

2010 Meeting Schedule

Minneapolis City Planning Commission

Regular Meeting

June 14, 2010

4:30 p.m. - Room 317, City Hall, Minneapolis, Minnesota

Commissioners present: President Motzenbecker, Bates, Carter, Cohen, Gorecki, Huynh, Luepke-Pier, Schiff and Tucker – 9

Not present: Bourn

Committee Clerk: Lisa Baldwin (612) 673-3710

Call to order

Approval of the Agenda

Committee of the Whole Consent Agenda – May 27, 2010

None. The next Committee of the Whole meeting is June 17, 2010.

Public Hearings

Introduction to the Public Hearing

Public Hearing

1. **4232 Colfax Ave S (MS-205, Ward: 13), 4232 Colfax Ave S (Shanna Sether).**

A. Minor Subdivision: Application by Robert S. Carney Jr. for a minor subdivision that would create two lots at 4232 Colfax Ave S in the R1A Single Family Residence District, including a variance of the lot width standards to the subdivision regulations to reduce the minimum lot width of the proposed lots from 50 to 40 and 44 feet, where there is no alley present.

Action: The City Planning Commission **continued** the minor subdivision that would create two lots at 4232 Colfax Ave S in the R1A Single Family Residence District, including a variance of the lot width standards to the subdivision regulations to reduce the minimum lot width of the proposed lots from 50 to 40 and 44 feet, where there is no alley present, to the June 28, 2010, City Planning Commission public hearing.

2. **3800 26th St E (MS-206, Ward: 2), 3800 26th St E (Shanna Sether).**

A. Minor Subdivision: Application by Rebecca Alderson, on behalf of Scott and Bonnie Ulman, for a minor subdivision that would create two lots at 3800 26th St E in the R1 Single Family Residence District.

Action: The City Planning Commission adopted the findings and **approved** the minor subdivision that would create two lots at 3800 26th St E in the R1 Single Family Residence District.

3. Hiawatha Falls Liquor (BZZ-4796, Ward: 12), 4604 Minnehaha Ave (Jim Voll).

A. Conditional Use Permit: Application by Steve Allen for a conditional use permit to allow a liquor store in an existing building located at 4604 Minnehaha Ave.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit for an off-sale liquor store for property located at 4604 Minnehaha Ave 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. Compliance of the specific development standards for an off-sale liquor store as required by Chapter 536 Specific Development Standards of the zoning code.
3. The site shall be brought into compliance with the zoning code provision of section 541.320, marking of parking spaces, and section 541.360, landscaping, screening and curbing.
4. Provision of a trash enclosure as required by section 535.80 of the zoning code
5. All site improvements shall be completed by June 14, 2011, or the permit may be revoked for non-compliance.

4. Schatzlein Saddle Parking Lot (BZZ-4798, Ward: 10), 419 Lake St W (Kimberly Holien).

A. Conditional Use Permit: Application by Todd Heilicher of Advance Realty Co. for a conditional use permit to allow a principal parking facility located at 419 Lake Street W, in the C1 District.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit to allow parking facility in the C1 District for the property located at 419 Lake St W, 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 one year of approval.

B. Site Plan Review: Application by Todd Heilicher of Advance Realty Co. for a site plan review for property located at 419 Lake Street W, in the C1 District.

Action: The City Planning Commission adopted the findings and **approved** the site plan review for a new parking facility at the property of 217-229 419 Lake St W, subject to the following conditions:

1. CPED planning staff review and approval of the final site plan, lighting plan, landscaping plan, and signage plan is required before permits may be issued.
2. All site improvements shall be completed by June 14, 2011 (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
3. The sidewalk shall connect to the public sidewalk along Lake Street to more clearly direct pedestrian movements, in accordance with Section 530.130 of the zoning code.
4. The landscaped yard between the parking lot and Lake Street and along the south property line shall consist of screening that is a minimum of three feet in height and 60 percent opaque, in

compliance with Section 530.170 of the zoning code. Said screening shall consist of shrubs, or a combination of shrubs and decorative fencing.

5. The landscaped areas along the north, south, and west property lines shall be turf grass, or a combination of turf grass and wood mulch, in lieu of the proposed rock mulch, in compliance with Section 530.160 of the zoning code.
6. The applicant shall work with staff to ensure that the number of plants (perennials) in each of the raingarden areas is increased to closer to 100.

