

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit  
BZZ-4690

**Date:** February 22, 2010

**Applicant:** NorthMarq Real Estate Services

**Address of Property:** 1301 West Lake Street, 1311 West Lake Street, 3008 Fremont Avenue South, 3012 Fremont Avenue South, 1323 West Lake Street, 1401 West Lake Street, 1409 West Lake Street, 3003 Hennepin Avenue, 3027 Hennepin Avenue, 3037 Hennepin Avenue, 3043 Hennepin Avenue and 3045 Hennepin Avenue

**Project Name:** Calhoun Square

**Contact Person and Phone:** Carol Lansing with Faegre & Benson, (612) 766-7005

**Planning Staff and Phone:** Hilary Dvorak, (612) 673-2639

**Date Application Deemed Complete:** January 26, 2010

**End of 60-Day Decision Period:** March 28, 2010

**End of 120-Day Decision Period:** Not applicable for this application

**Ward:** 10      **Neighborhood Organization:** Calhoun Area Residents Action Group

**Existing Zoning:** C3A, Community Activity Center District with the PO Pedestrian Oriented Overlay District

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 24

**Legal Description:** Not applicable for this application

**Proposed Use:** Master Sign Plan

**Concurrent Review:**

Modification to the previously approved **conditional use permit** for a Planned Unit Development to revise the sign plan.

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits and Chapter 527, Planned Unit Development.

**Background:** In March of 2008 the City Planning Commission approved a series of land use applications to modify and expand the existing Calhoun Square shopping center. Construction is currently underway. At the time of the original approvals the future tenants of the building were unknown. Now that some of the tenants and the remaining tenant spaces have been identified the building owner is proposing a comprehensive sign plan for the building. Please note that most of the tenants that are already in the building have had their sign permits approved as they met the standards of the zoning code. The additional sign area that is being requested at this time is primarily for tenants that are not known.

Signs are subject to the requirements of Chapter 543, On-premise Signs. In the C3A zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall. However, if there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 180 square feet in size and projecting signs are limited to 48 square feet in size and shall not extend outward from the building more than four feet. There is no height limitation for either wall signs or projecting signs. Freestanding signs are limited to 80 square feet and can be no taller than eight feet. The zoning code also limits the number of freestanding signs on a zoning lot to one.

The applicant is not proposing to have any freestanding signs on the site so there can be one-and-a-half square feet of signage for every one foot of primary building wall. A primary building wall is defined as “an exterior building wall that faces a street or that faces an accessory parking area and contains a public entrance. When the exterior building walls are not parallel to a street, they shall be assigned to the street frontage to which they are most oriented”. Along West Lake Street there can be up to 397.5 square feet of signage, along Hennepin Avenue there can be up to 832.5 square feet of signage, along West 31<sup>st</sup> Street there can be up to 399 square feet of signage and along vacated Girard Avenue South there can be up to 832.5 square feet of signage. Please note that these calculations take into account the amount of signage that can be added to the Hennepin Avenue, West 31<sup>st</sup> Street and vacated Girard Avenue South sides of the building once Phase III is constructed. The applicant has indicated that the amount of signage on these three sides of the Phase III building will adhere to the one-and-a-half square feet of signage per one foot of primary building wall allowed.

The applicant has submitted a sign plan that illustrates how much signage is allowed per primary building wall and how much signage is both existing and proposed. Please note that the signage located on the wall that is diagonal to the intersection of West Lake Street and Hennepin Avenue has been divided in half and assigned to each of the two street frontages. According to the sign plan that was submitted the total amount of signage exceeds what is allowed per primary building wall on all sides of the building except along vacated Girard Avenue South. The applicant has applied for a modification to the previously approved conditional use permit for a Planned Unit Development to exceed the total amount of signage allowed on the West Lake Street, Hennepin Avenue and West 31<sup>st</sup> Street sides of the building.

**Calhoun Square Shopping Center**

	<b>West Lake Street</b>	<b>Hennepin Avenue</b>	<b>West 31<sup>st</sup> Street</b>	<b>Vacated Girard Avenue South</b>
<b>Total signage allowed (Phase II and III buildings combined)</b>	397.5 square feet	832.5 square feet	399 square feet	832.5 square feet
<b>Existing/approved signage</b>	431 square feet	364 square feet	736 square feet	330.5 square feet
<b>Proposed signage in Phase II</b>	192 square feet	540 square feet	0 square feet	0 square feet
<b>Proposed signage allowed in Phase III</b>		192.5 square feet	172.5 square feet	192 square feet
<b>Total signage proposed after Phase III is complete</b>	623 square feet	1096.5 square feet	908.5 square feet	Up to 832.5 square feet
<b>Total Amount of additional signage per street frontage</b>	<b>225.5 square feet</b>	<b>264 square feet</b>	<b>509.5 square feet</b>	<b>0 square feet</b>

In addition, the applicant is proposing to have signage on the parking ramp. The West 31<sup>st</sup> Street side of the parking ramp is a primary building wall since it faces a street but the sides of the parking ramp that face vacated Girard Avenue South and the alley are not primary building walls so the applicant has applied for a modification to the previously approved conditional use permit for a Planned Unit Development to allow signage on non-primary building walls.

