

LAND USE APPLICATION SUMMARY

Property Location: 2720 University Avenue SE
Project Name: 2720 University Avenue SE Rezoning
Prepared By: Kimberly Holien, Senior Planner, (612) 673-2402
Applicant: 2720 University Avenue SE, LLC- George I. Kosmides
Project Contact: Carol Lansing, Faegre Baker Daniels
Request: To rezone the property from the OR2, High-Density Office Residence District to the C2, Neighborhood Corridor Commercial District.

Required Applications:

Rezoning	Petition to rezone the property located at 2720 University Avenue SE from the OR2, High-Density Office Residence District to the C2, Neighborhood Corridor Commercial District.
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SITE DATA

Existing Zoning	OR2, High-Density Office Residence District PO, Pedestrian Oriented Overlay District UA, University Area Overlay District
Lot Area	31,042 square feet / 0.71 acres
Ward(s)	2
Neighborhood(s)	PPERRIA
Designated Future Land Use	Mixed-Use
Land Use Features	Commercial Corridor (University Avenue) Transit Station Area
Small Area Plan(s)	<u>Stadium Village University Avenue Station Area Plan (2012)</u>

Date Application Deemed Complete	July 10, 2015	Date Extension Letter Sent	July 23, 2015
End of 60-Day Decision Period	September 8, 2015	End of 120-Day Decision Period	November 7, 2015

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The property is located in the southwest corner of the intersection of University Avenue SE and Saint Mary’s Avenue. The site includes a 27,202 square foot commercial building and a surface parking lot with 12 spaces. Tenants in the building include a retail computer store and two office uses. According to the statement submitted by the applicant, more than half of the building has been empty for the last 20 years.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding area contains a mix of commercial uses and residential uses of varying densities. The property directly west of the site contains an automobile convenience facility. The properties to the north, across University Avenue, include a restaurant and a four-story office building. The properties on the south half of the block are all residential structures ranging from 1-4 dwelling units. The property is approximately 600 feet from the Prospect Park Green Line LRT Station at 29th Avenue SE and University Avenue SE.

PROJECT DESCRIPTION. The applicant is proposing to rezone the property at 2720 University Avenue SE. The purpose of the rezoning is to make the building more commercially viable and marketable for new tenants by expanding the number of uses that would be allowed. The property contains 27,202 square foot building and a surface parking lot with 12 spaces. The building comprises most of the site with the surface parking located in the northwest corner. CPED staff generally discourages the submittal of speculative rezoning applications. However, property owners may submit rezoning applications without noting the specific use(s) proposed for the property. The statement submitted by the applicant notes that in recent years, several prospective tenants have been turned away because they were not allowed under the current zoning. Examples of such uses include fitness centers, clothing stores, furniture stores, a micro-distillery and a screen printing operation.

RELATED APPROVALS.

Planning Case #	Application	Description	Action
NCC-13, A-159	Change of non-conforming use	To allow an auto parts supply store	Approved by the Board of Adjustment on May 23, 1997, then appealed to the City Council where the appeal was granted on June 26, 1987.

PUBLIC COMMENTS. No correspondence had been received as of the writing of this report. Any correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

ANALYSIS

REZONING

The Department of Community Planning and Economic Development has analyzed the application for a petition to rezone the property at 2720 University Avenue SE from OR2, High-Density Office Residence District to C2, Neighborhood Corridor Commercial District based on the following findings:

I. *Whether the amendment is consistent with the applicable policies of the comprehensive plan.*

The proposed zoning would be consistent with the applicable policies of *The Minneapolis Plan for Sustainable Growth*. The site is designated as mixed-use on the future land use map and is located on a commercial corridor and within a Transit Station Area. It is also near a Growth Center associated with the University of Minnesota. According to the principles and policies outlined in the comprehensive plan, the following apply to this proposal.

Land Use 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.

- I.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.

Land Use 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.

- I.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.
- I.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.
- I.4.4 Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.

Land Use 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.

- I.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.
- I.10.2 Encourage commercial development, including active uses on the ground floor, where Commercial Corridors intersect with other designated corridors.
- I.10.3 Discourage uses that diminish the transit and pedestrian character of Commercial Corridors, such as some automobile services and drive-through facilities, where Commercial Corridors intersect other designated corridors.
- I.10.4 Encourage a height of at least two stories for new buildings along Commercial Corridors, in keeping with neighborhood character.
- I.10.5 Encourage the development of high-density housing on Commercial Corridors.

