



**Request for City Council Committee Action from the Department of Community Planning  
& Economic Development – Planning Division**

Date: September 9, 2008  
To: Council Member Gary Schiff, Chair of Zoning and Planning Committee  
Referral to: Zoning and Planning Committee  
**Subject:** Referral from the September 8, 2008 City Planning Commission Meeting  
**Recommendation:** See report from the City Planning Commission

**Prepared by:** Lisa Baldwin, Planning Commission Committee Clerk (612-673-3710)

**Approved by:** Jason Wittenberg, Supervisor, CPED Planning-Development Services

**Presenter in Committee:**

2. Carol Lorence (Vac-1549), Kimberly Holien, City Planner, x2402
4. Darryl Weivoda, 3118-3126 Queen Ave N, Janelle Widmeier, Sr Planner, x3156
7. CVS/Pharmacy, 4419 France Ave S, 3815 Sunnyside Ave and 3724 W 45th St, Hilary Dvorak, Sr Planner, x2639

**Community Impact (use any categories that apply)**

Other: See staff report(s) from the City Planning Commission

**Background/Supporting Information Attached**

The attached report summarizes the actions taken at the City Planning Commission meeting held on September 8, 2008. The findings and recommendations are respectfully submitted for the consideration of your Committee.

**REPORT  
of the  
CITY PLANNING COMMISSION  
of the City of Minneapolis**

---

The Minneapolis City Planning Commission, at its meeting on September 8, 2008 took action to **submit the attached comment** on the following items:

**2. Carol Lorence (Vac-1549, Ward: 13), ([Kimberly Holien](#)).**

**A. Vacation:** Application by Carol Lorence for a vacation of a section of the 45th St W right-of-way located adjacent to the property at 4500 Beard Ave S.

**Action:** The City Planning Commission recommended that the City Council accept the findings and **approve** the vacation subject to the above legal description prepared by Public Works and the provision of easements to Xcel Energy and Qwest.

**4. Darryl Weivoda (BZZ-4129, Ward: 4), 3118-3126 Queen Ave N ([Janelle Widmeier](#)).**

**A. Rezoning:** Application by Darryl Weivoda, on behalf of JanDar Investment, for a rezoning to add the Transitional Parking (TP) overlay district to the R2B Two-Family Residential district zoning at 3118 Queen Ave N.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the petition to rezone the property of 3118 Queen Ave N to add the TP Transitional Parking Overlay District.

**7. CVS/Pharmacy (BZZ-4116, Ward: 13), 4419 France Ave S, 3815 Sunnyside Ave and 3724 W 45th St ([Hilary Dvorak](#)). This item was continued from the August 18, 2008 meeting.**

**A. Rezoning:** Application by Kevin McGhee with Velmeir Companies for a petition to rezone the site located at 4419 France Ave S from the C1 zoning district to the C2 zoning district to allow a CVS Pharmacy with a drive-thru facility.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning of the site located at 4419 France Avenue South from the C1 zoning district to the C2 zoning district to allow for a use with a drive-through facility.

**Excerpt from the  
CITY PLANNING COMMISSION  
MINUTES**

**Minneapolis Community Planning & Economic Development (CPED)  
Planning Division**

250 South Fourth Street, Room 300  
Minneapolis, MN 55415-1385  
(612) 673-2597 Phone  
(612) 673-2526 Fax  
(612) 673-2157 TDD

---

**MEMORANDUM**

---

DATE: September 9, 2008

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of September 8, 2008

---

The following actions were taken by the Planning Commission on September 8, 2008. 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 Motzenbecker, Gorecki, Huynh, LaShomb, Norkus-Crampton, Schiff, Tucker and Williams – 8

Not present: Luepke-Pier and Nordyke

Committee Clerk: Lisa Baldwin (612) 673-3710

---

**2. Carol Lorence (Vac-1549, Ward: 13), ([Kimberly Holien](#)).**

**A. Vacation:** Application by Carol Lorence for a vacation of a section of the 45th St W right-of-way located adjacent to the property at 4500 Beard Ave S.

**Action:** The City Planning Commission recommended that the City Council accept the findings and **approve** the vacation subject to the above legal description prepared by Public Works and the provision of easements to Xcel Energy and Qwest.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

Commissioner LaShomb moved approval of the staff recommendation (Tucker seconded).

The motion carried 5-0 (Williams and Gorecki not present for vote).