5. J. Jerome Boxleitner Place (BZZ-4757, Ward 5), 165 Glenwood Ave (Hilary Dvorak). This item was continued from the May 10, 2010 meeting.

A. Rezoning: Application by Lisa Germann with Cermak Rhoades Architects, on behalf of CHDC Boxleitner Place, for a rezoning to add the B4H Downtown Housing Overlay to the property located at 165 Glenwood Ave.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning of the property located at 165 Glenwood Ave to add the B4H Downtown Housing Overlay to the property.

B. Rezoning: Application by Lisa Germann with Cermak Rhoades Architects, on behalf of CHDC Boxleitner Place, for a rezoning to add the DS Downtown Shelter Overlay to the property located at 165 Glenwood Ave.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning of the property located at 165 Glenwood Ave to add the DS Downtown Shelter Overlay to the property.

C. Conditional Use Permit: Application by Lisa Germann with Cermak Rhoades Architects, on behalf of CHDC Boxleitner Place, for a conditional use permit to allow an 85-unit supporting housing facility located at 165 Glenwood Ave.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit to allow an 85-unit supporting housing facility located at 165 Glenwood Ave 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. There shall be no more than 85 rooming and/or dwelling units in the supportive housing portion of the development.

D. Conditional Use Permit: Application by Lisa Germann with Cermak Rhoades Architects, on behalf of CHDC Boxleitner Place, for a conditional use permit to allow a 251 bed overnight shelter facility located at 165 Glenwood Ave.

Action: The City Planning Commission adopted the findings and **approved** the conditional use to allow a 251 bed overnight shelter facility located at 165 Glenwood Ave 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. There shall be no more than 251 beds in the overnight shelter portion of the development.
3. Shelter guests shall be provided with an enclosed waiting area one hour prior to opening each evening, except when the shelter accepts guests by appointment only or is open 24 hours per day.
4. The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet shall be inspected regularly for purposes of removing any litter found thereon.

E. Conditional Use Permit: Application by Lisa Germann with Cermak Rhoades Architects, on behalf of CHDC Boxleitner Place, for a conditional use permit to increase the height of the building from the permitted 4 stories/56 feet to 7 stories/78 feet for property located at 165 Glenwood Ave.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit to increase the height of the building from the permitted 4 stories/56 feet to 7 stories/78 feet located at 165 Glenwood Ave 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 one year of approval.

F. Conditional Use Permit: Application by Lisa Germann with Cermak Rhoades Architects, on behalf of CHDC Boxleitner Place, for a conditional use permit to allow a 20-space surface parking lot in the DP Downtown Parking Overlay District for property located at 165 Glenwood Ave.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit to allow a 20-space surface parking lot in the DP Downtown Parking Overlay District located at 1918 19th Ave NE 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. There shall be no more than 20 parking spaces in the accessory surface parking lot.

G. Variance: Application by Lisa Germann with Cermak Rhoades Architects, on behalf of CHDC Boxleitner Place, for a variance to reduce the west side yard setback from the required 15 feet to zero feet to allow for a connection to an existing building located at 173 Glenwood Ave from 165 Glenwood Ave.

Action: The City Planning Commission adopted the findings and **approved** the variance application to reduce the west side yard setback from the required 15 feet to zero feet to allow for a connection to an existing building located at 173 Glenwood Ave located at 165 Glenwood Ave.

H. Variance: Application by Lisa Germann with Cermak Rhoades Architects, on behalf of CHDC Boxleitner Place, for a variance to reduce the west side yard setback from the required 15 feet to 7 feet to allow a surface parking lot for property located at 165 Glenwood Ave.

Action: The City Planning Commission adopted the findings and **returned** the variance application to reduce the west side yard setback from the required 15 feet to 7 feet to allow a surface parking lot located at 165 Glenwood Ave.

I. Site Plan Review: Application by Lisa Germann with Cermak Rhoades Architects, on behalf of CHDC Boxleitner Place, for a site plan review for the property located at 165 Glenwood Ave.

