

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit for a Planned Unit Development, Variance, Site Plan Review
BZZ-4987

Date: December 13, 2010

Applicant: Jones Lang Lasalle on behalf of ROF Calhoun Square, LLC and The Norman J. Ackerberg Irrevocable Trust F/B/O Lisette Ackerberg

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 LLP, (612) 766-7005

Planning Staff and Phone: Kimberly Holien, (612) 673-2402

Date Application Deemed Complete: October 7, 2010

End of 60-Day Decision Period: December 6, 2010

End of 120-Day Decision Period: On December 3, 2010 staff sent a letter to the applicant extending the decision period for an additional 60 days, to February 4, 2011.

Ward: 10 **Neighborhood Organization:** Calhoun Area Residents Action Group, East Calhoun Community Organization, East Isles Residents Association, Lowry Hill East Neighborhood Association

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 (properties to be rezoned): Not applicable for this application

Proposed Use: Amendment to the previously approved planned unit development for the construction of a 14,972 square foot retail store and revisions to the comprehensive sign plan.

Concurrent Review:

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Conditional use permit: To amend the previously approved Planned Unit Development to allow for the construction of a 14,972 square foot retail store at the corner of 31st Street and Hennepin Avenue and to revise the master sign plan.

Variance: To increase the gross floor area of individual retail sales and services spaces within the shopping center, specifically as it relates to a previous condition of approval for this approved variance.

Site plan review

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX Variances and Chapter 530 Site Plan Review.

Background: Calhoun Square is an existing shopping center located on the southeast corner of the intersection of West Lake Street and Hennepin Avenue South. The development site includes the entire block bounded by West Lake Street on the north, Hennepin Avenue on the west, West 31st Street on the south and vacated Girard Avenue South on the east. The site also includes the entire west half of the block located on the east side of vacated Girard Avenue South and the properties located on the southwest corner of West Lake Street and Fremont Avenue South including 1301 and 1311 West Lake Street and 3008 and 3012 Fremont Avenue South. The development incorporates a mix of uses, including restaurants, retail uses and a fitness center.

In March of 2008 the City Planning Commission approved a conditional use permit for a Planned Unit Development including a total of approximately 245,763 square feet of commercial and office space and 108 dwelling units for Calhoun Square. The approvals at that time also included a conditional use permit for 108 dwelling units, a conditional use permit for a shopping center, a conditional use permit for a major sports and health facility, a conditional use permit for extended hours of operation for the major sports and health facility, a variance to the Pedestrian Oriented Overlay (PO) district standards, a variance to increase the gross floor area of individual commercial spaces, and site plan review. The project was to be completed in phases. In February of 2010, the applicant received approvals from the City Planning Commission for a comprehensive sign plan for the Planned Unit Development. Phase 1 of the project included the expansion of the parking ramp, which has been completed. Phase 2 of the project is currently underway, and includes the expansion and remodel of the existing shopping center building. Phase 3 is approved to include new buildings on Lake Street.

The request at this time is to amend the previously approved Planned Unit Development, specifically as it relates to the proposal at the corner of Hennepin Avenue and 31st Street. The 2008 approvals included a 5-story mixed use building with retail, three levels of housing and underground parking in this location. Due to the economic downturn since the 2008 plan was approved, the applicant has been unable to secure either a housing development partner or office tenants for Phase 3. The amended conditional use permit would include a single-story retail space with 14,972 square feet of floor area at this corner with no underground parking. The retail tenant, CB2, includes a large retail space, accessory warehouse space and a terrace adjacent to a surface parking area on the east side of the building. The building footprint is nearly identical to that proposed in 2008, which was approved at 14,784 square feet.

In addition to the building modifications, the amendment includes revisions to the parking/loading area and the pedestrian promenade that runs along vacated Girard Avenue. The elimination of the underground parking garage results in a proposal to modify access and traffic patterns. The access into

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the site from 31st Street will be relocated 24 feet east of the location approved in 2008. This access will be used by delivery and service vehicles and provides a connection to the fire lane within the Girard promenade. With the relocated fire lane, the applicant is proposing additional landscaping, screening and a seat wall to more clearly delineate the access lane into the parking ramp. A small surface parking area is also proposed on the east side of the proposed CB2 building.

Also included in this application are modifications to the previously approved sign plan and screening of mechanical equipment adjacent to the Famous Dave's tenant space. The applicant is proposing additional signage on the 31st Street elevation for the CB2 use. Additional signage is also proposed for the Hennepin Avenue elevation and a small amount of additional signage is proposed on the Lake Street elevation. The signage requested for the Hennepin Avenue elevation is primarily for tenant spaces that are located on the interior of the building with no street frontage and the CB2 use.

The final application at this time is for a variance to increase the gross floor area of individual retail sales and services spaces within the shopping center. This variance was actually approved as part of the 2008 application with conditions. One of those conditions required all ground floor retail sales and services tenants fronting along a public street to have a public entrance facing the street that remains open during the business' hours. The applicant is requesting that this condition be amended to allow retail tenants to lock their doors after 5:00 p.m. each day and from December 1-March 31 of each year. The requested amendment to this condition also asks that the two tenant spaces fronting on Hennepin Avenue, closest to the intersection with Lake Street, be allowed to operate without exterior entrances.

The project is being reviewed as one unified development in accordance with the regulations of Chapter 527, Planned Unit Development. The purpose of developing under the provisions of a Planned Unit Development (PUD) is to "...provide flexibility in the use of land and the placement and size of buildings in order to better utilize the special features of sites and to obtain a higher quality of development which incorporates high levels of amenities and which meets public objectives for protection and preservation of natural and historic features." The project was previously approved as a Planned Unit Development and the changes to the approved plan at this time require an amended conditional use permit.

The Calhoun Area Residents Action Group (CARAG), the official neighborhood group, met on October 19th to review the proposed project. The neighborhood group forwarded comments to staff and the full record of their comments is attached. In summary, CARAG recommends approval of the request to modify the conditional of approval on the floor area variance, approval of the conditional use permit modification relating signage with conditions and denial of the conditional use permit modification for the building addition. Specifically, the neighborhood group is concerned that the 24-foot building height proposed for the addition is not consistent with the policies in the *Uptown Small Area Plan*.

This item was heard by the City Planning Commission at its meeting on November 1, 2010 and was continued to allow the applicant an opportunity to explore a project with two or more floors. This item was also discussed at Committee of the Whole on November 18, 2010. The CoW discussion focused on the feasibility of a second story. No revisions have been made to the project. The applicant has stated that previous attempts to enter into lease agreements for potential second story office space have been unsuccessful. Likewise, the applicant stated that residential uses are not feasible at this time due to economic conditions. However, the applicant submitted a letter dated November 29, 2010 indicating that

the building will be constructed with structural accommodations made for a vertical addition in the future, when market conditions approve. This letter has been attached for reference.

