

**Excerpt from the
CITY PLANNING COMMISSION MINUTES
Minneapolis Community Planning & Economic Development (CPED)**

250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385
(612) 673-3710 Phone
(612) 673-2526 Fax
(612) 673-2157 TDD

MEMORANDUM

DATE: November 6, 2014

TO: Zoning and Planning Committee

FROM: Jason Wittenberg, Manager, Community Planning & Economic Development – Land Use, Design and Preservation

SUBJECT: Planning Commission decisions of October 14, 2014

The following actions were taken by the Planning Commission on October 14, 2014. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

Commissioners present: President Tucker, Bender, Brown, Gisselman, Kronzer, Luepke-Pier and Slack – 7

Not present: Forney (excused) and Gagnon (excused)

Committee Clerk: Lisa Kusz (612) 673-3710

6. Hampton Inn and Suites - University (BZZ-6763, Ward: 2) 2812 University Ave SE (Mei-Ling Anderson).

A. Rezoning: Application by Daniel L. Pellinen, on behalf of Dave Barnhart and Jeff Barnhart, for a petition to rezone the property at 2812 University Ave SE from C2 to C3A to allow a new, five-story hotel with 117 rooms.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classification at the property located at 2812 University Ave SE from the C2 Neighborhood Corridor Commercial District to the C3A Community Activity Center District.

Aye: Bender, Brown, Gisselman, Luepke-Pier and Slack

Absent: Forney, Gagnon and Kronzer

B. Conditional Use Permit: Application by Daniel L. Pellinen, on behalf of Dave Barnhart and Jeff Barnhart, for a conditional use permit to increase the maximum height of a building from 4 stories/56 feet to 5 stories/64 feet, 8 inches for the property located at 2812 University Ave.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to increase the maximum height of a building from 4 stories/56 feet to 5 stories/64 feet, 8 inches in the C3A Community Activity Center District at the property located at 2812 University Ave SE, subject to the following condition:

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

Aye: Bender, Brown, Gisselman, Luepke-Pier and Slack

Absent: Forney, Gagnon and Kronzer

C. Variance: Application by Daniel L. Pellinen, on behalf of Dave Barnhart and Jeff Barnhart, for a variance to reduce the minimum interior side yard requirement adjacent to the west property line from 13 feet to 7 feet, 8 inches for the property located at 2812 University Ave.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the minimum interior side yard requirement adjacent to the west property line from 13 feet to 7 feet, 8 inches at the property located at 2812 University Ave SE.

Aye: Bender, Brown, Gisselman, Luepke-Pier and Slack

Absent: Forney, Gagnon and Kronzer

D. Variance: Application by Daniel L. Pellinen, on behalf of Dave Barnhart and Jeff Barnhart, for a variance to reduce the minimum required number of off-street loading spaces from 2 large loading spaces to 1 for the property located at 2812 University Ave.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the minimum required number of off-street loading spaces from 2 large loading spaces to 1 at the property located at 2812 University Ave SE.

Aye: Bender, Brown, Gisselman, Luepke-Pier and Slack

Absent: Forney, Gagnon and Kronzer

E. Variance: Application by Daniel L. Pellinen, on behalf of Dave Barnhart and Jeff Barnhart, for a variance to increase the maximum allowed front building setback on Williams Ave SE from 8 feet to 46 feet or more along the south property line in the PO Pedestrian Oriented Overlay District for the property located at 2812 University Ave.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to increase the maximum allowed front building setback on Williams Ave SE from 8 feet to 46 feet or more along the south property line in the PO Pedestrian Oriented Overlay District at the property located at 2812 University Ave SE subject to the following condition:

1. The building shall be located as shown on the site plan.

Aye: Bender, Brown, Gisselman, Luepke-Pier and Slack

Absent: Forney, Gagnon and Kronzer

F. Variance: Application by Daniel L. Pellinen, on behalf of Dave Barnhart and Jeff Barnhart, for a variance to increase the maximum allowed parking lot frontage from 60 feet to approximately 112 feet along Williams Ave SE in the PO Pedestrian Oriented Overlay District for the property located at 2812 University Ave.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to increase the maximum allowed parking lot frontage from 60 feet to approximately 112 feet along Williams Ave SE in the PO Pedestrian Oriented Overlay District at the property located at 2812 University Ave SE.

Aye: Bender, Brown, Gisselman, Luepke-Pier and Slack

Absent: Forney, Gagnon and Kronzer

G. Variance: Application by Daniel L. Pellinen, on behalf of Dave Barnhart and Jeff Barnhart, for a variance to reduce the minimum window requirement below 40 percent along Williams Ave SE in the PO Pedestrian Oriented Overlay District for the property located at 2812 University Ave.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the minimum window requirement below 40 percent along Williams Ave SE in the PO Pedestrian Oriented Overlay District at the property located at 2812 University Ave SE.

1. The applicant shall increase the proportion of windows on the ground floor facing Williams Ave SE to the extent practical.

