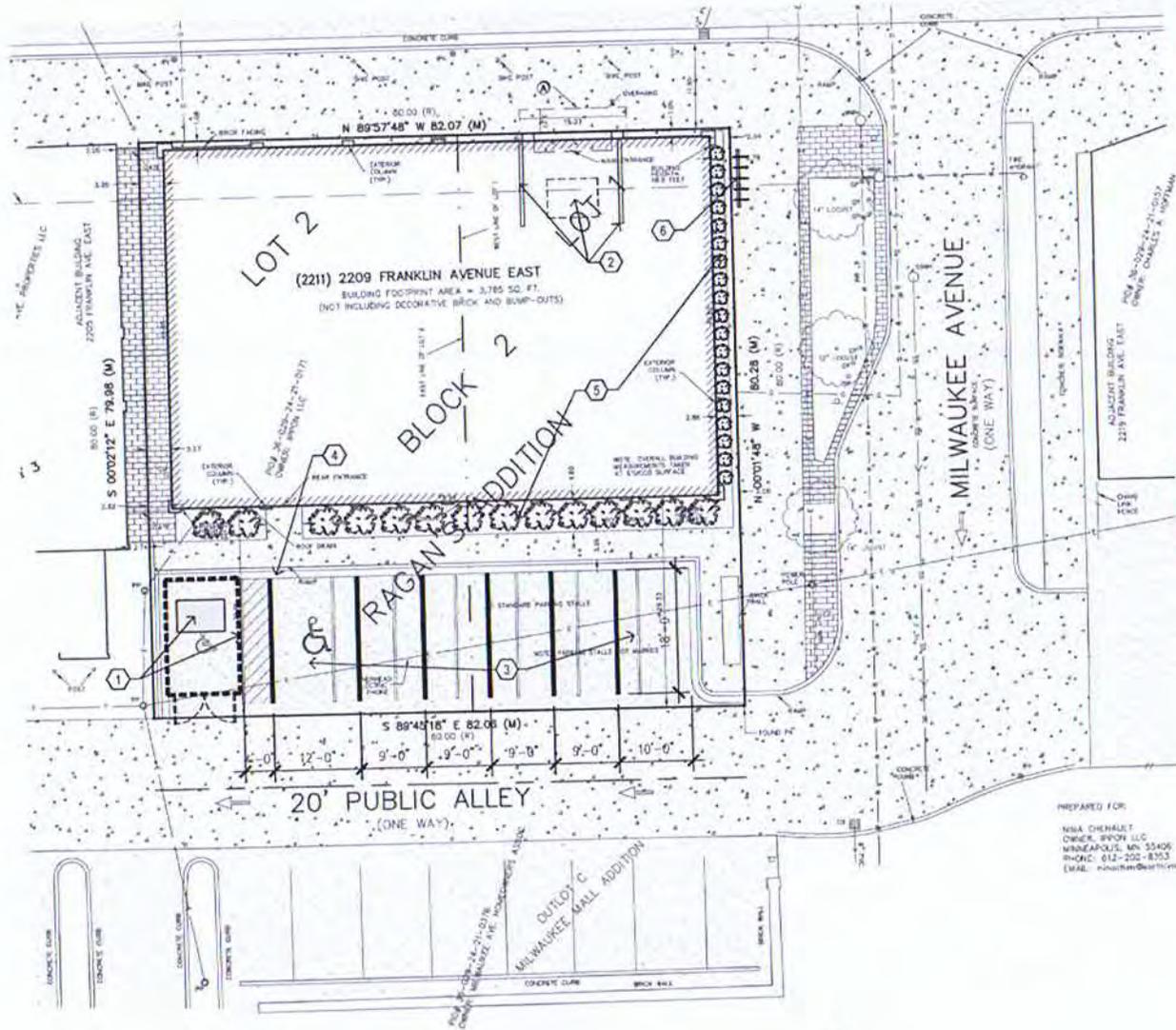


PREPARED FOR:  
NINA CHENAULT  
OWNER, IPPON LLC  
MINNEAPOLIS, MN 55406  
PHONE: 612-202-8353  
EMAIL: ninachen@earthlink.net

**CERTIFICATE OF SURVEY**

SHALL MEET SEC. 535.80  
 ENCLOSED 4 SIDES. COMPATIBLE  
 SCREENING. NOT LESS THAN 2'-0"  
 HIGHER THAN CONTAINERS

ROTAHOLZ  
 ARCHITECT & DESIGNER



SITE PLAN NOTES

- 1 NEW DUMPSTER LOCATION WITH 10'x16'x6' TALL GATED PAINTED WOOD SCREENED ENCLOSURE.
- 2 EXISTING ROOF TOP UNIT BEHIND EXISTING STUD SCREEN WALL.
- 3 RESTRIPE PARKING LOT AS SHOWN.
- 4 EXISTING CURB CUT.
- 5 REPLACE EXISTING NATIVE GRASS PLANTS WITH LOW SHRUBS.
- 6 BIKE RACK **WILL PROVIDE**

↓ SOUTH: JUNIPER SHRUB  
 6'-0" O.C.