CONDITIONAL USE PERMIT: (To amend the previously approved Planned Unit Development to allow for the construction of a 14,972 square foot retail store at the corner of 31st Street and Hennepin Avenue and to revise the master sign plan.)

Findings As Required By The Minneapolis Zoning Code For Conditional Use Permits:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Planning staff does not believe the modifying the previously approved conditional use permit for the Planned Unit Development to accommodate the CB2 use will be detrimental to or endanger the public health, safety, comfort or general welfare. An anchor retail tenant in this location, within the boundaries of an Activity Center, will contribute to the vitality of the area. The 2008 Planned Unit Development approvals included a 5-story mixed use building with retail, three levels of housing and underground parking in this corner location. The amended conditional use permit would now include a single-story retail space with 14,972 square feet of floor area with no underground parking. This single-story, single tenant retail use and associated site modifications is not expected to have any detrimental impact on the area. The building footprint is nearly identical to that approved in 2008.

The proposed modifications to the Girard pedestrian promenade will improve pedestrian circulation and more clearly direct vehicle traffic into the parking ramp. The flexibility requested for the proposed signage is proportionate for a two-story shopping center and not expected to have a detrimental impact on the public. The signage is reviewed further below.

Calhoun Square was first constructed in 1984. The shopping center is an important asset to Minneapolis and its success is vital to the area's economic achievement as a retail destination. The surrounding area 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. The proposed development will complement the existing uses in the area and within the PUD by providing a large retail tenant space at the corner.

2. 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 retail use proposed as part of this phase of the development is not expected to be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development of surrounding property. Retail uses are permitted in the C3A district and this particular portion of the site has historically contained retail uses. The footprint of the CB2 building is nearly identical in size to

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the building footprint previously approved for this phase of the project. The other site modifications proposed, particularly the landscaping and modifications near the pedestrian promenade will improve circulation through the site and create a more desirable pedestrian area on the east side of the building. The signage proposed at this time likewise will not be injurious to the use and enjoyment of other property in the area provided it complies with the conditions outline below.

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

Roads and utilities are existing and adequate. The approved access location from 31st Street will be relocated as part of this phase of the project and modifications are proposed to more effectively delineate the pedestrian promenade from the parking ramp entrance. The applicant has been and will continue to work 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. The Preliminary Development Review report for CB2 addition is attached.

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

The site has adequate off-street parking which will limit any traffic congestion in the adjacent public streets. The overall parking requirement for uses within the Planned Unit Development is as follows:

Use	Minimum Requirement	GFA/No. of units	Base Minimum	Minimum at 75% per PO	Minimum with 10% reduction
Retail	1 per 500 SF of GFA in excess of 4,000 SF	60,142	112 spaces	84 spaces	76 spaces
Restaurant	1 per 500 SF of GFA + 1 per 300 SF in excess of 2,000	33,028 SF	107 spaces	81 spaces	73 spaces
Restaurant w/ General entertainment	30% of the capacity of persons	10,478 SF seating area	210 spaces	157 spaces	141 spaces
Office	1 per 500 SF of GFA in excess of 4,000	3,708 SF	4 spaces	3 spaces	3 spaces
Major sports and health facility	1 per 500 SF of GFA + as applicable for indoor recreation area	32,273 SF	65 spaces	48 spaces	44 spaces
Cooking School	1 per classroom + 1 per every 5 students	1 classroom	7 spaces	5 spaces	5 spaces
Phase 3 retail	1 per 500 SF of GFA in excess of 4,000 SF.	64,384 SF	121 spaces	91 spaces	82 spaces
Phase 3 residential	1 space per dwelling unit	108 units	108 spaces	N/A	97 spaces
CB2 retail	1 per 500 SF of GFA in excess of 4,000 SF	14,972 SF	22 spaces	16 spaces	15 spaces

Total required parking	536 spaces
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The existing parking ramp contains 731 parking stalls. An additional 84 underground parking stalls are anticipated as part of Phase 3 and seven surface parking stalls are also proposed as part of this phase of the project.

A TDMP was submitted to the City for review in January of 2008. The TDMP was approved and concluded that, “in terms of vehicular delay and queuing, none of the site driveways directly accessing local streets (West Lake Street, West 31st Street and Fremont Avenue) are expected to experience problems.” Construction of the CB2 use is not expected to increase congestion over what was evaluated in the TDMP in 2008. The retail use proposed as part of this phase is less intense than what was evaluated for this portion of the site in the TDMP.

5. 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:

Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

- 1.1.3 Encourage the use of flexible regulatory options that promote high quality development, such as the Planned Unit Development (PUD) tool.
- 1.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.
- 1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Policy 1.3: Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.

- 1.3.1 Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings.
- 1.3.2 Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.

Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

- 1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.
- 1.4.2 Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.

Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.

Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

- 1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character.
- 1.10.4 Encourage a height of at least two stories for new buildings along Commercial Corridors, in keeping with neighborhood character.

Policy 1.12: Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.

- 1.12.1 Encourage a variety of commercial and residential uses that generate activity all day long and into the evening.
- 1.12.8 Support district parking strategies in Activity Centers, including shared parking facilities with uniform signage, and other strategies.
- 1.12.9 Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces in Activity Centers.
- 1.12.10 Encourage developments to incorporate climate sensitive site and building design practices.

Policy 10.20: Promote an attractive environment by minimizing visual clutter and confusion caused by a proliferation of signage.

- 10.20.2 Master sign plans shall be submitted for multi-tenant buildings to ensure a complementary relationship between signage and the architecture of a building.

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The Planning Division believes that the proposed retail development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*. Further, the modifications requested to the master sign plan would be consistent with the urban design policies related to signage with the conditions of approval proposed below.

The site is also within the study area of the *Uptown Small Area Plan*. The *Uptown Small Area Plan* states that the most intense development should occur in the core of Uptown, which includes the subject site, because it is underdeveloped and served well by transit. The plan calls for mid-rise, mixed use development in the core and within the boundaries of the Activity Center. Specifically, a height of three to five stories is recommended. The small area plan specifically addresses the Calhoun Square development as follows,

“A redeveloped Calhoun Square should remain the anchor for Uptown and the Activity Center. The Plan recommends Calhoun Square continue to house restaurants and regional shopping attractions. However, the Plan recommends the new Calhoun Square introduce housing and offices onto the property, assuring the 100 percent corner of Hennepin Avenue and Lake Street remain active around the clock. Commercial development on the site should be located toward Lake Street and Hennepin Avenue. Building height should be toward the core of the Activity Center and the existing neighborhood scale on Fremont Avenue and 31st Street should be respected.