Aye: Bender, Brown, Gisselman, Luepke-Pier and Slack

Absent: Forney, Gagnon and Kronzer

H. Variance: Application by Daniel L. Pellinen, on behalf of Dave Barnhart and Jeff Barnhart, for a variance to increase the maximum area of a projecting sign from 48 square feet to 87.5 square feet for the property located at 2812 University Ave.

Action: Notwithstanding staff recommendation, the City Planning Commission **approved** the application for a variance to increase the maximum area of a projecting sign from 48 square feet to 87.5 square feet at the property located at 2812 University Ave SE, subject to the following condition:

1. No additional signage shall be placed on the east wall of the building.
2. There shall be no additional signage on the north wall, with the exception of the signage proposed above the canopy, not to exceed 167.5 square feet in total sign area for the north elevation.

And based on the following findings:

1. The property is somewhat removed from the transit station, so it is appropriate to provide more visibility.
2. It is appropriate to allow more signage than is allowed by the ordinance given that University Ave SE is a wide street and active Commercial Corridor.
3. Because more sign area would be allowed on the building, which the applicant is not proposing, the increased size of the projecting sign is appropriate and reasonable.

Aye: Bender, Brown, Gisselman, Luepke-Pier and Slack

Absent: Forney, Gagnon and Kronzer

I. Site Plan Review: Application by Daniel L. Pellinen, on behalf of Dave Barnhart and Jeff Barnhart, for a site plan review for the property located at 2812 University Ave.

Action: The City Planning Commission adopted the findings and **approved** the site plan review application to allow a new, five-story hotel with 117 rooms at the properties located at the property located at 2812 University Ave SE, subject to the following conditions:

1. Approval of the final site, elevation, landscaping, and lighting plans by CPED staff.
2. All site improvements shall be completed by November 14, 2016, unless extended by the zoning administrator, or the permit may be revoked for non-compliance.
3. All signs are expected to comply with Chapter 541 of the zoning code. All signage requires a separate permit from CPED.
4. The applicant shall label the proposed mechanical equipment and screening materials to demonstrate compliance with the screening requirements of Chapter 535 of the zoning code.
5. The applicant shall provide no less two additional canopy trees on-site, for a total of five, and no less than 177 square feet of additional landscaped area.

Aye: Bender, Brown, Gisselman, Luepke-Pier and Slack
Absent: Forney, Gagnon and Kronzer

Staff Anderson presented the staff report.

President Tucker opened the public hearing.

Jeff Barnhart (2812 University Ave SE): I have two members from the neighborhood group here today to address the sign variance we're requesting. I wanted to introduce myself and thank you guys. It's been a pleasant process. Thank you.

Dan Pellinen [not on sign-in sheet]: We've been working with the Barnhart's on this property. I'd like to address the signage issue on the projecting sign. The spirit of the ordinance is to make sure that we don't have sign clutter. Some of the findings say that the additional variance won't increase the sign clutter. As Mei-Ling pointed out, we could actually have signage on three sides. The Williams Ave side faces a residential area; there is no commercial area down there. The signage allowed on the east side of the building towards the parking lot would be 270 square feet, quite a large sign. One of the objections was that they didn't want signage flashing in their windows. What we were looking at is the projecting sign is actually being done to add visibility from the light rail station and to add visibility from the west side of University Ave. When we first came to PPERIA, we had this sign at the top of the building and the sign on the canopy. PPERIA thought the blade sign over here would be better than the higher sign. The side facing east could have two signs that equal 270 square feet. We need to have visibility from that side and I think we could put the blade sign on the east side of the building. We addressed sign clutter. We are requesting less signage than what could actually be applied to this building.

Commissioner Luepke-Pier: Could you address the materials of the building?

Dan Pellinen: We have two stories of brick all the way around the base of the building. We have brick coming up the front area there and the rest is stucco.

Commissioner Luepke-Pier: Stucco or stucco panel?

Dan Pellinen: Real stucco.

Richard Gilyard (194 Malcom Ave): I'm a member of the Prospect Park neighborhood board, I'm a member of the Zoning and Project Review committee and I've been on a task force working on this project. I'm also a principal in Prospect Park 2020 which is a neighborhood community development corporation that for the past five years has been working on the reimagining of University Ave and the redevelopment as a high density, high intensity commercial avenue where it's a mix of housing, commercial, office, retail and the arts. That vision also goes north from University Ave to the railroad yards and there are several projects that have come forward and we've recruited to the area, including Surly and the Cornerstone project and United Properties, but the Barnhart property on the south side of the avenue is the first building that's going to be directly on University Ave. We've worked closely the last several months to try to make this the best possible building it can be. We succeeded in many ways; there's much more glass on the avenue, we've organized the interior somewhere to make the meeting spaces and cafeteria area more accessible to light and life on the street. We're happy to have this on the avenue. When the project came to us, the signing we saw we thought was wimpy and there was too much of it. We said we wanted a single blade sign which you can really read when you're coming down the avenue. University is very wide and it has light rail in the middle, traffic is intense and there is a lot going on on University Ave. We felt that a blade sign that you could read at a distance, had color to it,

was readable...when we bring all the buildings to the property line, when you're coming down the avenue, you get kind of a flatness. A sign that is projecting three feet six inches, adds to the texture and color and life of the avenue. We recommended this sign. I don't like it in white so we'll have to deal with that if the size is approved. The building you see next to it in the photograph, almost all the buildings on that side of the avenue are going to disappear and be redeveloped as buildings much more to the scale of the building being shown by the Barnhart's. Thank you.