↓ EAST: GREEN CARPET  
 PACHYSANDRA  
 GROUND COVER  
 OR EQUAL.

9.8.14.  
 spw.

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly registered Architect under the laws of the state of Minnesota.

Sara Rotholz Weiner, AIA LEED AP  
 certification no. \_\_\_\_\_

date: \_\_\_\_\_

Revision	No.	Date

Kul  
 2211 east franklin ave  
 minneapolis, mn 55404

SITE PLAN

Date 09.04.14  
 Project No. \_\_\_\_\_

CHECK SET

G101

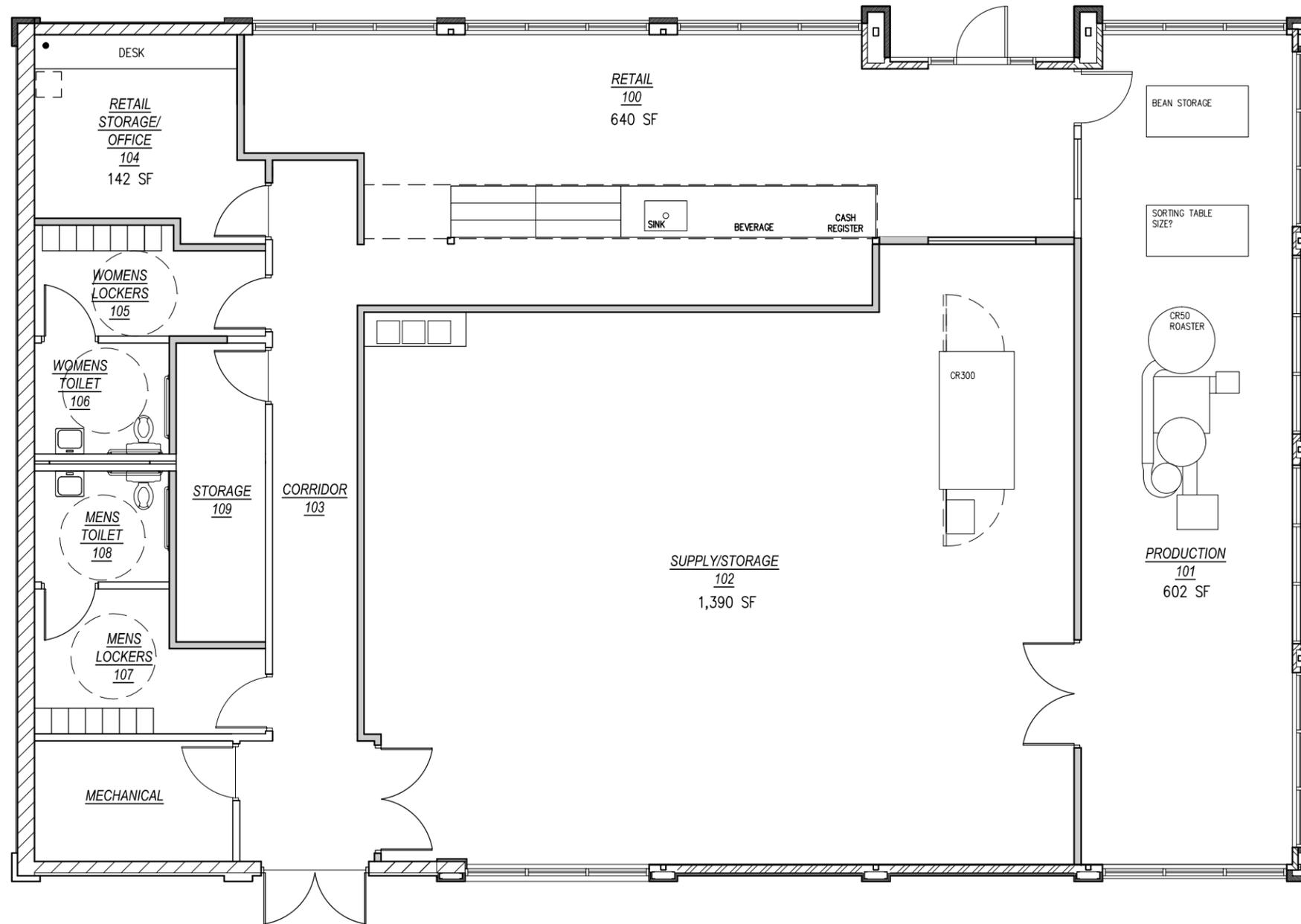
1 SITE PLAN  
 G101 1/16" = 1'-0"

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly registered Architect under the laws of the state of Minnesota.