- I.10.6 Encourage the development of medium-density housing on properties adjacent to properties on Commercial Corridors.

Land Use Policy I.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

- I.13.1 Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations.
- I.13.2 Pursue opportunities to integrate existing and new development with transit stations through joint development.
- I.13.3 Discourage uses that diminish the transit and pedestrian character of areas around transit stations, such as automobile services, surface parking lots, and drive-through facilities.
- I.13.4 Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces near the station.
- I.13.5 Concentrate highest densities and mixed use development adjacent to the transit station and along connecting corridors served by bus.
- I.13.6 Encourage investment and place making around transit stations through infrastructure changes and the planning and installation of streetscape, public art, and other public amenities.

Land Use Policy I.15: Support development of Growth Centers as locations for concentration of jobs and housing, and supporting services.

- I.15.1 Support development of Growth Centers through planning efforts to guide decisions and prioritize investments in these areas.
- I.15.2 Support the intensification of jobs in Growth Centers through employment generating development.
- I.15.3 Encourage the development of high- to very high-density housing within Growth Centers.
- I.15.4 Promote the integration of major public and private institutional campuses located in Growth Centers, including health care and educational services, with the function and character of surrounding areas.

The proposed rezoning to the C2, Neighborhood Corridor Commercial District is consistent with the above policies of the Comprehensive Plan. No development is proposed at this time but the C2 zoning would expand the number of commercial uses that would be allowed in the existing building. The site will retain the PO, Pedestrian Oriented Overlay District which prohibits auto-oriented uses and fast-food facilities that would otherwise be allowed in the C2 district. The UA, University Area Overlay district will also be retained. The C2, Neighborhood Corridor Commercial District allows for a broad range of commercial goods and services in an area that has historically contained commercial uses.

The site is also within the study area of the *Stadium Village Master Plan*. The future land use map in this small area plan designates the site as Mixed Use. The site is within the Prospect Park Station Area within the plan. Specific land use recommendations for this site that are relevant to the rezoning request are as follows:

- I. Support the redevelopment of this area with high density residential mixed use, with retail primarily fronting on University Avenue.

2. Encourage a mix of uses that complements those in the Stadium Village commercial core and expands upon the options available.

There are also general Economic Development policies in the plan that are relevant to the rezoning request. Those policies are as follows:

2. Support the growth and extension of the pedestrian oriented retail district around the Stadium Village commercial core, especially within the activity center and towards the station.
3. Encourage the development of a variety of goods and services to serve the needs of area residents, students, employees, and visitors.
5. Encourage the development of retail and service uses along University Avenue SE, at the Prospect Park station, and at the Bedford Street SE and University Avenue SE neighborhood commercial node, complementing the development at the Stadium Village station.

The requested rezoning from OR2 to C2 would allow for more retail uses fronting along University Avenue, near the LRT station, and expand the commercial options available. As such, the proposed C2 zoning is consistent with the small area plan.

2. *Whether the amendment is in the public interest and is not solely for the interest of a single property owner.*

A rezoning to the C2, Neighborhood Corridor Commercial District would be in the interest of the property owner but also in the public interest. Rezoning from the OR2, High Density Office Residence district to the C2, Neighborhood Corridor Commercial district is consistent with adopted City policy for the area. While the property has non-conforming rights, retail sales and service uses are not allowed as of right under the current zoning because the building is not a two-story mixed building. The uses allowed in the proposed C2 district would allow for a broad range of commercial uses on a Commercial Corridor and within a Transit Station Area. Providing for additional commercial uses near these land use features is supported by City Policy and in the public interest.

3. *Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.*

The surrounding area contains a mix of commercial and residential uses with various zoning designations. The property directly west of the site contains an automobile convenience facility in the CI, Neighborhood Commercial District. The properties to the north, across University Avenue, include a restaurant with C3A zoning and a four-story office building with OR2 zoning. The properties on the south half of the block are all residential structures ranging from 1-4 dwelling units. These properties are zoned R4. The closest property with C2 zoning is one-half block away, in the southwest corner of the intersection of 27th Avenue SE and University Avenue SE. The uses allowed in the proposed C2 district would be compatible with the adjacent uses in the general area. A full listing of the differences between the existing OR2 zoning and the proposed C2 zoning has been attached for reference.