The redeveloped Calhoun Square should also remain a community anchor by redesigning the internal corridor as a public atrium, forecourt or courtyard. The new gathering space should be programmed and designed to accommodate a range of users, including families. The Plan recommends the new Calhoun Square be more urban and interactive by opening directly onto the sidewalks (whenever possible) and creating common spaces that encourage gathering and interaction for residents and visitors alike throughout the seasons.

Anticipating increased pedestrian activity in the area, the Plan recommends developing a strong pedestrian link between the north side of the Greenway and Calhoun Square along Girard Avenue. Such a connection can be realized in many ways. With the possibility of a redeveloped Calhoun Square and the Plaza at Mozaic, the Girard Avenue entrance to Calhoun Square should be emphasized for evening use. Girard Avenue should be redesigned as the Girard Meander, a pedestrian spine between the Greenway, Mozaic and Calhoun Square. The Girard Meander should become a festive public space that, like the main streets of Uptown, is animated with pedestrians walking from Calhoun Square to Mozaic and the Greenway. Girard Avenue should remain a vehicular street but should be designed to be closed, on occasion, on weekends and evenings or for special events.

The proposed CB2 store would provide a large retail space oriented to Hennepin Avenue with an entrance opening onto the adjacent public sidewalk. While the proposed building would not be mixed

use, it will have a height of 24 feet, therefore classified as two stories per the zoning code definition. This height, while shorter than what is recommended in the small area plan, is consistent with other recent infill development along Hennepin Avenue and the height of the existing Calhoun Square development. The Girard Meander currently functions as a pedestrian promenade through the site and is not accessible to vehicle traffic, with the exception of a fire lane. As part of this phase of the project, additional landscaping and screening will be added between the promenade and the access drive to the parking ramp to more clearly delineate the pedestrian space from the vehicle driveway. This pedestrian promenade is expected to function more effectively as a gathering space with the proposed modification.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

The 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. Amenities have already been approved for the sign alternatives requested as part of the comprehensive sign plan. No additional amenities are required with the modification to the sign plan at this time. No other alternatives are requested as part of this phase of the development. With the approval of the master sign plan, the proposed retail use would comply with all applicable regulations in the C3A district.

Findings Required For Planned Unit Developments:

- A. The planned unit development conforms to the applicable standards for alternatives and amenities. (See Section A Below for Evaluation)**
- B. Additional uses. (See Section B Below for Evaluation)**
- C. The planned unit development conforms to the required findings for a planned unit development. (See Section C Below for Evaluation)**

Section A: Authorized Alternatives and Amenities Provided

- All planned unit developments shall provide at least one (1) amenity or a combination of amenities that total at least ten (10) 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 (5) 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 (1) 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 any new alternatives that are being requested. No alternatives are requested at this time, other than the modifications to the previously approved master sign plan. The alternative for the sign plan was evaluated at the time of initial approval in February of 2010.

Placement and number of principal residential structures: No alternatives requested.

Bulk regulations: No alternatives requested.

Lot area requirements: No alternatives requested.

Yards: No alternatives requested.

On-premise signs: No additional alternatives are requested. Alternatives for the comprehensive sign plan were approved in February of 2010. Amenities approved at that time included a shared vehicle, pedestrian improvements, enhanced landscaping and a recycling storage area. Additional signage is proposed as part of this phase of the project, but no additional amenities are required. The city planning commission may authorize alternatives to the sign standards for the purpose of promoting an integrated master sign plan, provided the master sign plan meets the following criteria:

(1) The sign plan may not allow a sign that is otherwise prohibited by the zoning ordinance.

The applicant is not proposing any prohibited signs. The majority of the signs proposed at this time are wall signs. One blade sign is also proposed for the CB2 use.

(2) The alternative will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.

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 31st 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 31st Street and vacated Girard Avenue South sides of the building once the remaining Phase III is constructed.

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In February of 2010 the applicant received approvals for a master sign plan at which time the amount of signage requested per building wall was as follows:

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

The only exception approved for the building in February 2010 was 92 square feet of additional signage along West Lake Street. Additional signage was also approved for the parking ramp. The chart below illustrates the amount of signage that has been previously approved for each building wall, excluding the parking ramp, the size and location of all existing signage and additional signage proposed at this time:

	West Lake Street	Hennepin Avenue	West 31st Street	Vacated Girard Ave South
Total signage allowed per code	397.50 SF	832.5 SF	399 SF	832.5 SF
Total area approved on 1/18/10	523 SF	N/A	N/A	N/A
Existing signage	526.25 SF	397.25 SF	464 SF	570.25 SF
Proposed signage	0 SF	CB2 blade sign: 34 SF CB2 wall sign: 64.13 SF CB2 window sign: 4 SF Suites 1100-1175: 333 SF Project entry signs: 50 SF Interior tenant wall signs:	CB2 wall sign: 64.13 SF CB2 window sign: 4 SF	CB2 wall sign: 64.13 SF CB2 wall sign: 7.5 SF Project entry signs: 25 SF

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		192 SF		
Subtotal	0	677.13 SF	68.13 SF	96.63 SF
Total signage requested per street frontage	526.25 SF	1074.38 SF	532.13 SF	832.5 SF
Amount of requested exception	128.75 SF	241.88 SF	133.13 SF	0 SF

The additional signage requested on the 31st Street elevation will be primarily for the CB2 use. The vast majority of signage currently on this elevation is comprised of murals for the Famous Dave’s use, which are existing non-conforming signs. If the CB2 use was in a standalone building, the amount of signage that would be allowed based on the building wall is 178 square feet. However, because it is incorporated into a unified development that has existing signage, an exception has been requested to allow 68.13 square feet of additional signage for this use. The total amount of the exception requested for this wall, including existing signage, is 133.13 square feet. Staff is recommending a condition of approval specific to the existing murals that, if implemented, will ensure that the signage proposed on this elevation does not lead to sign clutter.

Along Hennepin Avenue, the applicant is requesting 102.13 square feet of additional signage for the CB2 use and 575 square feet of additional signage for potential tenants of Suites 1100-1175, potential interior tenants and a building identification sign. There is some permitted signage on this elevation that is not currently being utilized. Therefore, the total exception requested at this time is 241.88 square feet. The applicant has stated that flexibility for signage is critical to successful leasing of the unoccupied tenant spaces. Signage for the interior tenants will be organized over the shopping center entrance facing Hennepin Avenue and signage for street level tenants will be above each tenant space. The organization and placement of the proposed signage will assist in minimizing sign clutter. As a condition of approval, signage for interior tenant spaces shall be allowed over the main building entrance only.

Finally, the amount of additional signage proposed along Lake Street is 3.25 square feet over what was approved in February. This minimal amount of additional signage will not lead to sign clutter.

