

BZZ-6547

APPLICATION WORKSHEET

Appellant	Name	DIANE Hofstede
	Mailing Address Including City, State and Zip Code	610 Ramsey St Mpls, MN 55413
	Phone Number	612-331-6042
	Fax	612-331-6880 (call above <sup>#</sup> before faxing)
	Email	dianehofstede@bitstream.net

NOTICE OF APPEAL

Choose one:

\_\_\_\_ I, \_\_\_\_\_ (print name) do hereby file an exception to the Decision of the Zoning Administrator as provided for in Chapter 525.170;

\_\_\_\_ I, \_\_\_\_\_ (print name) do hereby file an exception to the Decision of the Board of Adjustment as provided for in Chapter 525.180;

X I, DIANE Hofstede (print name) do hereby file an exception to the Decision of the City Planning Commission as provided for in Chapter 525.180;

Project Name	Krause Liquor store
Project Address	80 Broadway St N.E, Mpls, MN 55413
BZZ Number	6425, Ward 3

Further, I do hereby request that I be given an opportunity to express my case before the Board of Adjustment or the proper committee of the City Council.

The action being appealed and the reasons for appealing the decision are attached and made a part of this notice of appeal.

Appellant's Name: DIANE Hofstede

Appellant's Signature: [Signature] Date: 5/1/2014

[Signatures]  
 Kenneth Carlson  
 Joseph Biernat  
 Aprilia Galis Biernat  
 Robert Margt  
 Ann Muff  
 Linda Katzky  
 Kathy Brundage  
 [Signature]  
 Bette Kuepper  
 Robert [Signature]  
 Candace C. Hofstede  
 [Signature]  
 Sarah Brover  
 John Stitt

We are appealing the decision of the Minneapolis Planning Commission of March 23, 2014 regarding 80 West Broadway, Krause Liquor Store, because the decision is inconsistent with the Minneapolis Plan for Sustainable Growth, *and included the conditional use permit, and the site plan review.*

<u>Name</u>	<u>Address</u>
Kenneth Carlson	36 8th Av NE, Minneapolis, Mn 55413
Joseph Biernat	701 Main St NE Minneapolis, Mn 55413
Sheila Biernat	701 Main St NE Minneapolis, Mn 55413
Robert Margl	610 4th St NE #1, Minneapolis, Mn 55413
Anna Margl	610 4th St NE #1, Minneapolis, Mn 55413
Kathy Brandriet	610 4th St NE #2, Minneapolis, Mn 55413
Pat Greffin	701 Ramsey St NE, Minneapolis, Mn 55413
Beth Greffin	701 Ramsey St NE, Minneapolis, Mn 55413
Sasha Brooer	635 Ramsey St NE, Minneapolis, Mn 55413
Clint Stephenson	635 Ramsey St NE, Minneapolis, Mn 55413
Dan Brady	620 4th St NE, Minneapolis, Mn 55413
Kevin O'Connell	82 7th Av NE, Minneapolis, Mn 55413
Anthony Hofstede	610 Ramsey St NE, Minneapolis, Mn 55413
John Stofko	911 West Montana Av, St Paul, Mn 55117
Linda Koutsky	715 Main Street NE, Minneapolis, MN 55413

## STATEMENT OF REASONS FOR APPEAL

### CONDITIONAL USE PERMIT

#### **Appellants appeal for reasons including but not limited to:**

*1. The conditional use is **not** consistent with the applicable policies of the Minneapolis Comprehensive Plan for Sustainable Growth, which has been adopted by the Minneapolis Park and Recreation Board, and the Metropolitan Council:*

The proposed development is inconsistent with policies adopted by the City of Minneapolis, the Minneapolis Park and Recreation Board, and the Metropolitan Council in the Minneapolis Comprehensive Plan for Sustainable Growth, including but not limited to:

- 10.11.2 Ensure that new commercial developments maximize compatibility with surrounding neighborhoods.
- 1.5.2 Facilitate the redevelopment of underutilized commercial areas by evaluating possible land use changes against potential impacts on the surrounding neighborhood.
- 1.9.5 Encourage the development of low- to medium-density housing on Community Corridors to serve as a transition to surrounding low-density residential areas.
- 1.9.6 Promote more intensive residential development along Community Corridors near intersections with Neighborhood Commercial Nodes and other locations where it is compatible with existing character

In the Land Use Section of the Minneapolis Plan, Broadway St NE from the Mississippi River to I 35W is defined as a Community Corridor. The site under consideration is currently a commercially zoned property. It is designated for mixed use on Map 1.2: Future Land Use. Mixed Use may include a mix of retail, office or residential uses within a building or within a district.

Approving the proposed suburban-style single use development would be contrary to our city's goal to add density as well as the medium-density mixed uses specifically envisioned for this site.

- 10.20: Promote an attractive environment by minimizing visual clutter and confusion caused by a proliferation of signage.

In the Land Use Section of the Minneapolis Comprehensive Plan for Sustainable Growth, Broadway St NE from the Mississippi River to I 35W is defined as a Community Corridor. The site under consideration is currently a commercially zoned property. It is designated for mixed use on Map 1.2: Future Land Use. Mixed Use may include a mix of retail, office or residential uses within a building or within a district.