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for the property located at 165 Glenwood Ave subject to the following conditions:

1. The refuse and recycling containers on the Evergreen site shall be enclosed on all four sides by screening compatible with the principal structure not less than two feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses as required by section 535.80 of the zoning code.
2. The final lighting plan shall conform to the standards of Chapter 535, Regulations of General Applicability.
3. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
4. All site improvements shall be completed by July 23, 2011, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

J. Registered Land Survey: Application by Lisa Germann with Cermak Rhoades Architects, on behalf of CHDC Boxleitner Place, for a Registered Land Survey (RLS-59) for property located at 165 Glenwood Place.

Action: The City Planning Commission adopted the findings and **approved** the RLS application for the property located at 165 Glenwood Ave subject to the following condition:

1. A document that states that if the CIC is dissolved in the future, then the site will be replatted to create new tracts or lots that are in compliance with the requirements of the zoning code and subdivision ordinance shall be recorded with Hennepin County before the signed RLS will be released for recording with Hennepin County.

6. Burger King (BZZ-4800, Ward: 2), 925 Washington Ave SE (Jim Voll).

A. Conditional Use Permit: Application by Duke and King Acquisition Corp. for a conditional use permit for extended hours for property located at 925 Washington Ave. The C2 District allows business to open at 6:00 a.m. everyday. The Burger King is requesting to open at 5:00 a.m. Monday through Saturday. The C2 District allows business to be open until 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday. The Burger King proposes to be open until 1:00 a.m. Sunday through Wednesday and until 3:00 a.m. Thursday through Saturday.

Action: The City Planning Commission **continued** the conditional use permit to June 28, 2010, meeting of the City Planning Commission for property located at 925 Washington Ave SE.

B. Nonconforming Use Expansion: Application by Duke and King Acquisition Corp. for a nonconforming use expansion for property located at 925 Washington Ave.

Action: The City Planning Commission **continued** the expansion of a nonconforming use to June 28, 2010, meeting of the City Planning Commission for property located at 925 Washington Ave SE.

7. Kris Klel (BZZ-4790, Ward: 10), 2609 Aldrich Ave S (Shanna Sether).

A. Nonconforming Use Change: Application by Kris Kiel of One Yoga, on behalf of Art Spot, LLC, for a change of nonconforming use from a minor automobile repair use to a minor sports and health facility located at 2609 Aldrich Ave S in the OR1 Neighborhood Office Residence District.

Action: The City Planning Commission adopted the findings and **approved** the change of nonconforming use from a minor automobile repair use to a minor sports and health facility located at 2609 Aldrich Ave S in the OR1 Neighborhood Office Residence District subject to the following conditions:

1. CPED Planning staff review and approval of the final site, elevation, floor and landscaping plans.

2. All site improvements shall be completed by September 14, 2010, unless extended by the Zoning Administrator.
3. The refuse containers shall be screened according to 535.80 of the zoning code.
4. Any new signage must obtain approval from CPED-Planning.

8. People Incorporated (BZZ-4777, Ward 6), 2120 Park Ave and 2111 Oakland Ave (Hilary Dvorak).

A. Conditional Use Permit: Application by Katherine Cram with People Incorporated for a conditional use permit for a Community Residential Facility for 16 residents for the property located at 2120 Park Ave and 2111 Oakland Ave

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit for a community residential facility for 16 residents located at 2120 Park Ave and 2111 Oakland Ave 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. There shall be no more than 16 residents in the building.
3. On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.

B. Site Plan Review: Application by Katherine Cram with People Incorporated for a site plan review for the property located at 2120 Park Ave and 2111 Oakland Ave

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for the property located at 2120 Park Ave and 2111 Oakland Ave subject to the following conditions:

1. Changes cannot be made to the building that would reduce the amount of window openings.
2. The ground floor of the building must adhere to the active functions requirement of the zoning code as required by section 530.120 of the zoning code.
3. The applicant shall remove the concrete from the interior boulevard and the boulevard along East 22nd Street and replace it with sod.
4. An additional three canopy trees shall be planted on the site for a total of ten canopy trees as required by section 530.160 of the zoning code.
5. The two canopy trees on the north side of the parking area shall be planted so all of the parking spaces are located within 50 feet of an on-site deciduous tree as required by section 530.170 of the zoning code.
6. The refuse and recycling containers shall be enclosed on all four sides by screening compatible with the principal structure not less than two feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses as required by section 535.80 of the zoning code.
7. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.