The signage proposed along Lake Street and Girard for the remainder of Phase 3 is not included in these calculations. The signage for these building walls is allowed per the previous application, based on the linear street frontage of the Phase 3 buildings.

(3) The alternative will allow a sign that relates in size, shape, materials, color, illumination and character to the function and architectural character of the building or property on which the sign will be located.

The sign plan previously approved for the site anticipated that changes to the signage may be necessary as tenant spaces became occupied. All signage proposed will relate to the function and architectural character of the building by organizing them in relation to the storefronts and main building entrances.

Off-street parking and loading: No alternatives requested.

Amenities provided: As previously stated, a comprehensive sign plan for the Planned Unit Development was approved in February of 2010. At that time, the applicant provided a combination of amenities to achieve the five points required for alternatives requested for the comprehensive sign plan. The amenities provided include a shared vehicle, pedestrian improvements, enhanced landscaping and a recycling storage area. No additional amenities are required for the alterations to the comprehensive sign plan. No further alternatives are requested at this time.

Phasing plan: This development is being constructed in 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 a new mixed-used building along West Lake Street between vacated Girard Avenue South and Fremont Avenue South. The CB2 store proposed at this time was initially included as part of Phase III. The construction timeline for the remainder of Phase III is unknown at this time.

Section B: Additional uses:

- **In general.** The city planning commission may authorize additional uses in the zoning district in which the planned unit development is located as provided below and subject to section 527.210. An amenity is not required in order to allow an additional use.
- **Residence and OR1 Districts.** The city planning commission may authorize additional residential uses, small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics within a planned unit development located in the Residence and OR1 Districts. The additional small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics shall not exceed two thousand (2,000) square feet per use, unless otherwise allowed by the zoning district in which the use is located.
- **OR2 and OR3 Districts.** The city planning commission may authorize additional residential uses and retail sales and services uses as allowed in the C1 District within planned unit developments located in the OR2 and OR3 Districts. Notwithstanding section 547.30(f)(2) and (3), the city planning commission may authorize retail sales and services uses greater than two thousand (2,000) square feet, but not to exceed four thousand (4,000) square feet per use. The city planning commission may allow more than two (2) such retail sales and services uses per zoning lot.

The property is zoned C3A and the retail use proposed is a permitted use in this district. No amenities are required for this use.

Section C: Conformance with required planned unit development findings

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.**

This phase of the Planned Unit Development contains a large retail use. The previous approvals for this phase included a mixed use building with retail on the first floor, two floors of residential and below grade parking. The proposed retail use will function as a continuation of the existing shopping center but will not have any interior connection to the shopping center. This retail use will be functionally and visually compatible with other commercial uses within the Planned Unit Development.

- 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. The retail use now proposed at the corner of Hennepin Avenue and 31st Street is less intense than what was previously approved for the site. This area of the City is well served by transit and is accessible by an established bike route system. Bike racks are proposed within the revised pedestrian promenade on the east side of the CB2 building and a limited amount of short-term surface parking is available in the service area on the east side of the proposed building. 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 part of the approvals for the comprehensive sign plan in February 2010, the applicant proposed additional amenities including a shared vehicle, pedestrian improvements, enhanced landscaping and a recycling storage area.

- 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 exterior materials of the CB2 store will not match the existing shopping center, but the appearance of the building will be compatible with the overall development. The height of the

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existing shopping center, where it abuts the proposed addition, is approximately 28 feet. The proposed 24-foot retail addition will be compatible with the height of the existing building and other buildings in the area. The height of the building will not impact any important views or create wind currents or other microclimate effects at ground level. The CB2 addition steps out approximately 12 feet toward Hennepin Avenue from the Kitchen Window use. This projection and the change in exterior materials help to signify the standalone functionality of the proposed store. The parking area proposed on the east side of the CB2 use is in an area that currently functions as a service and loading area. The loading dock on the south side of the existing shopping center will continue to function in this location with the building addition. The additional landscaping and screening adjacent to the parking ramp entrance will help to delineate this vehicle access drive from the pedestrian promenade and improve the overall circulation pattern of the site.

- 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.**

There are no residential uses or residentially zoned parcels immediately adjacent to the portion of the site that is affected by the CB2 use, at the corner of Hennepin Avenue and 31st Street. There is a residential structure south of the service area, across 31st Street. The landscaping on the south side of the site in this location is proposed to be intensified as part of this phase of the project due to the elimination of the underground parking access. The only other residential uses adjacent to the Planned Unit Development front on Fremont Avenue. Landscaping and screening was previously approved to buffer the residential uses that front on Fremont Avenue from the parking ramp. This ramp is existing and no modifications are proposed at this time that would detrimentally impact the residential uses in terms of access to light and air, building massing or screening.

- 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.**

The CB2 building will be designed to meet the criteria for LEED certification. Sustainable building practices include the use of recycled metal for ornamental grates, recycled light gage metal on the interior of the building, a low wattage lighting system, room motion sensors for lighting control, daylight sensors and skylights. The Rheinzink material proposed on the

building exterior is durable, not subject to rust or corrosion and requires little maintenance over time. The applicant is demolishing the existing building at the corner of Hennepin Avenue and 31st Street as part of the project and is encouraged to salvage and recycle materials where possible.

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.

VARIANCE: (To increase the gross floor area of individual retail sales and services spaces within the shopping center, specifically as it relates to a previous condition of approval for this approved variance.)

Findings Required by the Minneapolis Zoning Code:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

In March of 2008 the City Planning Commission granted a variance to increase the size of retail sales and service uses within the Planned Unit Development. In the C3A zoning district, the maximum floor area of retail sales and service uses is 4,000 square feet. The project was previously granted an exception under the PUD chapter to increase the size of the tenant spaces by 20%, to 4,800 square feet and a variance to allow up to 20 retail spaces within the development to be greater than 4,800 square feet. Of those, no more than 12 spaces can be greater than 7,500 square feet and of those 12, a maximum of six may be over 9,600 square feet and of the six, no more than three can be larger than 20,000 square feet. In no case shall any retail spaces in the development exceed 30,000 square feet. A condition of approval was attached to this variance, as follows:

- All ground floor retail sales and services tenants fronting along a public street shall have a public entrance facing the street and it shall remain open during the business' hours of operation.

The applicant is requesting a modification to the above condition that would eliminate the requirement for an exterior entrance for tenant suites on Hennepin Avenue with street frontage that lie wholly within 45 feet from the south wall of the north stairwell that exits to Hennepin and allow doors for all ground floor retail tenants to be locked after 5:00 p.m. daily and anytime between December 1st and March 31st. The first part of said request would apply to Suites 1170 and 1175 only. The seasonal portion of the request would apply to all retail tenants.