Florence Littman (76 Clarence Ave SE): I'm on the PPERIA board and I'm also a member of the zoning committee. I'm here to support everything that was said regarding the sign. This is one of our great success stories. We've worked with the Barnhart's on a number of properties. To me it makes a lot of sense. We're making something look a lot better. When you cross over there and the train is there and there's a lot of traffic around, something that's on the building you don't even see. That sign will be seen and they do need some visibility. The pedestrians will have a better chance of seeing it also. The signage is less than what's allowed and we are the ones that suggested it. I think the consideration should really be paid to the people who have to look at it and the people who are willing to do it. This is a situation that should be supported. Thank you.

President Tucker closed the public hearing.

Commissioner Luepke-Pier: With item F, is the reason for approval is because of the elevation shift?

Staff Anderson: Yes. Along Williams Ave there is also going to be a lot of landscaping and a fence and screening so you won't be able to see it from Williams Ave.

Commissioner Luepke-Pier: The architect had a visual up that showed a sign on the east wall as well as one on the front. Would they both be allowed?

Staff Anderson: They could still apply for those, but they are not proposed at this time. They can apply up to the maximum sign allocation on that building wall.

Commissioner Gisselman: If we approved a variance for the projecting sign then would we also then have the authority to limit their ability to apply for the other signage?

Staff Anderson: I'd like to defer to Hilary about this.

Staff Dvorak: I think since it is a variance and it is of the size, I think you technically could limit the amount of signage on that building wall. I think because it is a variance request I think you could limit the signage to what they're proposing.

President Tucker: And give up the right for square footage on the east side?

Staff Dvorak: It wouldn't be unlike other applications or other variances that we've had where we've put conditions on them. If the applicant changes their mind and wants more signage in the future, we have had applications come back to this commission to remove conditions or apply for new variances to alter the conditions.

President Tucker: For instance, we could say that we'll approve the larger blade sign in lieu of signage proposed for the east side.

Staff Dvorak: Correct. You would need findings if you choose to overturn staff recommendation and you could use justification that there isn't signage on the other two elevations and that they are under their total sign allocation along University. It could be a rationale for why you're approving a larger sign, because they don't have sign clutter on the other elevations.

Commissioner Bender: Is the sign lit up?

Staff Anderson: According to the applicant it is internally lit. I haven't had them fully verify that it's not backlit so I might defer to the applicant if they have more information.

Commissioner Bender: If the building in the foreground was redeveloped as residential, would this sign affect future redevelopment in this area?

Staff Anderson: Staff does feel it could have impact on the residential buildings that are there now and in the future.

Staff Dvorak: To clarify, for the sign that you do see, the white part of the sign cannot be illuminated, it cannot glow and cannot be backlit because that is prohibited in the Pedestrian Oriented Overlay District. Only at night when lit, only the letters could shine through that cabinet.

Commissioner Brown: I move that we approve item A (Luepke-Pier seconded).

Aye: Bender, Brown, Gisselman, Luepke-Pier and Slack

Absent: Forney, Gagnon and Kronzer

Commissioner Brown: I will move approval of item B, C, D, E, F and G (Luepke-Pier seconded).

Aye: Bender, Brown, Gisselman, Luepke-Pier and Slack

Absent: Forney, Gagnon and Kronzer

Commissioner Brown: I will move that we approve item H (Luepke-Pier seconded). Since the property is a little bit removed from the transit station it's appropriate to have a little bit more visibility that projects from the building. I think because it's a wider and busier street that it's appropriate to have a little bit more signage. I'd like to add a condition to that variance that no additional signage be placed on the east wall of the building. I'd also like to make the finding that because there could potentially be a little bit less wall signage on the building that the size of the projecting sign is appropriate and reasonable.

Commissioner Luepke-Pier: I'd like to add to the condition that no additional signage on the north wall either with the exception of the signage proposed above the canopy.

Commissioner Tucker: The essence of this is that the larger blade sign in lieu of more signage on the north and east facades.

Commissioner Luepke-Pier: The signage that's currently proposed as we see it on the canopy and the blade is the total amount of signage allowed on the north and east facades.

Aye: Bender, Brown, Gisselman, Luepke-Pier and Slack

Absent: Forney, Gagnon and Kronzer

Commissioner Brown: I will move approval of item I (Luepke-Pier seconded).

Aye: Bender, Brown, Gisselman, Luepke-Pier and Slack

Absent: Forney, Gagnon and Kronzer