**Calhoun Square Parking Ramp**

	<b>West 31<sup>st</sup> Street</b>	<b>Vacated Girard Avenue South</b>	<b>Public alley</b>
<b>Total signage allowed</b>	177 square feet	0 square feet	0 square feet
<b>Existing/approved signage</b>	32 square feet	32 square feet	16 square feet
<b>Proposed signage in Phase II</b>	0 square feet	96 square feet	0 square feet
<b>Total Amount of additional signage per street frontage</b>	<b>0 square feet</b>	<b>128 square feet</b>	<b>16 square feet</b>

The sign plan that was submitted shows the total amount of signage that will be placed on the building. However, the proposed size and location of each sign may be different from what is shown depending on individual tenant needs.

**CONDITIONAL USE PERMIT** - Modification to the previously approved conditional use permit for a Planned Unit Development to revise the sign plan

**Findings as Required by the Minneapolis Zoning Code:**

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

**1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The Planning Division does not believe that modifying the previously approved conditional use permit to revise the sign plan for the Calhoun Square planned unit development will be detrimental to or endanger the public health, safety, comfort or general welfare. The amount of signage that is being proposed on the shopping center is proportional to the size of the building and the location of the signage on the parking ramp is appropriate given the parking ramp entrance and exit locations.

**2. The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The Planning Division does not believe that modifying the previously approved conditional use permit to revise the sign plan for the Calhoun Square planned unit development would be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property. Again, the amount of signage that is being proposed on the shopping center is proportional to the size of the building and the location of the signage on the parking ramp is appropriate given the parking ramp entrance and exit locations.

**3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

Modifying the previously approved conditional use permit to revise the sign plan for the Calhoun Square planned unit development will not impact utilities, access roads, drainage or other necessary facilities.

**4. Adequate measures have been or will be taken to minimize traffic congestion in the public streets.**

Modifying the previously approved conditional use permit to revise the sign plan for the Calhoun Square planned unit development will not impact traffic congestion in the public streets.

**5. The conditional use is consistent with the applicable policies of the comprehensive plan.**

The site is located on the southeast corner of West Lake Street and Hennepin Avenue South. Both West Lake Street and Hennepin Avenue are designated Commercial Corridors. The intersection of West Lake Street and Hennepin Avenue South is also a designated Activity Center. The future land use map in *The*

*Minneapolis Plan for Sustainable Growth* designates this site as mixed-use. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Promote an attractive environment by minimizing visual clutter and confusion caused by a proliferation of signage (Urban Design Policy 10.20).
- Master sign plans shall be submitted for multi-tenant buildings to ensure a complementary relationship between signage and the architecture of a building (Implementation Step for Urban Design Policy 10.20).

The Planning Division believes that the proposed sign plan is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

**6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.**

City Planning Commission can approve alternatives to the zoning regulations applicable to the zoning district in which the planned unit development is located where the planned unit development includes site amenities. Site amenities are subject to the following standards:

- All planned unit developments shall provide at least one amenity or a combination of amenities that total at least ten points, beyond those required for any alternative(s), and even if no alternative(s) is requested.
- For each alternative requested, an amenity or a combination of amenities totaling at least five points, in addition to the amenity(ies) required in section 527.120(1), shall be provided. For multiple requests of the same alternative only one amenity shall be required for those alternatives.
- Unless otherwise determined by the city planning commission, each phase of the planned unit development shall include the amenities provided for any alternatives in that phase, as a part of the construction of that phase.
- In no case shall any item be counted as an amenity for an alternative if it is utilized to qualify for a density bonus in any zoning district, a floor area ratio premium in the Downtown Districts, or any other amenity in Table 527-1, Amenities.
- Where an amenity is provided that meets the standards required in Table 527-1, Amenities, the full point value assigned to said amenity shall be obtained. Where the amenity does not meet all of the standards required in Table 527-1, Amenities, no points shall be awarded. Partial points for alternatives shall not be awarded, except as otherwise allowed in Table 527-1, Amenities.