The condition requiring retail uses to have entrances facing the street that are unlocked during business hours has no impact on the reasonable use of the property. The first part of the applicant's request is to allow tenant spaces within 45 feet of the south wall of the north stairwell to operate with no exterior entrances. This request is made due to the size of Suites 1170 and 1175 and a grade change in this

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location that creates accessibility issues. The request to remove this condition for these tenant spaces may be reasonable if Suites 1170 and 1175 are occupied by separate retail uses. However, if these suites are to be combined into one retail space, said space would be large enough to accommodate an exterior entrance with the existing grade.

The second part of the request is to allow doors for retail spaces to be locked after 5:00 p.m. daily and at all times between December 1 and March 31. The statement submitted by the applicant asserts that this request has been made in response to security and winter weather concerns. It is possible for winter weather concerns to be addressed with the installation of entrance vestibules that protect interior spaces from wind, cold and other elements. Also, it is feasible for shoplifting concerns to be addressed by individual tenants by increasing security and/or surveillance without locking the exterior entrances.

Planning staff does not believe that the subject condition of approval creates a hardship for the property. The shopping center can be put to reasonable use with this condition in place. However, in the event that Suites 1170 and 1175 are occupied by separate retail tenants, allowing these suites to operate without exterior entrances may be necessary in order to allow reasonable use of the property.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The layout of the shopping center and size of the retail tenant spaces has been created by the applicant. Winter weather concerns and security concerns are not unique to this parcel of land. City policies and regulations for pedestrian oriented development ask for uses to interact with the pedestrian realm by providing entrances that open onto the public sidewalk. The urban character of this large shopping center is in part dependent on the individual exterior entrances. Reasonable use of this shopping center is not significantly impacted by the condition of approval requiring exterior entrances to remain unlocked during business hours.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

The specific condition of approval relating to public entrances is not a zoning code requirement. However, Section 551.110 of the zoning code requires buildings in Pedestrian Oriented Overlay districts to be oriented so that at least one principal entrance faces the public street rather than the interior of the site. This regulation is in place to promote street life and activity and to preserve and encourage the pedestrian character of commercial areas. Increasing the maximum size of retail uses could conflict with the spirit and intent of the ordinance if the uses within the facility do not maintain street-facing entrances. While the shopping center would still have a functioning entrance that faces the public street, allowing all retail tenant spaces to lock their doors every evening and for four months out of the year would not be consistent with the City's policies and regulations for pedestrian-oriented development.

Furthermore, the *Uptown Small Area Plan* address this issue specifically for the Calhoun Square site by stating, "*The Plan recommends the new Calhoun Square be more urban and interactive by opening*

directly onto the sidewalks (whenever possible) and creating common spaces that encourage gathering and interaction for residents and visitors alike throughout the seasons.” Any modification that allows retail spaces to lock their doors during business hours would not be consistent with the small area plan.

Due to the limited size of Suites 1170 and 1175, not requiring an exterior entrance for these tenant spaces would not appear to detract from the pedestrian character of area if these spaces are occupied by individual tenants. However, staff does not recommend modifying this condition to allow all retail tenant spaces to lock their doors after 5:00 p.m. or between December 1st and March 31st of each year. Allowing retail doors to be locked for such extensive periods of time would not promote street life and activity or contribute to the pedestrian character of this commercial area, as called for in the Pedestrian Oriented Overlay district.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Allowing retail tenant spaces to lock their doors after 5:00 p.m. daily and during the months of December, January, February and March would likely not have an impact on congestion in the public streets, increase fire danger or be detrimental to the public welfare. Likewise, allowing Suites 1170 and/or 1175 to operate without exterior entrances would not increase congestion or endanger the public welfare.

SITE PLAN REVIEW

Required Findings for Site Plan Review

A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)

B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.

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- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
 - The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
 - The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
 - Entrances, windows, and active functions:
 - Residential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.
 - g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.

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Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

- **Ground floor active functions:**
Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

Conformance with the above requirements

The CB2 building is proposed at the corner of Hennepin Avenue and 31st Street. The addition would extend south from the existing shopping center building, adjacent to Kitchen Window. The placement of the building and the design of the building allow for natural surveillance and visibility. The building would be setback 4.5 feet from the front lot line adjacent to Hennepin Avenue and .5 feet from the south lot line adjacent to 31st Street. The building steps back from 31st Street as it moves east from the corner with a maximum of setback of approximately 4 feet. A terrace is proposed on the east side of the building adjacent to the parking and service area. Landscaped areas are proposed between the building wall and the public sidewalk along both Hennepin Avenue and 31st Street.

The principal entrance for this retail use is located on the west side of the building, opening onto the sidewalk adjacent to Hennepin Avenue. A second entrance to the CB2 store is accessible through the terrace on the east side of the building. The entrance facing Hennepin Avenue is recessed and accentuated with orange panels on the doors and covered with a canopy that wraps around the building. The terrace on the east side of the building serves to accentuate this second entrance and guides patrons to the entry door. As evaluated above, the applicant has requested that retail tenant spaces with exterior entrances be allowed to lock their doors after 5:00 each day and from December 1-March 31st each year. Staff is not recommending approval of this request and recommends that the CB2 store also be required to have both entrances unlocked during business hours.

The primary building façade materials are Rheinzink (zinc) metal wall tile, structural steel, aluminum composite metal panels and glass. These are all durable materials. The Hennepin Avenue façade has three large warehouse windows with translucent film to add vertical detailing and break up the glass curtainwall. The glass curtainwall wraps around to the south-facing façade and is framed by a white ornamental grate along the foundation and a metal canopy on the top, at a height of 10 feet. The south-facing façade also contains large warehouse windows and ends with a covered terrace on the east side of the building. The east elevation, facing the surface parking lot, service area and loading dock is primarily constructed of painted CMU. The Rheinzink metal wall tile will be used over the terrace. This side of the building also contains the customer pick-up entrance, an overhead door to access the warehouse and a trash enclosure. Structural steel columns are provided on this east elevation to add visual interest and break up the blank wall. There are no blank walls in excess of 25 feet.

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No modifications are proposed to the existing building or the remainder of the buildings proposed as part of Phase 3, with the exception of an ornamental metal screen proposed to surround exterior mechanical equipment adjacent to the Famous Dave's use. The proposed screening will include an ornamental metal fence at a maximum height of eight feet with an additional four feet of bronze corrugated metal for screening above. The flue duct of the smoker will remain visible when viewed from a distance.

