

City of Minneapolis

Request for Committee Action

To: Zoning & Planning
Date: 9/29/2016
Referral: N/A
From: Community Planning & Economic Development
Lead Staff: Janelle Widmeier, Senior City Planner
Presented by: Janelle Widmeier, Senior City Planner
File Type: Action
Subcategory: Land Use Application

Subject:

Conditional use permit and variance appeal: Neighbors for East Bank Livability, 200 Central Ave SE and 113 2nd St SE

Description:

Considering an appeal submitted by Neighbors for East Bank Livability of the following City Planning Commission decisions for the property located at 200 Central Ave SE and 113 2nd St SE, to allow a new mixed use building:

1. Approving a conditional use permit (BZZ-7821) to increase the maximum allowed height of the building from 4 stories, or 56 feet, to 42 stories, or 483 feet 4 inches, subject to conditions.
2. Approving a variance (BZZ-7821) to increase the maximum allowed floor area ratio from 2.04 to 14.42.

Previous Actions:

On August 29, 2016, the City Planning Commission approved a conditional use permit to increase the maximum allowed height of a building and a variance to increase the maximum allowed floor area ratio (BZZ-7821) for the property located at 200 Central Ave SE and 113 2nd St SE to allow a new mixed use building. The full summary of actions is as follows:

200 Central Ave SE and 113 2nd St SE, Ward 3

Staff report by [Janelle Widmeier](#), BZZ-7821.

The City Planning Commission adopted staff findings for the applications by Alatus, LLC.

A. Conditional use permit.

Action: **Approved** the application to increase the maximum height of the building from 4 stories or 56 feet to 42 stories or 483 feet 4 inches, 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.

Aye: Bender, Luepke-Pier, Magrino, Rockwell, Slack and Sweasy

Nay: Vreeland

Absent: Gagnon and Kronzer

B. Variance to increase the maximum floor area ratio.

Action: **Approved** the application to increase the maximum floor area ratio (FAR) from 2.04 to 14.42.

Aye: Bender, Luepke-Pier, Rockwell, Slack and Sweasy

Nay: Magrino and Vreeland

Absent: Gagnon and Kronzer

C. Variance of the PO Pedestrian Oriented Overlay District standards.

Action: **Approved** the application to allow the first floor of the building to be located more than eight feet from the front property lines along Central Ave SE and 2nd St SE in the PO Pedestrian Oriented Overlay District.

Aye: Bender, Luepke-Pier, Rockwell, Slack, Sweasy and Vreeland

Nay: Magrino

Absent: Gagnon and Kronzer

D. Site plan review.

Action: **Approved** the application for a new mixed-use building including 214 dwelling units and 6,500 square feet of commercial space, subject to the following conditions:

1. At least one principal entrance for the commercial space shall face Central Ave SE.
2. The applicant shall work with CPED staff to incorporate bird-safe glazing on glass surfaces on the first 60 feet of the building. The applicant shall work with CPED staff to incorporate, where possible;
 - (1) Façade materials with a LEED Material Threat Factor less than or equal to twenty-five (25); or,
 - (2) Vertical physical structures or glass patterns that are at least one-eighth (1/8) inch wide at a maximum spacing of four (4) inches or horizontal physical structures or glass patterns that are at least one-eighth (1/8) inch wide at a maximum spacing of two (2) inches; or,
 - (3) A visible glass pattern that is white to medium gray on the inside surface of the exterior pane, also known as surface number two (2). The glass pattern shall meet at least one (1) of the specific standards below:
 - a) Horizontal line patterns shall be one-eighth (1/8) inch wide with two (2) inch on-center spacing; or,
 - b) Vertical line patterns shall be one-eighth (1/8) inch wide with four (4) inches on-center spacing; or,
 - c) Dot patterns with dots one-quarter (1/4) inch wide with two (2) inch on-center spacing; or,
 - d) Dot patterns with dots three-eighths (3/8) inch wide arranged in horizontal lines with two (2) inch on-center spacing or vertical lines with four (4) inch on-center spacing.
 - (4) In addition to the above precautionary construction measures, Alatus, and its assigns, will use commercially reasonable best efforts to operate the common area interior and exterior lighting in accordance with measures that include, but are not limited to, those actions enumerated in the International Dark-Sky Association's Residential/Business Lighting guidelines (located here: <http://darksky.org/lighting/residentialbusiness-lighting/>). Alatus will also follow "ABC Bird-Friendly Building Design" and Audubon Minnesota's guidelines to turn off all non-security exterior lighting during bird migratory periods (March 15 – June 10; August 15 – October 31) during the hours of midnight – 4:00 am.
3. All site improvements shall be completed by August 29, 2018, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
4. CPED staff shall review and approve the final site, elevation, landscaping, and lighting plans before building permits may be issued.

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

Absent: Gagnon and Kronzer

Ward/Address:

Ward 3

200 Central Ave SE and 113 2nd St SE

Background/Analysis:

On September 1, 2016, William Griffith, on behalf of Neighbors for East Bank Livability, filed an appeal of the City Planning Commission decision to approve a conditional use permit to increase the maximum allowed height of a building and a variance to increase the maximum allowed floor area ratio (BZZ-7821) for the property located at 200 Central Ave SE and 113 2nd St SE to allow a new mixed use building. The reason for the appeal is attached to this report. Please note that the appeal statement did not indicate that the other two applications, the variance of the PO overlay district standards and the site plan review, were included in the appeal application.

End of 120-day decision period: November 15, 2016

Financial Review:

No financial impact.

Attachments:

1. Statement for reason of appeal and additional documents
2. Excerpt from the August 29, 2016, City Planning Commission meeting
3. Original CPED staff report including attachments
4. Additional public comments received