4. *Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.*

The property contains a single-story building that currently has three tenants. Two of the tenants are office uses, which are permitted in the OR2 district. The third tenant is a retail use that is a legal non-conforming use. Because the other two tenants have conforming uses in them, only one tenant space has non-conforming rights to retail uses. The applicant's statement asserts that approximately 50 percent of the building is currently vacant because they have not been able to find

tenants that fit with the current zoning. There are a limited number of reasonable uses of the property permitted under the current OR2, High Density Office Residence zoning classification. Neighborhood serving retail sales and service uses would be allowed if the site were to be redeveloped with a two-story building. Other uses allowed in the OR2 district include educational facilities, social, cultural and recreational facilities, religious institutions, birth centers, medical and dental labs and clinics, offices and child care centers. The proposed C2 zoning would allow for a wider range of goods and services along this designated Commercial Corridor and within a Transit Station Area and is more in keeping with adopted City policies for the area.

5. *Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.*

In 1999, with the adoption of the new zoning code, the property was rezoned from R4, Multi-Family Residential, to OR2, High-density Office Residential. There has been a change in the character of the area and the trend of development in the area since the property was rezoned to the OR2 district. There has been an ongoing change in the character and trend of development within the general area due to the proximity of the site to the University of Minnesota and the construction of the Green Line LRT. The area is experiencing a lot of redevelopment, including mixed-use development and high-density residential development. A transit station recently opened approximately 600 feet from the site, at 29th Avenue SE and University Avenue SE. Adopted City plans and policies, including the *Stadium Village Master Plan*, call for pedestrian-oriented mixed-use development on the site and in the surrounding area. Rezoning the site to C2 from O2 would expand the number of commercial uses allowed in this site and would be consistent with this ongoing trend of development and support adopted City policies. Retaining the PO, Pedestrian Oriented Overlay District will ensure that the pedestrian-oriented character of the area is maintained by not allowing auto-oriented uses on the site.

FOR REZONINGS ONLY

ZONING PLATE NUMBER. 22

LEGAL DESCRIPTION. Lots 8, 9 and 10, Block 2, Oakhurst, Hennepin County, MN

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the application(s) by Cornell Lavette Moore for the properties located at 4712 Longfellow Avenue:

- A. Rezoning the property located at 4712 Longfellow Avenue from the OR2, High Density Office Residence District to the C2, Neighborhood Corridor Commercial District.**

Recommended motion: **Approve** the application for a rezoning from the OR2, High Density Office Residence District to the C2, Neighborhood Corridor Commercial District.

ATTACHMENTS

1. Written description submitted by applicant
2. Zoning map
3. Rezoning matrix

4. Site plan
5. Site survey
6. Photos
7. Correspondence

2720 UNIVERSITY AVENUE SE

APPLICATION FOR REZONING

STATEMENT OF PROPOSED USE AND DESCRIPTION OF PROJECT

The purpose of the requested rezoning of 2720 University Avenue SE (the "Property") from OR2, High Density Office Residence, to C2, Neighborhood Corridor Commercial District, is to make the existing building more marketable for retail uses. The types of retail uses allowed in the OR districts are extremely limited and the area of individual retail stores is limited to 2,000 SF in area. The floor area limit leaves the majority of the single-story, 27,000 SF building untenable for retail users who all require street frontage. For this reason more than half of the building has been empty for most of the past 20 years. In recent years, the property manager has been forced to turn down many excellent tenant prospects who would have been able to utilize this location if the zoning were C2, including several fitness centers, clothing stores, furniture stores, a micro-distillery and a screen printing/sales operation. Rezoning to C2 will make the Property commercially-viable again.

The site is also subject to two overlay districts, which will remain in place: the Pedestrian Oriented Overlay District and the University Area Overlay District.

Current building tenants include a retail computer store and two office uses. Prior tenants have included a furniture retail use and a wholesale tool distributor.

REZONING REQUIRED FINDINGS

The proposed rezoning is consistent with the required findings under § 525.280 of the Zoning Code.