The window requirements of the site plan chapter call for 30 percent window coverage on the first floors facing the street and 10 percent on the second floors facing the street or on-site parking lot. The Pedestrian Oriented Overlay District increases the window requirement to 40 percent on the first floors facing the street. The applicant is providing windows for 49 percent of the first floor facing Hennepin Avenue, as measured between 2 feet and 10 feet above the adjacent grade. The south-facing elevation contains clear glass for 55.3 percent of the building wall between 2 and 10 feet. Please note, the west and south elevations have additional glazing in the form of warehouse windows. However, these warehouse windows will be covered with a translucent film that will allow light in and out of the building, but will obscure views. Therefore, the warehouse windows have not been included in the calculations for the minimum window requirements.

On the east elevation facing the parking lot and service area, glazing is provided in an amount equivalent to 28.4 percent of the first floor. Again, this counts only those portions of the building that are between 2 feet and 10 feet above the adjacent grade. There is additional glazing proposed at a height above 10 feet. When those windows are taken into account, the total amount of glazing on this elevation is approximately 33 percent. Staff recommends granting alternative compliance for this situation. All windows proposed are distributed an even manner and are vertical in proportion.

Required first floor or ground floor windows shall have clear or lightly tinted glass and allow views into and out of the building at eye level. Said glass shall be required to have a visible light transmittance ratio of 0.6 or higher. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. The applicant shall be required to submit a merchandising plan with the final plans to verify that eye-level views into the building will be preserved.

Active functions are proposed for the entire length of the building where it fronts on Hennepin Avenue and where it fronts along 31st Street. The store's warehousing area is proposed in the northeast corner of the building, adjacent to the service area and loading dock.

The structure has a flat roof similar to other structures in the area and the other structures within the planned unit development.

There is an existing parking garage that was approved as part of the Planned Unit Development in 2008. Said parking garage was completed as part of Phase 1 of this project and no changes to the parking structure itself are proposed as part of this phase.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**

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- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

Conformance with the above requirements

The Hennepin Avenue entrance for the CB2 use would open directly on to the adjacent public sidewalk. The east-facing entrance opens on to the terrace, which is connected to the public sidewalk with a wide, wood staircase. A sidewalk ranging in width from 3.6 feet to 5.7 feet runs along the east side of the building and the terrace to provide a connection from the surface parking stall and customer pick-up door to the public sidewalk. Improvements are also being made to the pedestrian promenade within vacated Girard Avenue as part of this phase of the project to minimize conflicts between vehicle traffic and pedestrian traffic. The modifications to the promenade and surrounding area include additional landscaping between the parking ramp access and the pedestrian promenade, 8-foot rigid green screens, continuation of the existing retaining wall, and the installation of bike racks between the parking ramp entrance and promenade. As a result, the entrance to the parking ramp will be more clearly delineated from the pedestrian promenade and circulation conflicts should be minimized.

There are no transit shelters immediately adjacent to the CB2 addition. An integrated transit shelter within the building was approved as a Planned Unit Development amenity as part of the 2008 approvals.

Access into this portion of the site is proposed via a curb cut off 31st Street. The location of this access will be relocated east approximately 24 feet from the location that was approved in 2008. This access will be used by service vehicles and delivery vehicles and provide access to a limited number of surface parking stalls. The access from 31st Street will also be utilized as a fire lane and connect to the Girard Meander at a minimum width of 20 feet. The 20-foot width for the fire lane shall be maintained through the entire site at all times. As stated above, the additional landscaping, bike racks and other features will create a situation in which vehicles entering the parking ramp will be able to access the ramp only. The access and circulation through the site is designed to minimize conflicts with pedestrian traffic and adjacent uses.

There are no public alleys in or around the portion of the site included in this phase of the project.

The site plan has been designed to minimize the use of impervious surfaces. Additional landscaping is proposed with this phase of the project that will increase the amount of landscaping by 660 square feet over what was approved in 2008. Overall the applicant is proposing a landscaped area equivalent to approximately 28 percent of the site area not occupied by buildings.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
 - **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
 - **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
 - **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
 - **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

Conformance with the above requirements

The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the total site is 279,626 square feet. The footprint of the buildings, including the parking ramp, is 200,837 square feet. The net lot area is 78,789 square feet of which 22,625 square feet, or 28.7 percent will be landscaped. The applicant is increasing the amount of landscaping between the proposed and the CB2 building by approximately 660 square feet over what was approved in 2008. A total of 41 canopy trees, 19 evergreen trees, 8 ornamental trees and 344 shrubs were previously approved for the site and all required landscaping has been installed with the exception of that proposed for Phase 3. In order to accommodate the pedestrian improvements, some of the existing landscaping will be relocated. Within the affected area, 7 canopy trees and 3 ornamental trees will be relocated and another 3 canopy trees will be added to the site between the parking area and the pedestrian promenade. The applicant is proposing 18 additional shrubs within the landscaped area between the parking ramp and the surface parking area as well as 112 perennials. A majority of the perennials are proposed between the building wall and the sidewalk along Hennepin Avenue. Ivy is proposed for the landscape screens.

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The zoning code requires that a 7-foot wide landscaped yard be provided along a public street, sidewalk or pathway when adjacent to a parking lot or a loading area. The landscaped area between the surface parking and 31st Street will be widened to 24 feet, as the access to the underground parking area is no longer needed. Screening equal to 60 percent opacity is required around parking lots and loading areas in order to screen them from a public street, sidewalk or pathway. The area in between the parking and loading area and the property line will be adequately landscaped. The landscaping screens the parking and loading areas from West 31st Street. For each 25 linear feet along a public street, sidewalk or pathway, at least one tree needs to be provided. This requirement is met with three canopy trees.

ADDITIONAL STANDARDS:

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
 - Natural surveillance and visibility
 - Lighting levels
 - Territorial reinforcement and space delineation
 - Natural access control
- To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

Conformance with the above requirements

The parking area on the east side of the CB2 building contains continuous curbing except where it allows access into the pedestrian promenade for the fire lane. As part of the 2008 approvals, underground chambers were approved to be installed below the landscape areas along West 31st Street and along the east side of the parking ramp. These chambers are designed to provide rate control, water quality treatment and enable infiltration of the stormwater.

The plan meets the CPED guidelines. The site is well lit and designed with opportunities for people to observe adjacent spaces and public sidewalks. All window requirements have been exceeded, allowing for natural observation of exterior spaces. Landscaping, sidewalks and building features are designed to direct pedestrian movements and the proposed modifications to the parking ramp entrance will direct vehicles away from the pedestrian promenade.

The proposed building is 24 feet tall and therefore not expected to block important views or generate wind currents are ground level.

The existing building on the site is proposed to be demolished. This building is not designated as a historic structure and the property does not lie within an historic district.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE: The proposed retail use is permitted in the C3A District.