8. All site improvements shall be completed by June 14, 2011, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

9. The Firm Workout Studio (BZZ-4779 and PL-243, Ward: 5), 1010 2nd Ave N, 1100 & 1102 2nd Ave N, 250 Fremont Ave N and 227 Colfax Ave N (Jim Voll).

A. Rezoning: Application by BC Gateway LLC, 227 Colfax LLC, and The Firm for a rezoning from OR2 Office Residence District to the C2 Neighborhood Corridor Commercial District with the PO Pedestrian Oriented Overlay District for property located at 1010 – 2nd Ave N, 1100 & 1102 – 2nd Ave N, 250 Fremont Ave N, and 227 Colfax Ave N.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning from the OR2 High Density Office Residential District to the C2 Neighborhood Corridor Commercial District with the PO Pedestrian Oriented Overlay District for property located at 1000 - 2nd Ave N, 1100 and 1102 - 2nd Ave N, and 227 Colfax Ave N (1010 - 2nd Ave N).

B. Conditional Use Permit: Application by BC Gateway LLC, 227 Colfax LLC, and The Firm for a conditional use permit for a major sports and health facility located at 1010 – 2nd Ave N, 1100 & 1102 – 2nd Ave N, 250 Fremont Ave N, and 227 Colfax Ave N.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit for a major sports and health facility for property located at 1010 - 2nd Ave N 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 one year of approval.

C. Conditional Use Permit: Application by BC Gateway LLC, 227 Colfax LLC, and The Firm for a conditional use permit to extend the hours of operation from 6:00 a.m. everyday to 5:30 a.m. everyday for property located at 1010 – 2nd Ave N, 1100 & 1102 – 2nd Ave N, 250 Fremont Ave N, and 227 Colfax Ave N.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit to allow the major sports and health facility to open at 5:30 a.m. everyday for property located at 1010 - 2nd Ave N 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 one year of approval.

D. Variance: Application by BC Gateway LLC, 227 Colfax LLC, and The Firm for a variance to reduce the required interior east side yard setback for proposed Lot 2 for an existing transformer from 7 feet to zero feet for property located at 1010 2nd Ave N and 227 Colfax Ave N.

Action: The City Planning Commission adopted the findings and **approved** the variance to reduce the required interior east side yard setback for proposed Lot 2 for an existing transformer from 7 feet to zero feet for property located at 1010 2nd Ave N and 227 Colfax Ave N.

E. Variance: Application by BC Gateway LLC, 227 Colfax LLC, and The Firm for a variance to reduce the required interior west side yard setback for proposed Lot 3 for existing parking from 7 feet to zero feet for property located at 1010 2nd Ave N and 227 Colfax Ave N.

Action: The City Planning Commission adopted the findings and **approved** the variance to reduce the required interior west side yard setback for proposed Lot 3 for existing parking from 7 feet to zero feet for property located at 1010 2nd Ave N and 227 Colfax Ave N.

F. Variance: Application by BC Gateway LLC, 227 Colfax LLC, and The Firm for a variance of the maximum gross floor area of a building and addition from 30,000 square feet to approximately 31,600 square feet for the 1010 2nd Ave N building.

Action: The City Planning Commission adopted the findings and **approved** the variance to increase the maximum allowable gross floor area from 30,000 to approximately 31,600 square feet for property located at 1010 2nd Ave N.

G. Variance: Application by BC Gateway LLC, 227 Colfax LLC, and The Firm for a variance to allow the parking area to exceed 60 feet of frontage to approximately 225 feet on Glenwood Ave for property located at 1010 2nd Ave N.

Action: The City Planning Commission adopted the findings and **approved** the variance to allow the parking area to exceed 60 feet of frontage to approximately 225 feet on Glenwood Ave for property located at 1010 2nd Ave N.

H. Variance: Application by BC Gateway LLC, 227 Colfax LLC, and The Firm for a variance to allow the parking area to exceed 60 feet of frontage to approximately 211 feet on 2nd Ave for property located at 1010 2nd Ave N.