**4. Darryl Weivoda (BZZ-4129, Ward: 4), 3118-3126 Queen Ave N ([Janelle Widmeier](#)).**

**A. Rezoning:** Application by Darryl Weivoda, on behalf of JanDar Investment, for a rezoning to add the Transitional Parking (TP) overlay district to the R2B Two-Family Residential district zoning at 3118 Queen Ave N.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the petition to rezone the property of 3118 Queen Ave N to add the TP Transitional Parking Overlay District.

**B. Conditional Use Permit:** Application by Darryl Weivoda, on behalf of JanDar Investment, for a conditional use permit to allow a parking lot in the TP overlay district for the properties located at 3118-3126 Queen Ave N.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow a surface parking lot in the TP overlay district for the property located at 3118 Queen Ave N, 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 one year of approval.
2. Closing of the parking lot between the hours of 10:00 p.m. and 6:00 a.m. shall not be required.

**C. Variance:** Application by Darryl Weivoda, on behalf of JanDar Investment, for a variance of the TP overlay district standards to allow a parking lot to be wider than 75 feet for the properties located at 3118-3126 Queen Ave N.

**Action:** The City Planning Commission adopted the findings and **approved** the application for variance of the TP overlay district standard requiring that the parking lot not exceed 75 feet in width for the properties located at 3118-3126 Queen Ave N.

**D. Variance:** Application by Darryl Weivoda, on behalf of JanDar Investment, for a variance to reduce the front yard requirement for the properties located at 3118-3126 Queen Ave N.

**Action:** The City Planning Commission adopted the findings and **denied** the application for a variance to reduce the front yard requirement along Queen Ave from 26.5 feet to 20 feet to allow a parking lot for the property located at 3118 Queen Ave N.

**E. Variance:** Application by Darryl Weivoda, on behalf of JanDar Investment, for a variance to reduce the interior side yard requirement on the north side of 3118 Queen Ave N and the interior side yard requirement on the south side of 3126 Queen Ave N.

**Action:** The City Planning Commission adopted the findings and **approved** the application for variances to reduce the interior side and rear yards on the north and east sides of the property located at 3118 Queen Ave N and the interior side yard requirement on the south side of the property located at 3126 Queen Ave N to allow a parking lot.

**F. Variance:** Application by Darryl Weivoda, on behalf of JanDar Investment, for a variance to increase the maximum amount of impervious surface allowed in the R2B district for the properties located at 3118-3126 Queen Ave N.

**Action:** The City Planning Commission adopted the findings and **denied** the application for variance to increase the maximum impervious surface requirement from 65 percent to 74.7 percent, and in lieu thereof, the City Planning Commission adopted the findings and **approved** a variance to increase the maximum impervious surface requirement from 65 percent to 70.4 percent for the property located at 3118 Queen Ave N, subject to the following condition:

1. A 26.5 foot wide yard shall be provided between the parking area and Queen Ave N from the south side of the site up to the south side of the proposed driveway access from Queen Ave.

**G. Site Plan Review:** Application by Darryl Weivoda, on behalf of JanDar Investment, for a site plan review for the properties located at 3118-3126 Queen Ave N.

**Action:** The City Planning Commission adopted the findings and **approved** the application for site plan review to allow a parking lot with 27 spaces for the properties located at 3118-3126 Queen Ave N, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by October 10, 2009, or the permit may be revoked for non-compliance.
3. A walkway at least 4 feet in width shall be provided between the parking area and the Lowry Avenue sidewalk that is next to the accessible parking spaces as required by section 530.130 of the zoning code.
4. At least 20 percent of the site shall be landscaped as required by section 530.160 of the zoning code.
5. At least 27 shrubs shall be provided on-site as required by section 530.160 of the zoning code.
6. Between the parking area and the Lowry Avenue right-of-way, at least one tree shall be provided, and if the Lowry Ave streetscape plans do not include a fence, screening that is at least 60 percent opaque and three feet tall shall also be provided as required by section 530.170.

7. Between the parking area and Queen Ave, screening that is at least 60 percent opaque and three feet tall shall be provided as required by section 530.170 of the zoning code. If the Lowry Ave streetscape plans include a fence, the same type of fence shall be installed along Queen Avenue.
8. Between the parking area and the adjacent residential property, a 3-foot high hedge shall be provided as required by section 530.170 of the zoning code.
9. Discontinuous curbing shall be provided on the west side of the parking area and the grading of the parking area shall be modified to facilitate some filtration and retention of stormwater as required by section 530.230 of the zoning code.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

Commissioner LaShomb moved approval of the staff recommendation (Tucker seconded).

The motion carried 5-0 (Williams and Gorecki not present for vote).