Off-Street Parking and Loading:

Minimum automobile parking requirement: The parking requirement for Planned Unit Development is as determined by the City Planning Commission and shall comply with the standards in Chapter 541. The parking requirement for the proposed retail space in Chapter 541 is one space for each 500 square feet of gross floor area in excess of 4,000 square feet. The CB2 use is 14,972 square feet in area, requiring 22 parking stalls. However, there is a sheltered transit stop incorporated into the development making it eligible for a 10 percent reduction in required parking. Because the site is in the Pedestrian Oriented Overlay district, non-residential uses are only required to provide 75 percent of the required parking. Thus, the parking requirement for the CB2 use is 15 spaces. This phase of the project includes seven surface parking stalls on the east side of the CB2 use. The additional parking will be provided within the ramp.

The overall parking requirement for all uses within the Planned Unit Development is as follows:

Use	Minimum Requirement	GFA/No. of units	Base Minimum	Minimum at 75% per PO	Minimum with 10% reduction
Retail	1 per 500 SF of GFA in excess of 4,000 SF	60,142	112 spaces	84 spaces	76 spaces
Restaurant	1 per 500 SF of GFA + 1 per 300 SF in excess of 2,000	33,028 SF	107 spaces	81 spaces	73 spaces
Restaurant w/ General entertainment	30% of the capacity of persons	10,478 SF seating area	210 spaces	157 spaces	141 spaces
Office	1 per 500 SF of GFA in excess of 4,000	3,708 SF	4 spaces	3 spaces	3 spaces
Major sports and health facility	1 per 500 SF of GFA + as applicable for indoor recreation area	32,273 SF	65 spaces	48 spaces	44 spaces
Cooking School	1 per classroom + 1 per every 5 students	1 classroom	7 spaces	5 spaces	5 spaces
Phase 3 retail	1 per 500 SF of GFA in excess of 4,000 SF.	64,384 SF	121 spaces	91 spaces	82 spaces
Phase 3 residential	1 space per dwelling unit	108 units	108 spaces	N/A	97 spaces
CB2 retail	1 per 500 SF of GFA in excess of 4,000 SF	14,972 SF	22 spaces	16 spaces	15 spaces
Total required parking					536 spaces

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The existing parking ramp contains 731 parking stalls. An additional 84 underground parking stalls are anticipated as part of Phase 3. As stated above, seven surface parking stalls are also proposed as part of this phase of the project. Please note, the applicant is anticipating that uses will be able to participate in a shared parking arrangement when their respective hours of peak operation do not overlap. However, the shared parking reduction is not required to meet the minimum parking requirement. The uses evaluated as restaurants with general entertainment include Famous Dave's and Uptown Cafeteria only.

Maximum automobile parking requirement: The maximum parking requirement for the entire Planned Unit Development is as follows:

Use	Maximum Requirement	GFA/No. of units	Base Maximum	Maximum at 75% per PO Overlay
Retail	1 per 200 SF of GFA	60,142	302 spaces	226 spaces
Restaurant-sit down	1 per 75 SF of GFA	33,028 SF	441 spaces	330 spaces
Restaurant w/ General entertainment	40% of the capacity of persons	10,478 SF seating area	279 spaces	210 spaces
Office	1 per 200 SF of GFA	3,708 SF	19 spaces	14 spaces
Major sports and health facility	1 per 200 SF of GFA	32,273 SF	161 spaces	121 spaces
Cooking School	1 per classroom + 1 per every 3 students	1 classroom	4 spaces	3 spaces
Phase 3 retail	1 per 200 SF of GFA	64,384 SF	322 spaces	241 spaces
Phase 3 residential	No maximum	108 units	N/A	N/A
CB2 retail	1 per 200 SF of GFA	14,972 SF	75 spaces	56 spaces
Total required parking				1,201spaces

The parking provided for the non-residential uses within the Planned Unit Development is well within the parameters allowed. The maximum parking requirement for the CB2 use alone is 56 spaces. As stated above, seven surface spaces are provided for this use and the remainder of the parking will be provided within the existing parking ramp.

Bicycle parking requirement: The conditional use permit for the Planned Unit Development was initially approved in 2008, before the City adopted minimum bicycle parking requirements. The bicycle parking requirement for the CB2 use only is three spaces. A total of 68 bicycle parking spaces are currently located throughout the Planned Unit Development and within the right-of-way directly adjacent to the site. Of these, 60 are short-term bike parking spaces and 8 are long-term bike lockers. The storage lockers are located within the parking ramp.

Loading: The loading requirement for the overall Planned Unit Development is three small spaces (10' x 25') and three large spaces (12' x 50'). There are two existing loading areas within the development; one on the south side of the existing shopping center, near the CB2 warehouse and one in the northeast corner of the shopping center facing vacated Girard Avenue. A third loading facility is proposed as part of Phase 3 and would be along West Lake Street on the south side of the proposed building.

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Maximum Floor Area: The maximum FAR in the C3A District is 2.7. The lot in question is 279,626 square feet in area. The complete Planned Unit Development will consist of 403,444 square feet of building area, for an FAR of 1.44.

Building Height: Building height in the C3A District is limited to 4 stories or 54 feet, whichever is less. The applicant is proposing a building that is 24 feet in height, therefore considered two stories under the zoning code definition. However, it will function as a single story building.

Minimum Lot Area: The C3A District does not have a minimum lot area requirement for retail uses. The minimum lot area for a Planned Unit Development is one acre. The overall project site, including the land for all project phases, is 279,626 square feet.

Dwelling Units Per Acre: No dwelling units are proposed with this phase of the project and none are existing within the built shopping center.

Yard Requirements: There are no minimum yard requirements in the C3A district. The Pedestrian Oriented Overlay district requires that the first floor of buildings be not more than eight feet from the front lot line. In the case of a corner lot, the building wall abutting each street shall be not more than eight feet from the lot line. The building has a maximum setback of 4.5 feet.

Specific Development Standards: Retail uses are not subject to specific development standards. Planned Unit Developments are required to conform to the standards of Chapter 527, Planned Unit Development, as evaluated above.

Hours of Operation: In the C3A District, uses may be open to the public from 6:00 a.m. to 1:00 a.m. each day of the week. The proposed CB2 use would be open from 6:00 a.m. to 9:00 p.m., within the parameters allowed in the district.

Signs: Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code. Exceptions have been requested for the signage per the conditional use permit for the Planned Unit Development, as evaluated above. Staff is recommending approval of the master sign plan with conditions.

Refuse storage: Section 535.80 states that refuse storage containers are required to 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. Refuse storage for the CB2 use will be incorporated into the east side of the building near the overhead door to the warehouse space. This area of the site functions as a service area and loading dock. The refuse storage container will be screened with a black metal grate.