Approving the proposed suburban-style single use development would be contrary to our city's goal to add density as well as the medium-density mixed uses specifically envisioned for this site.

- 10.20: Promote an attractive environment by minimizing visual clutter and confusion caused by a proliferation of signage.

*2. The establishment, maintenance or operation of the conditional use **will** be detrimental to or endanger the public health, safety, comfort or general welfare.*

Per chapter 523.200 of the zoning code for C2 commercial, this site could have a sign with a maximum height of 28ft, or could be a dynamic changeable copy sign. A sign as large as 28 feet or a dynamic sign would be a dangerous distraction to motorists crossing the river on Broadway, a congested County Road, and distracting visual clutter on Marshall, a parkway near our riverfront, a community library, an international headquarters, and nationally historic buildings.

No signage plan has been submitted for approval and public discussion. Instead staff is recommending that all signage, landscaping and lighting be approved by staff. Our community and the Planning Commission will not have any input into the final decisions on the Gateway into our Northeast neighborhoods, which bypasses the proper and robust analysis of the impacts on public health, safety, comfort and general welfare.

As stated above, no signage plan has been submitted for approval and public discussion. Therefore it is impossible to evaluate the proposed development's impact on the visual environment.

*3. The conditional use **will** be injurious to the use and enjoyment of other property in the vicinity and will impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.*

(a) Minneapolis Plan Map 7.3: Regional Parks & Trails shows Marshall Street at this location designated as a future parkway. Marshall Street is a well-travelled bike corridor with the vision of expanding biking amenities along Marshall Street.

Nothing in the staff report or findings address the impact of the proposed development on Marshall St becoming a parkway.

(b) This intersection is one of the *Gateways* to Northeast Minneapolis. This Gateway is across the street from the international headquarters of a Fortune 500 company (Graco), the historic Grain Belt building wheel house, repurposed as the Pierre Bottineau Public Library, and the headquarters of locally based Northeast Bank, and a woman board chair whose spouse founded the bank in Northeast. It is the location of two buildings on the National Historic Register, the former Grain Belt brewery, and the Grain Belt office building currently under restoration. This intersection is the entrance to the Northeast Arts District.

(c.) The Minneapolis Plan for Sustainable Growth States: Minneapolis will build, maintain, and enhance access to multimodal transportation options for residents and business through a balanced system of transportation modes that supports the city's land use vision, reduces adverse transportation impacts, decreases the overall dependency on automobiles, and reflects the city's pivotal role as the center of the regional transportation network.

A liquor store would not create the impression desired for the community, or maximize compatibility with the surrounding neighborhoods

4. Adequate utilities, access roads, drainage, necessary facilities or other measures, have **NOT** been provided.

All storm water from the site will drain directly into the Mississippi River. Without a specific and approved storm water management plan, it is not possible to determine whether the proposed development will provide adequate measures of protection for the River.

5. Adequate measures have **NOT** been taken to minimize traffic congestion in the public streets.

There will be traffic congestion created by the proposed development. There are no conditions restricting hours of delivery, hours of operation and the like. There has been no consideration for how bikes will safely navigate the intersection of Broadway and future designated parkway Marshall Street. Further there has no consideration of the impact of the Marshall Street and 11<sup>th</sup> Ave curb cuts on bicycle safety. There has not been a request of Hennepin County for a traffic study on the two Hennepin County roads, West Broadway and Marshall Street.

6. As stated above, no signage plan has been submitted for approval and public discussion. Therefore it is impossible to evaluate the proposed development's impact on the visual environment.

- Policy 7.1 Promote the physical and mental health of residents and visitors by recognizing that safe outdoor amenities and spaces support exercise, play, relaxation and socializing.
- 7.1.1 Ensure that adjacent land uses contribute to the safety and ambiance of parks and open spaces.
- Policy 7.3 Maintain and improve the accessibility of open spaces and parks to all residents.
- 7.3.1 Ensure that access to the city's lakes, streams and the Mississippi River continues to be maintained for the benefit of present and future citizens of Minneapolis. In addition, the Minneapolis Park & Recreation Board Comprehensive Plan stated goal is to, "protect natural resources recognized as significant, city, regional, or natural resources due to historical, ecological, or aesthetic value", i.e. the Mississippi River, and the planned parks along the riverfront, the Historic Grain Belt Brewery, and the Historic Grain Belt Office buildings. Both of the historic buildings are on the National Register of Historic buildings. A Federal designation reserved **only** for the most important historic buildings in the United States.

- Policy 7.6 Continue to beautify open spaces through well designed landscaping that complements and improves the city's urban form on many scales – from street trees to expansive views of lakes and rivers.
- 7.6.7 Maintain multimodal transportation corridors to link open spaces and parks with surrounding neighborhoods.

The proposed development is on a site adjacent to the boundaries of the Above the Falls Park. The project should not be approved without consideration of its compatibility with planned use of Marshall Street as a parkway and its impact on access to the Above the Falls Park and the safety of park users.