1) *Whether the amendment is consistent with the applicable policies of the comprehensive plan.*

The City's comprehensive plan, the *Minneapolis Plan for Sustainable Growth* (the "Plan"), designates the site as Mixed Use. The site is located on the University Avenue SE Commercial Corridor and is within the Prospect Park/29th Avenue Transit Station Area. The site is also associated with the University of Minnesota Growth Center. These land use features support rezoning to a commercial district classification.

Mixed Use guidance allows for mixed use development that may include either a mix of retail, office or residential uses within a building or within a district. There is no requirement that every building be mixed use. Rezoning of the site to C2 will expand the range of potential retail tenants and, consequently, services available for the surrounding residential and commercial uses, including future hotel uses. This is consistent with the Mixed Use designation.

The following policies from the Plan are most relevant to this rezoning request:

Land Use 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.

Land Use 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.

Land Use Policy 1.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

Land Use Policy 1.15: Support development of Growth Centers as locations for concentration of jobs and housing, and supporting services.

Rezoning the site to C2 to promote full utilization of the building is consistent with this guidance from the Plan. C2 zoning will expand the range of retail uses and services, as called for in the guidance for mixed use areas, commercial corridors and growth centers. The existing PO Overlay will prevent auto-related uses, so the proposed rezoning will not be detrimental to the pedestrian and transit character of the area.

The Stadium Village University Area Small Area Plan was adopted by the City Council in August 2012. The project site is within the Prospect Park Station Area, for which the plan includes the following Land Use recommendations that support rezoning to C2 to expand the retail and service use on the site:

1. Support the redevelopment of this area with high density residential mixed use, with retail primarily fronting on University Avenue
2. Encourage a mix of uses that complements those in the Stadium Village commercial core and expands upon the options available.

The following Economic Development recommendations further support the proposed commercial zoning for the site:

3. Encourage the development of a variety of goods and services to serve the needs of area residents, students, employees, and visitors.
5. Encourage the development of retail and service uses along University Avenue SE, at the Prospect Park station, and at the Bedford Street SE and University Avenue SE neighborhood commercial node, complementing the development at the Stadium Village station.
6. Support a mix of local and chain businesses, to provide for a range of needs while retaining the diversity and unique identity of this area and its business district.

The proposed rezoning to C2 will enhance the retail character along University Avenue, which is consistent with the City's land use guidance for this area. C2 zoning is more compatible with the applicable land use guidance than the existing OR2 classification.

2) *Whether the amendment is in the public interest and is not solely for the interest of a single property owner.*

The proposed rezoning is not solely for the interest of the property owner. Rezoning of the site to C2 allow a half-empty building to be leased to a broader range of retail tenants, which will provide goods and services to area residents, employees and visitors. It serves the public interest for any commercial property to be fully utilized and economically productive.

3) *Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of a particular property.*

In addition to OR2, properties on the adjacent blocks along University Avenue have a variety of zoning classifications including C1, C2, C3A, and I1. Uses along University are similarly (and desirably) mixed, with retail, restaurant, office, and multiple-family residential. The adjacent commercially-zoned (C1) property to the west is a convenience store and gas station. Behind the site, the other half of this block is zoned R4. C2 zoning of the site is compatible with the surrounding uses of property and zoning classifications, particularly because the PO Overlay classification will remain in place to prohibit auto-related uses.