Lighting: The applicant has not submitted a lighting plan. All lighting shall be required to comply with Chapters 535 and 541 including the following standards:

535.590. Lighting. (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to

unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as to not directly or indirectly cause illumination or glare in excess of one-half footcandle measured at the closest property line of any permitted or conditional residential use, and five footcandles measured at the street curb line or nonresidential property line nearest the light source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH:

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:

Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

- 1.1.3 Encourage the use of flexible regulatory options that promote high quality development, such as the Planned Unit Development (PUD) tool.
- 1.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.
- 1.1.6 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian

and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Policy 1.3: Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.

- 1.3.1 Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings.
- 1.3.3 Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.

Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

- 1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.
- 1.4.3 Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.

Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.

Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

- 1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character.
- 1.10.4 Encourage a height of at least two stories for new buildings along Commercial Corridors, in keeping with neighborhood character.

Policy 1.12: Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.

- 1.12.1 Encourage a variety of commercial and residential uses that generate activity all day long and into the evening.
- 1.12.8 Support district parking strategies in Activity Centers, including shared parking facilities with uniform signage, and other strategies.

1.12.9 Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces in Activity Centers.

1.12.10 Encourage developments to incorporate climate sensitive site and building design practices.

Policy 10.20: Promote an attractive environment by minimizing visual clutter and confusion caused by a proliferation of signage.

10.20.2 Master sign plans shall be submitted for multi-tenant buildings to ensure a complementary relationship between signage and the architecture of a building.

The Planning Division believes that the proposed retail development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*. Further, the modifications requested to the master sign plan would be consistent with the urban design policies related to signage with the proposed conditions of approval.

SMALL AREA PLANS ADOPTED BY COUNCIL:

The site is within the study area of the *Uptown Small Area Plan*. The *Uptown Small Area Plan* states that the most intense development should occur in the core of Uptown, which includes the subject site, because it is underdeveloped and served well by transit. The plan calls for mid-rise, mixed use development in the core and within the boundaries of the Activity Center. Specifically, a height of three to five stories is recommended. The small area plan specifically addresses the Calhoun Square development as follows,

“A redeveloped Calhoun Square should remain the anchor for Uptown and the Activity Center. The Plan recommends Calhoun Square continue to house restaurants and regional shopping attractions. However, the Plan recommends the new Calhoun Square introduce housing and offices onto the property, assuring the 100 percent corner of Hennepin Avenue and Lake Street remain active around the clock. Commercial development on the site should be located toward Lake Street and Hennepin Avenue. Building height should be toward the core of the Activity Center and the existing neighborhood scale on Fremont Avenue and 31st Street should be respected.

The redeveloped Calhoun Square should also remain a community anchor by redesigning the internal corridor as a public atrium, forecourt or courtyard. The new gathering space should be programmed and designed to accommodate a range of users, including families. The Plan recommends the new Calhoun Square be more urban and interactive by opening directly onto the sidewalks (whenever possible) and creating common spaces that encourage gathering and interaction for residents and visitors alike throughout the seasons.

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Anticipating increased pedestrian activity in the area, the Plan recommends developing a strong pedestrian link between the north side of the Greenway and Calhoun Square along Girard Avenue. Such a connection can be realized in many ways. With the possibility of a redeveloped Calhoun Square and the Plaza at Mozaic, the Girard Avenue entrance to Calhoun Square should be emphasized for evening use. Girard Avenue should be redesigned as the Girard Meander, a pedestrian spine between the Greenway, Mozaic and Calhoun Square. The Girard Meander should become a festive public space that, like the main streets of Uptown, is animated with pedestrians walking from Calhoun Square to Mozaic and the Greenway. Girard Avenue should remain a vehicular street but should be designed to be closed, on occasion, on weekends and evenings or for special events.

The proposed CB2 store would provide a large retail space oriented to Hennepin Avenue with an entrance opening onto the adjacent public sidewalk. While the proposed building would not be mixed use, it will have a height of 24 feet, therefore classified as two stories per the zoning code definition. This height, while shorter than what is recommended in the small area plan, is consistent with other recent infill development along Hennepin Avenue and the height of the existing Calhoun Square development. The Girard Meander currently functions as a pedestrian promenade through the site and is not accessible to vehicle traffic, with the exception of a fire lane. As part of this phase of the project, additional landscaping and screening will be added between the promenade and the access drive to the parking ramp, to more clearly delineate the pedestrian space from the vehicle driveway. This pedestrian promenade is expected to function more effectively as a gathering space with the proposed modification.

Alternative Compliance. The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Alternative compliance is requested to allow less than 30 percent window coverage on the east side of the building, facing the surface parking area. There are windows proposed on this elevation at a height above 10 feet. When those windows are taken into account, the total amount of glazing on this elevation is approximately 33 percent. Staff recommends granting alternative compliance for this situation.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the amended conditional use permit for a planned unit development:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the amended conditional use permit for a Planned Unit Development for Calhoun Square located at 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 condition(s):

- 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) The approval for the master sign plan as it relates to additional signage on 31st Street applies only to the existing signs and those proposed with this application. The existing Famous Dave’s murals may be redesigned and repainted, but any other signage proposed in the future that exceeds the amount allowed for the 31st Street frontage shall require additional approvals.
- 3) The signs proposed on the Hennepin Avenue frontage for the tenant spaces without street frontage shall be organized over the main shopping center entrance directly north of Suite 1430, as depicted on the sign exhibit.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the modification to the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve**, in part, the modification to the conditions of approval for the previously approved to increase the size of 20 retail sales and services uses greater than 4,800 square feet 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:

1. All ground floor retail sales and services tenants fronting along a public street shall have a public entrance facing the street and it shall remain open during the business’ hours of operation, except that Suites 1170 and 1175 shall be allowed to operate without a public entrance facing the street if each suite functions as a separate tenant space.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:

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The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for a mixed-use development for the properties 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:

1. Approval of the final site, elevation and landscaping plans by the Department of Community Planning and Economic Development – Planning Division.
2. All site improvements shall be completed by December 13, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The applicant shall be required to submit a merchandising plan with the final plans to verify that eye-level views into the building will be preserved, in compliance with Section 530.120 of the zoning code.
4. The Planned Unit Development shall comply with all applicable conditions of approval from previous land use applications.

Attachments:

1. Letter from the applicant dated November 29, 2010.
2. Statement and findings from applicant.
3. Zoning map.
4. Correspondence.
5. Letter from CARAG.
6. PDR report.
7. Off-street parking summary prepared by applicant.
8. Lease plan by land use type.
9. Site plans, floor plans and elevations.
10. Famous Dave's mechanical equipment screening detail.
11. Site photos.
12. Sign calculation summary.
13. Sign plans and existing sign photos.