**Minimum required amenity(ies) of 10 points.** Per Section 527.90(c) planned unit developments approved before August 28, 2009, shall only be required to provide amenities for any alternatives requested as a part of an amendment. Since the original land use applications for the Calhoun Square planned unit development were adopted in March of 2008 the applicant is only required to provide an amenity(ies) worth five points for the sign alternative that is being requested.

**Placement and number of principal residential structures.** No alternative requested.

**Bulk regulations - floor area:** No alternative requested.

**Bulk regulations - height:** No alternative requested.

**Lot area requirements:** No alternative requested.

**Yards:** No alternative requested.

**On-premise signs:** The total amount of signage on the West Lake Street, Hennepin Avenue and West 31<sup>st</sup> Street sides of the Calhoun Square shopping center exceed what is allowed by the zoning code. In addition, signage is proposed to be located on the vacated Girard Avenue South and alley sides of the parking ramp which are not primary building walls. The applicant needs to provide an amenity or a combination of amenities totaling at least five points for the above sign exceptions being requested. See “amenities provided” section below.

**Off-street parking and loading:** No alternative requested.

**Amenities provided:** The applicant must provide an amenity or a combination of amenities totaling at least five points. The applicant proposes the following amenities: shared vehicle, pedestrian improvements, enhanced landscaping and recycling storage area.

A shared vehicle amenity would provide access to a shared passenger automobile available for short-term use. For residential uses, a minimum of one car per 100 dwelling units is required. Providing a shared vehicle is worth three points. There is currently one Hour Car provided in the parking ramp at Calhoun Square. The vehicle is available for use short-term use for anyone who has signed up for the shared car program. The applicant has indicated that if more than 100 residential units are constructed on the site that an additional Hour Car will be provided on site. The Planning Division believes that the standards for this three-point amenity have been met.

The pedestrian improvements amenity would include a site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site that exceeds the requirements of Chapter 530, Site Plan Review. The improvements shall use a combination of landscaping, decorative materials, access control and lighting to create a safe, clear and aesthetically pleasing access through and/or around the site that complies with the Americans with Disabilities Act accessibility requirements. Pedestrian improvements are worth three points. Once the construction is complete there will be a total of four entrances into Calhoun Square. All of the entrances are accessible. The internal corridors within the shopping center itself have been straightened out and align more directly to the building entrances. The elevator and escalators have been more centrally located which provide access to the second level. Both the ground level and second level connections to the parking ramp have been maintained. The plaza that connects West Lake Street to West 31<sup>st</sup> Street will be improved with landscaping, outdoor seating areas and decorative paving. The Planning Division believes that the standards for this three-point amenity have been met.

The enhanced landscaping amenity would provide a landscaping plan of exceptional design that has a variety of native tree, shrub, and plant types that provide seasonal interest and that exceed the requirements of Chapter 530, Site Plan Review. The landscaped areas shall have a resource efficient

irrigation system. The landscaping plan shall be prepared by a licensed landscape architect. Enhanced landscaping is worth one point. The landscaping plan that will be implemented this spring includes a variety of plant materials that are native to Minnesota and will provide visual interest year round. The overall amount of landscaping and the number of trees and shrubs provided exceed the minimum requirements of Chapter 530, Site Plan Review. The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped and 28 percent of the site will be landscaped. The zoning code requires at least 1 tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be provided. The tree and shrub requirement for the site is 33 and 164 respectfully. The applicant is providing a total of 41 canopy trees and 742 shrubs. In addition there will be 24 evergreen trees and 20 ornamental trees provided on the site. In addition, the applicant is proposing to plant perennials around the site is a variety of landscape planters. In addition, the landscape area will be irrigated. The Planning Division believes that the standards for this one-point amenity have been met.

A recycling storage area amenity would provide an easily accessible area that serves the entire building and is dedicated to the collection and storage of non-hazardous materials for recycling, including but not limited to paper, corrugated cardboard, glass, plastics and metals. The recycling storage area shall be located entirely below grade or entirely enclosed within the building. Providing a recycling storage area is worth one point. There are two recycling storage areas provided on the site. One is located along vacated Girard Avenue South near the north end of the site and the other is located on the south end of the building facing West 31<sup>st</sup> Street. The Planning Division believes that the standards for this one-point amenity have been met.

**Phasing plan:** This development is being constructed in three phases. Phase I was the expansion of the parking ramp which is almost complete. Phase II is the modification and expansion of the Calhoun Square shopping center which is currently under construction. Phase III is the construction of an addition to the Calhoun Square shopping center on the corner of Hennepin Avenue and West 31<sup>st</sup> Street and the construction of a new mixed-used building along West Lake Street between vacated Girard Avenue South and Fremont Avenue South. At this time it is unknown when construction will begin on Phase III.