4) *Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.*

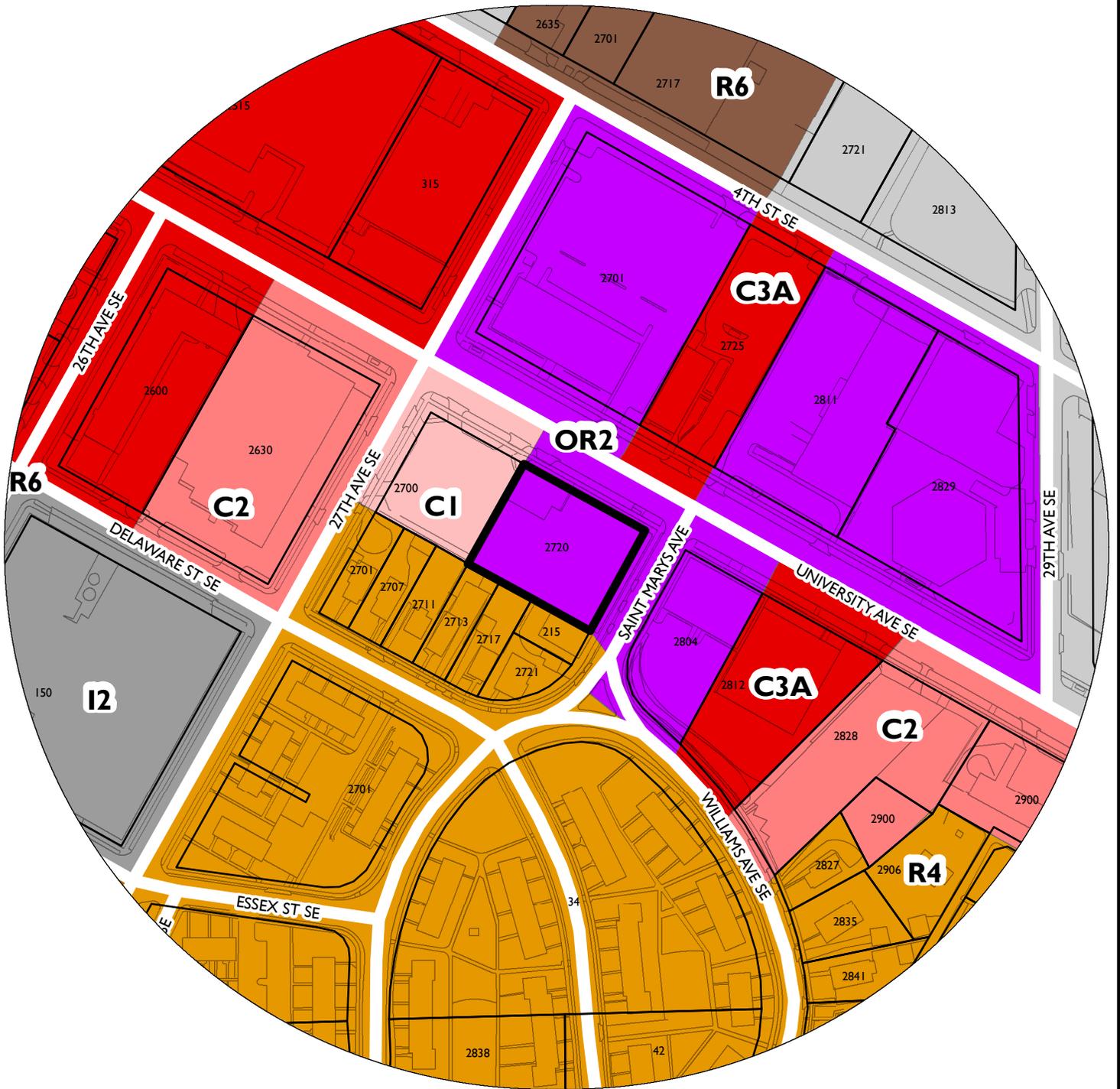
The property owner has not been able to make reasonable use of the property under OR2 zoning because of the limited type and extremely-restricted size of retail uses allowed in that district. These limits are unreasonable given the City policies that encourage a wide range retail and mix of uses. The proposed C2 zoning would allow reasonable use of the property that is more in keeping with City policies.

5) *Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.*

The development of the light rail line along University and nearby transit station are catalyzing redevelopment of the area to uses with greater density and commercial character than allowed by OR2 zoning.. The recently-adopted Stadium Village small area plan recognizes this trend of development by encouraging the development of retail and service uses along University Avenue SE at the Prospect Park station.

NAME OF APPLICANT

WARD



PROPERTY ADDRESS
2720 University Ave SE

FILE NUMBER
BZZ-7260

Office/Residence Districts Commercial Districts

OR2

C2

High Density Office
Residence District

Neighborhood Corridor
Commercial District

FAR

Base FAR Maximum	2.50	1.70
20% bonus for enclosed, underground or structured parking	0.50	0.34
20% bonus for 50% ground floor commercial	n/a	0.34
20% bonus for 20% affordable units	0.50	0.34
Total possible FAR	3.50	2.72

Required lot area per dwelling unit (sq. ft.)	700	700
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Possible DU Bonuses:

20% bonus for enclosed, underground or structured parking	Y	Y
20% bonus for 50% ground floor commercial		Y
20% bonus for 20% affordable units	Y	Y

Base building height maximum (in stories)	4	4
Maximum size of retail store (sq. ft.)	2,000	30,000
Maximum Lot Coverage	70%	n/a
Maximum Impervious Surface Coverage	85%	

Yard Requirements

Front	15	0
Interior side or rear ¹	5	5
Corner Side	8	0

Height Requirements

Feet	56	56
Stories	4	4

Retail

Maximum size of retail store (sq. ft.)-base	2,000	30,000
Bonus for no parking b/w structure and street	0	0
Bonus for additional stories & parking	0	0

ADVANCE SURVEYING & ENGINEERING CO.

