

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

Subject:

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

Description:

Considering an appeal submitted by Philip Qualy, et al, regarding the City Planning Commission decision to approve several applications for a new six-story hotel with 123 rooms at 1121 W Lake Street and 3005 Emerson Avenue S. The appeal specifically relates to the decision of the City Planning Commission to approve a conditional use permit to increase height in the C3A district from 4 stories or 56 feet to 6 stories, 72.5 feet, a variance to increase the maximum floor area ratio from 2.7 to 3.78, a variance to reduce the east rear yard setback requirement from 15 feet to zero, and a variance of the minimum loading requirement.

Previous Actions:

On February 8, 2016, the City Planning Commission a conditional use permit to increase height in the C3A district from 4 stories or 56 feet to 6 stories, 72.5 feet, a variance to increase the maximum floor area ratio from 2.7 to 3.78, a variance to reduce the east rear yard setback requirement from 15 feet to zero, and a variance of the minimum loading requirement (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:

The appellants, Phillip Qualy, Mr. and Mrs. Dwayne Cody, Joan Marks, William H. Davis, Mr. and Mrs. Clark Olson, Justus Gibson, Nazeera Mohammad-Gibson, Mr. and Mrs. Steve Nowicki, Fred and Bryce Keen, Kay Graham, Nick Mozena, and Vince Underwood have appealed the decision of the City Planning Commission decision to approve a conditional use permit to increase height in the C3A district from 4 stories or 56 feet to 6 stories, 72.5 feet, a variance to increase the maximum floor area ratio from 2.7 to 3.78, a variance to reduce the east rear yard setback requirement from 15 feet to zero, and a variance of the minimum loading requirement for a new six-story hotel with 123 rooms at 1121 W Lake Street and 3005 Emerson Avenue S.

In the appeal statement the appellants object to the approval of the conditional use permit for height, asserting a conflict with the Uptown Small Area Plan. The appeal statement also states that the proposed height of six-stories would not be in keeping with the scale and character of surrounding uses, as the buildings south of the site are primarily single-family homes.

Regarding the floor area ratio variance, the statement of reasons for appeal asserts a lack of practical difficulties unique to the property that prevents the project from complying with the maximum floor area ratio requirement of 2.7. The appellant also states that the proposed floor area ratio is not a reasonable use of the property and it would alter the character of the single-family neighborhood to the south. This portion of the appeal statement also asserts that the floor area ratio would conflict with the Uptown Small Area Plan.

For the rear yard setback variance, the appeal statement again asserts that no practical difficulties exist in complying with the setback requirements. The appeal statement also notes that the proposed building placement would be unreasonable and pose a traffic safety issue for vehicles exiting the alley on to Lake Street.

The final application that is part of the appeal is a variance to reduce the minimum loading requirement from one large space to zero. The appellants cite the lack of practical difficulties and potential off-site impacts that may result from the absence of a designated loading zone on-site as reasons for why this variance should not be approved.

While rezonings are not eligible for appeal, the appellants also detail their objection to the rezoning from C2 to C3A. The full statement of appeal is attached for review.

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