Sara Rothholz Weiner, AIA LEED AP certification no. \_\_\_\_\_

date: \_\_\_\_\_

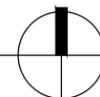
Revision	No.	Date



1  
A101

**PROPOSED FIT PLAN**

1/8"=1'-0"



CONDITIONAL USE PERMIT SUBMITTAL

K'ul  
2211 east franklin ave  
minneapolis, mn 55404

FIT PLAN

Date 08.28.14  
Project No. -

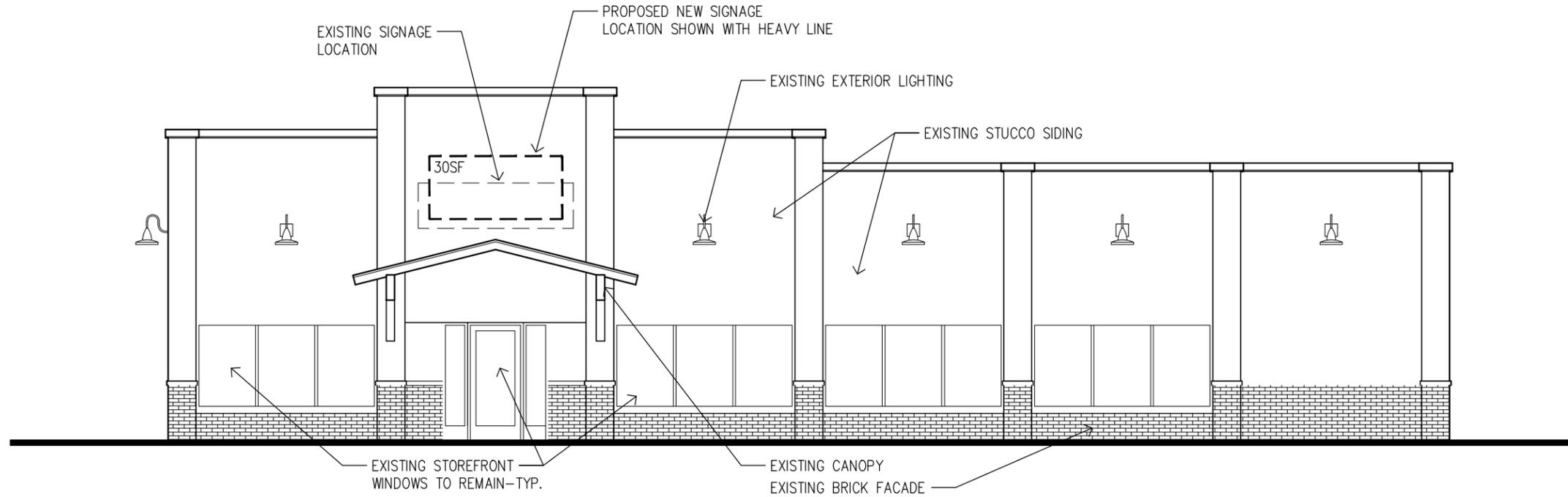
**A101**

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly registered Architect under the laws of the state of Minnesota.