Action: The City Planning Commission adopted the findings and **approved** the variance to allow the parking area to exceed 60 feet of frontage to approximately 211 feet on 2nd Ave for property located at 1010 2nd Ave N.

I. Variance: Application by BC Gateway LLC, 227 Colfax LLC, and The Firm for a variance to exceed the PO Overlay District maximum of 119 spaces to 158 spaces and deny a variance to exceed the Chapter 541 maximum of 158 spaces to 180 spaces for property located at 1010 2nd Ave N.

Action: Notwithstanding staff recommendation, the City Planning Commission **approved** a variance to exceed the Chapter 541 maximum of 158 spaces to 180 spaces for property located at 1010 2nd Ave N, with the following conditions:

1. Bicycle parking shall be provided equal to 20% of the total number of automobile parking spaces.
2. To encourage visual interest and pedestrian travel, the final elevations shall show areas for public art, but not murals, on the first floor 2nd Avenue North elevation that total not less than 20 percent of the non-window wall area of the first floor.

Based on the following findings:

1. The variance will allow a reasonable increase in parking.
2. The applicant provided information that the fitness center has unique and high-volume customer activity, including overlapping classes with timing based on their experience with customer demand in this area.
3. There is infrequent bus service during certain days and times of day.
4. The use will add bicycle parking.

J. Site Plan Review: Application by BC Gateway LLC, 227 Colfax LLC, and The Firm for a site plan review for property located at 1010 – 2nd Ave N, 1100 & 1102 – 2nd Ave N, 250 Fremont Ave N, and 227 Colfax Ave N.

Action: The City Planning Commission adopted the findings and **approved** the site plan review for property located 1010 2nd Ave N subject to the following conditions:

1. CPED Planning staff review and approve the site plan, lighting plan, landscaping plan, and elevations before permits may be issued.
2. All site improvements shall be completed by July 23, 2011, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
3. Provision of a four foot wide walkway that connects the building entrance to the public sidewalk on Glenwood Avenue as required by Section 530.130 of the zoning code, with an increase in landscaping along the walkway to provide an improved pedestrian character along the walkway.
4. Provision of one tree per 25 linear feet of parking lot frontage on Glenwood Avenue for a total of seven trees in the landscaped yard between the parking lot and the public sidewalk more or less uniformly distributed as required by section 530.170(b)(3) of the zoning code.
5. Compliance with the applicable SH Shoreland Overlay District regulations.
6. The applicant shall work with staff to increase the number of plugs in all the rain gardens .

K. Plat: Application by BC Gateway LLC, 227 Colfax LLC, and The Firm for a preliminary and final plat for property located at 1010 – 2nd Ave N, 1100 & 1102 – 2nd Ave N, 250 Fremont Ave N, and 227 Colfax Ave N.

Action: The City Planning Commission adopted the findings and **approved** the preliminary and final plat subdivision application for properties located at 1000 - 2nd Ave N, 1100 and 1102 - 2nd Ave N, and 227 Colfax Ave N (1010 - 2nd Ave N) and 250 Fremont Ave N.

Commission Business

The next Committee of the Whole meeting is Thursday, June 17, 2010.

Adjournment

The meeting adjourned at 6:06 p.m.

Next Regular Planning Commission Meeting: June 28, 2010

The President reserves the right to limit discussion on Agenda items.

Recommendations of the Planning Commission on public hearing items are only forwarded to the Zoning and Planning Committee of the City Council for applications for rezonings, street or alley vacations, Zoning Code text amendments, and comprehensive plan amendments. Planning Commission decisions are final on all other items unless appealed.

The meeting site is wheelchair accessible; if you need other disability related accommodations, such as a sign language interpreter or materials in alternative format, please contact 612-673-3220 (673-2157 TTY/VOICE) at least five days prior to the meeting.

Attention: If you want help translating this information, call **-Hmong** - Ceeb toom. Yog koj xav tau kev pab txhais cov xov no rau koj dawb, hu 612-673-2800; **Spanish** - Atención. Si desea recibir asistencia gratuita para traducir esta información, llama 612-673-2700; **Somali** - Ogow. Haddii aad dooneyso in lagaa kaalmeeyo tarjamadda macluumaadkani oo lacag la' aan wac 612-673-3500