In addition to the conditional use permit standards contained in Chapter 525, Administration and Enforcement, before approval of a planned unit development the city planning commission also shall find:

**1. That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:**

**a. The character of the uses in the proposed planned unit development, including in the case of residential uses, the variety of housing types and their relationship to other site elements and to surrounding development.**

The proposed mix of commercial and residential uses within the development will fit in well with the surrounding area which includes a mixture of general retail uses including clothing stores, book stores and home furnishing stores, restaurants, movie theaters, offices and

residential dwellings of varying densities. All uses within the development will be able to take advantage of the structured parking on site, the integrated transit shelter within the building, the green spaces around the site and the pedestrian plaza along vacated Girard Avenue South.

**b. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access, bicycle facilities and availability of transit alternatives.**

The TDMP that was approved in 2008 indicated that the development will not have a negative impact on air quality, the parking supply in the area or on the roadway infrastructure. This area of the City is well served by transit and is accessible by an established bike route system. There is a transit shelter built into the building near the corner of West Lake Street and Hennepin Avenue. In addition, there will be short term and long term bicycle parking provided on the site.

**c. The site amenities of the proposed planned unit development, including the location and functions of open space, the preservation or restoration of the natural environment or historic features, sustainability and urban design.**

The site amenities that were identified in 2008 include the renovation and reuse of Calhoun Square, designated seating areas within the shopping center, a mix of uses within the PUD, structured parking facilities for all uses within the PUD, an integrated transit shelter within the building, bicycle parking scattered around the site, increased green space on the site, an underground chamber system for stormwater runoff, the pedestrian plaza along vacated Girard Avenue South and the stepped back design of the two mixed-use buildings. As noted above, the applicant will be providing amenities that were not specifically required by the City Planning Commission or City Council as part of the previous approval of the project.

**d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.**

The existing portions of the shopping center that will remain on the site are made out of brick. The additions to the shopping center and the two proposed mixed-use buildings will be constructed primarily out of brick with stone and metal accents. The modifications to the shopping center have been designed to blend in with those portions of the building that will remain. The two proposed mixed-use buildings, although taller than the existing shopping center and other surrounding buildings, have been designed with a series of setbacks beginning at the third floor. By pulling the upper levels of the building back from the base of the building the impact of the overall building height on the surrounding uses is minimized.

Since the additional sign area that is being requested is primarily for tenants that are not known there are no specific sign plans to review at this time. Given this, the Planning Division is recommending that all of the new signs relate in size, shape, material, color, illumination and character to the function and architectural character of the building.

**e. An appropriate transition area shall be provided between the planned unit development and adjacent residential uses or residential zoning that considers landscaping, screening, access to light and air, building massing, and applicable policies of the comprehensive plan and adopted small area plans.**

Landscaping will be used to provide a transition area between the parking ramp and the residential properties on Fremont Avenue South which are separated by a public alley

**f. The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.**

The applicant is working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

**g. The consideration, where possible, of sustainable building practices during the construction phases and the use of deconstruction services and recycling of materials for the demolition phase.**

Renovating the existing shopping center instead of demolishing it is a sustainable building practice.

**2. That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.**

A plat in compliance with Chapter 598, Land Subdivision Regulations was approved in 2008. Although the final plat was never recorded with Hennepin County the applicant has indicated that once the final plans for Phase III are known the plat will be recorded.

## **RECOMMENDATIONS**

### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the modification to the previously approved conditional use permit for a Planned Unit Development to revise the sign plan located at 1301 West Lake Street, 1311 West Lake Street, 3008 Fremont Avenue South, 3012 Fremont Avenue South, 1323 West Lake Street, 1401 West Lake Street, 1409 West Lake Street, 3003 Hennepin Avenue, 3027 Hennepin Avenue, 3037 Hennepin Avenue, 3043 Hennepin Avenue and 3045 Hennepin Avenue subject to the following conditions:

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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. As required by section 527.120 of the zoning code, the development includes the following amenities from Table 527-1, Amenities: shared vehicle, pedestrian improvements, enhanced landscaping and recycling storage area.
3. All of the new signs shall relate in size, shape, material, color, illumination and character to the function and architectural character of the building.

**Attachments:**

1. Statement of proposed use and project description
2. Conditional use permit findings
3. January 15, 2010, letters to Council Member Tuthill and CARAG
4. Zoning map
5. Sign information including photos and elevations
6. Site plan, leasing plans and landscaping plan