

**City of Minneapolis**  
**Request for Committee Action**

**To:** Zoning & Planning  
**Date:** 3/3/2016  
**From:** Community Planning & Economic Development  
**Prepared by:** Kimberly Holien, Senior Planner  
**Presented by:** Kimberly Holien, Senior Planner  
**File type:** Action  
**Subcategory:** Land Use Application

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**Subject:**

Variance appeal: Moxy Uptown, 1121 W Lake St and 3005 Emerson Ave S.

**Description:**

Considering an appeal submitted by Ben Graves of Graves Hospitality, regarding the City Planning Commission decision to deny a variance of the front yard setback requirement along Emerson Ave S from 15 feet to zero for a new six-story hotel with 123 rooms at 1121 W Lake Street and 3005 Emerson Avenue S.

**Previous Actions:**

On February 8, 2016, the City Planning Commission denied a variance to decrease the front yard setback requirement along Emerson Ave S from 15 feet to zero (BZZ-7544) for a new six-story hotel with 123 rooms at 1121 W Lake Street and 3005 Emerson Avenue S.

As part of the City Planning Commission review, the following actions were also taken:

**4. Moxy Uptown, 1121 W Lake Street and 3005 Emerson Avenue S, Ward 10  
Staff report by Kimberly Holien, BZZ-7544.**

**A. Rezoning.**

Action: Approved the application for a rezoning from the C2, Neighborhood Corridor Commercial zoning district to the C3A, Community Activity Center zoning district, retaining the PO, Pedestrian Oriented Overlay district.

**Aye:** Bender, Kronzer, Magrino, Rockwell, and Slack

**Nay:** Gagnon, Luepke-Pier, and Vreeland

**Absent:** Gisselman

**B. Conditional use permit to increase the maximum permitted height in the C3A district.**

Action: Approved the application for a conditional use permit to increase height in the C3A district from 4 stories or 56 feet to 6 stories, 72.5 feet, 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. The massing of the building shall be as shown in the plans, with the building stepping down to five stories on the south side.
3. The deck spaces on the south side of the sixth floor shall be removed.

**Aye:** Bender, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Vreeland

**Nay:** Gagnon

**Absent:** Gisselman

**C. Variance to exceed the maximum floor area ratio in the C3A district.**

Action: Approved the application for a variance to increase the maximum floor area ratio from 2.7 to 3.78.

**Aye:** Bender, Gagnon, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Vreeland

**Absent:** Gisselman

**D. Variance to reduce the front yard setback along Emerson Avenue S.**

Action: Denied the application for a variance of the front yard setback requirement along Emerson Avenue S from 15 feet to zero.

**Aye:** Bender, Gagnon, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Vreeland

**Absent:** Gisselman

**E. Variance to reduce the east rear yard setback.**

Action: Approved the application for a variance of the east rear yard setback requirement from 15 feet to zero, subject to the following condition:

1. The building shall step back 1.5 feet on the north end as shown in the plans to provide sightlines where the alley intersects with W Lake St.

**Aye:** Bender, Gagnon, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Vreeland

**Absent:** Gisselman

**F. Variance to reduce the minimum loading requirement.**

Action: Approved the application for a variance to reduce the minimum loading requirement from one large space to zero.

**Aye:** Bender, Gagnon, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Vreeland

**Absent:** Gisselman

**G. Site plan review.**

Action: **Approved** the application for site plan for a new hotel with 123 rooms, subject to the following conditions:

1. All site improvements shall be completed by February 8, 2018, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. CPED Staff shall review and approve the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. The plant materials, and installation and maintenance of the plant materials, shall comply with sections 530.200 and 530.210 of the zoning code.
4. Windows shall be added on the south side of the office space, facing the parking lot, in compliance with Section 530.120 of the zoning code.
5. The building shall maintain a 15-foot front yard setback for the south 25 feet of the property.
6. Signage shall be installed that directs exiting vehicles to turn north at the alley.
7. The use shall maintain a contract with a properly licensed valet provider for parking stalls within 800 feet of the principal entrance.

**Aye:** Bender, Gagnon, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Vreeland

**Absent:** Gisselman

**Ward/Neighborhood/Address:**

Ward 10

CARAG  
1121 W Lake Street and 3005 Emerson Avenue S

**Background/Analysis:**

Ben Graves of Graves Hospitality has appealed the decision of the City Planning Commission decision to deny a variance of the front yard setback requirement along Emerson Ave S from 15 feet to zero for a new six-story hotel with 123 rooms at 1121 W Lake Street and 3005 Emerson Avenue S.

The statement of appeal submitted by the applicant asserts that the front yard setback variance will not alter the essential character of Lake Street but enhance it and its transition on Emerson Avenue S. The applicant states that the building placement is reflective of their engagement with the CARAG Neighborhood group.

The appeal statement also includes the applicant's statement of findings for the front yard setback variance. The only portion of the building that encroaches into the required front yard is a 5' x 15' section of building in the southwest corner. The footprint of building portion located in the required yard is 75 square feet. The applicant states that there is 405 square feet of allowable building area to the south that they are not proposing to utilize. They assert that, if the front yard setback variance is denied, they will instead build five feet closer to the south property line, which conflicts with neighborhood desires, responsible design and a reinforcement of the W Lake Street corridor.

End of 60/120-Day Decision Period: On January 25, 2016, staff sent a letter to the applicant extending the decision period for an additional 60 days, to April 29, 2016.

**Financial Review:**

No financial impact.

**Attachments:**

1. Appellant's Statement
2. Meeting Minutes
3. CPED Staff Report and Attachments