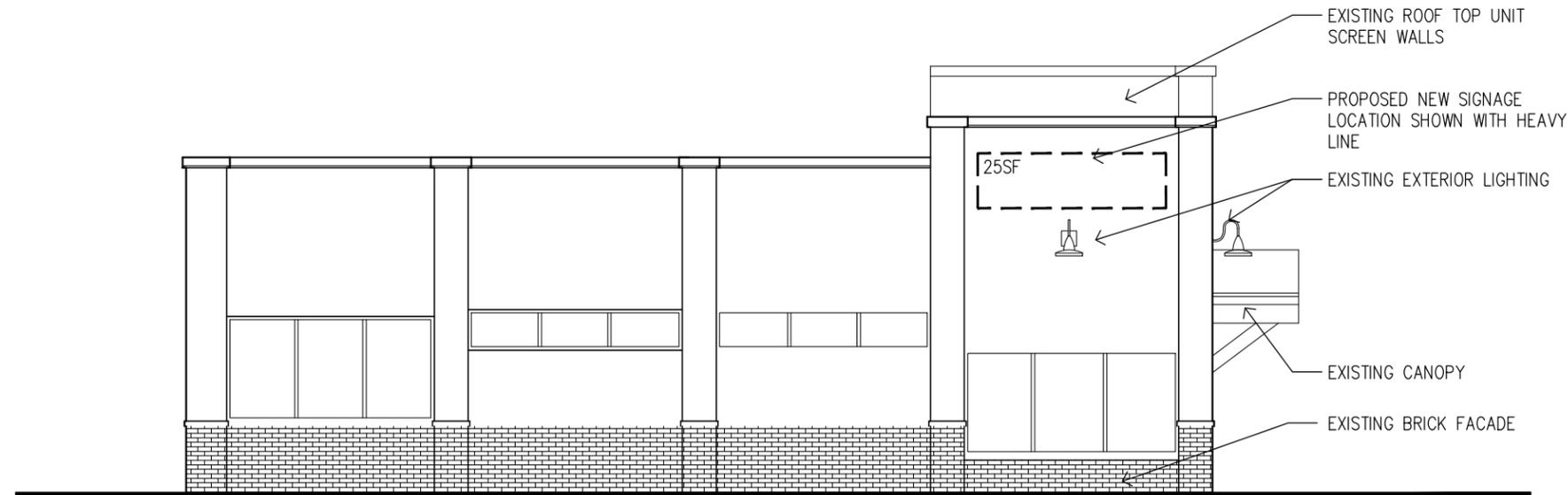
Sara Rothholz Weiner, AIA LEED AP  
certification no. \_\_\_\_\_

date: \_\_\_\_\_

Revision	No.	Date



1  
A301  
**NORTH EXTERIOR ELEVATION**  
1/8"=1'-0"



2  
A301  
**EAST EXTERIOR ELEVATION**  
1/8"=1'-0"

**K'ul**  
2211 east franklin ave  
minneapolis, mn 55404

CONDITIONAL USE PERMIT SUBMITTAL

ELEVATIONS

Date 08.28.14  
Project No. -

**A301**



MOVEMENT  
ARTS CENTER

KARATE

YOGA

West Bank  
Karate Club  
012-333-9075

KARATE

WELNA II  
HARDWARE  
PARK IN BACK

Window Screen Repair  
Plumbing & Electrical  
MUSIC SELECTION

PAINT Locks-Keys  
Curtain Hardware  
Creating Spaces

WELNA II  
HARDWARE

CAFE

MOVEMENT  
ARTS CENTER

E Franklin Av





MOVEMENT  
ARTS CENTER





MOVEMENT  
ARTS CENTER

SHINE'S



MOVEMENT  
ARTS CENTER  
612-333-8635



TRACY'S

WELCOME TO HARDWARE



KARATE



West Bank  
Karate Club

612-333-8635

NO  
PARKING

NO  
MOTOR  
VEHICLES

ON  
WAY



RATE

MOVEMENT  
ARTS CENTER  
612-333-0635

MOVEMENT  
ARTS CENTER

MOVEMENT

MOVEMENT





**MOVEMENT  
ARTS CENTER**



**West Bank  
Karate Club**  
01-233-1135  
1997-2001

**KAR**





**MOVEMENT  
ARTS CENTER  
612-333-8635**







# SEWARD NEIGHBORHOOD GROUP

2323 E Franklin Avenue • Minneapolis, MN 55406

PHONE 612 338 6205  
FAX 612 399 0739

E MAIL [info@sng.org](mailto:info@sng.org)  
WEB [www.sng.org](http://www.sng.org)

September 10, 2014

Aaron Hanauer  
250 South 4<sup>th</sup> Street, Room 300  
Minneapolis, MN 55415

**Regarding: 2211 E. Franklin Ave. Conditional Use Permit and Variance (BZZ-6771)**

Dear Mr. Hanauer:

The Seward Neighborhood Group recommends approval of a Conditional Use Permit for a bean-to-bar chocolate shop at 2211 East Franklin Avenue and a variance to allow for an increase in the allowed square footage for a limited production facility.

Thank you for the opportunity to comment on this proposal.

Sincerely,

Ben Walen  
Co-President  
Seward Neighborhood Group

Cc: Peter Kelsey