## **SITE PLAN REVIEW**

### **Appellants appeal for reasons including but not limited to:**

As stated above, the site plan is **NOT** consistent with the applicable policies of the City of Minneapolis Comprehensive Plan for Sustainable Growth, the adopted Minneapolis Park & Recreation Comprehensive Plan, or the Above the Falls small area plan adopted by the Minneapolis City Council, and the Minneapolis Park and Recreation Board, which envisions Marshall Street as a parkway, and river boulevard.

Attached is the letter from Minneapolis District Park Commissioner for the area, former member of the Minneapolis Planning Commission, Liz Wilenski, to the Minneapolis Planning Commission.

3519 2<sup>nd</sup> ST NE  
Minneapolis, MN 55418  
March 2, 2014

**Planning Commission**  
Public Service Center  
250 S 4th St, Room 300  
Minneapolis, MN 55415

Chair Tucker and Commissioners,

On the matter of Krause Liquor Store (BZZ-6425, Ward: 3), 80 Broadway St NE that will appear before you on March 3<sup>rd</sup>, I respectfully request that you deny the Conditional Use Permit for a liquor store at this location.

I hope you will consider the findings below for a vote to deny.

Land Use:

Broadway AV NE from the Mississippi River to I35W is defined as a community corridor in the MPLS Comp Plan and while this site is currently a commercially zoned property it is designated for mixed use on Map 1.2: Future Land Use

Mixed Use (MU)—Allows for mixed use development, including mixed use with residential. Mixed use may include either a mix of retail, office or residential uses within a building or within a district.

1.5.2 Facilitate the redevelopment of underutilized commercial areas by evaluating possible land use changes against potential impacts on the surrounding neighborhood.

1.9.5 Encourage the development of low- to medium-density housing on Community Corridors to serve as a transition to surrounding low-density residential areas.

1.9.6 Promote more intensive residential development along Community Corridors near intersections with Neighborhood Commercial Nodes and other locations where it is compatible with existing character

By denying this one story, single use development you would be promoting the desired future uses of the site for more intensive medium density with mixed use.

Urban Design Policy:

10.10.6 Require storefront window transparency to assure both natural surveillance and an inviting pedestrian experience.

Staff is offering that these requirements 30% windows for 3 sides of the building be offered alternative compliance

The lack of windows and the alternative compliance being offered by the staff gives not only an uninviting presence on Marshall ST, but also uses the phrase "If the window requirements are measured from the first floor elevation rather than the adjacent grade, the proposed amount of windows exceeds the minimum 30 percent requirement." I believe that measuring from other than the defined place would be

in a way rewriting the code for a specific project. I believe the Planning Commission pointed this out in December of 2013 as undesirable when the Linden Hills neighborhood submitted their small area plan requesting that the city measure the height of building stories from a different point.

Also, on Map 7.3: Regional Parks & Trails of the City of Minneapolis Comprehensive Plan Marshall ST at this location is designated as a future parkway. The lack of windows along Marshall does not make for an inviting pedestrian experience along this future parkway.

10.11.2 Ensure that new commercial developments maximize compatibility with surrounding neighborhoods.

This particular intersection is one of the *Gateways* to Northeast Minneapolis. It contains the international headquarters of a Fortune 500 company (Graco), the historic Grain Belt building wheel house, repurposed as the Pierre Bottineau Public Library and the headquarters of a locally based small banking concern who have served the community so well they were the recipient of the National Jefferson Award in 2013. The American Institute of Public Service established the Jefferson Awards as a Noble Prize for community and public service. (Northeast Bank). This intersection is also the entrance to the Northeast Arts District. To this mix a liquor store would not create the impression desired for the community, or maximize compatibility with the surrounding neighborhoods.

10.18.1 Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses.

Again staff is requesting alternative compliance, allowing that for this corner of a major gateway entrance to the community, the city will not require that you have sufficient greening.

Policy 10.20: Promote an attractive environment by minimizing visual clutter and confusion caused by a proliferation of signage.

As no signing plan was submitted with this application it is difficult to make specific recommendations, but in chapter 523.200 of the zoning code for C2 commercial, this site could have a sign with a maximum height of 28ft, or could be a dynamic changeable copy sign. Arguments could be made that either of these could be visual clutter depending on what is submitted.

This development is the wrong idea in the wrong place. Marshall ST is slated to become the parkway that northeast was denied because it was a working riverfront. Millions are being invested to create a more vibrant front door along this river corridor including the just opened Sheridan Memorial Park to the northwest of the site. The entrance to the Northeast Arts District should be eye catching and vibrant, this is not that project. We embrace our distillery and brewing past in Northeast. It is with open arms that we call Dangerous Man, Folliard's 2 Gingers, Indeed Brewing and the 612 Brewery neighbors in our community. Not too far away we have Surdyk's liquor, a traditional liquor store with a Frank Stone artistic twist. It is this one story, no pizzazz, could just as well be MGM from the suburbs liquor store that we reject. We hope that you will as well.

Sincerely,

Liz Wielinski  
District 1, Eastside Park Commissioner