5300 S. Hwy. No. 101 Minnetonka, MN 55345 Phone (952) 474 7964 Fax (952) 225 0502 WWW.ADV SUR.COM

SURVEY FOR: GIK REAL ESTATE

SURVEYED: July, 2013

DRAFTED: July 17, 2013

LEGAL DESCRIPTION:

Lots 8, 9, 10, and 11, Block 2, Oakhurst, Hennepin County, Minnesota.

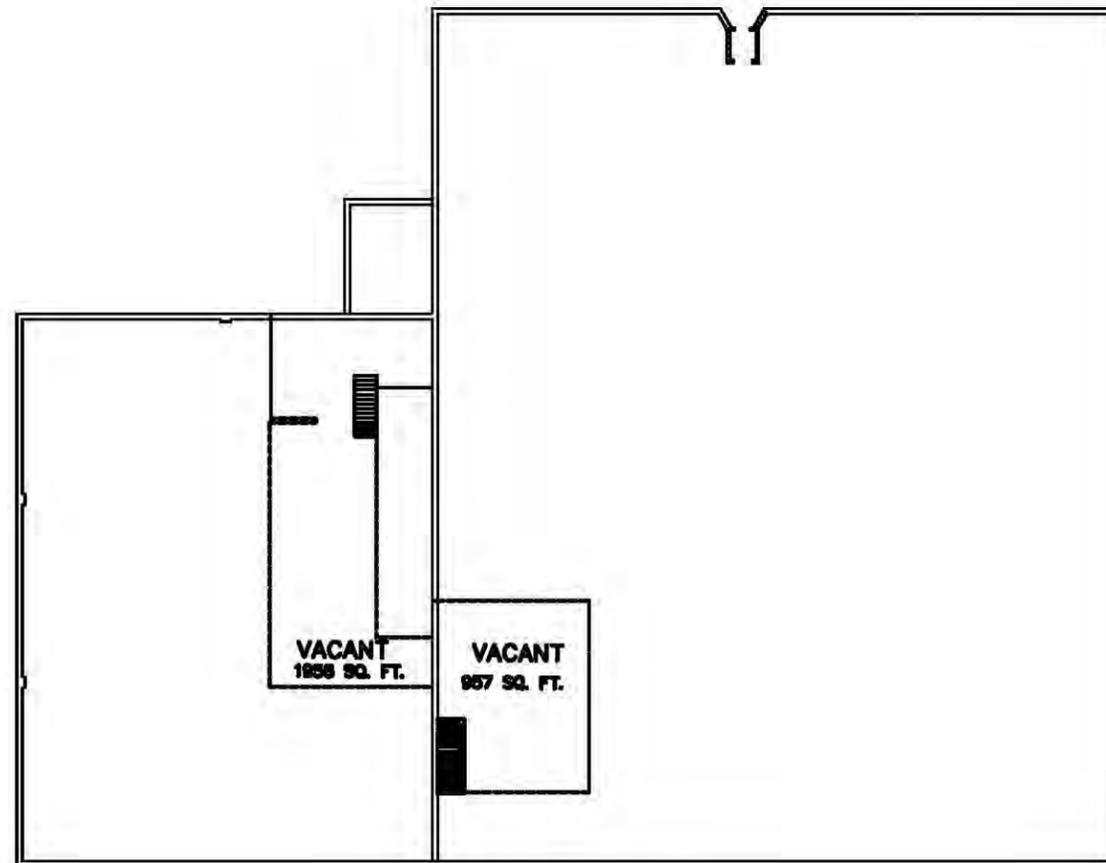
Parcel Area: 31,042 Sq. Ft.

SCOPE OF WORK & LIMITATIONS:

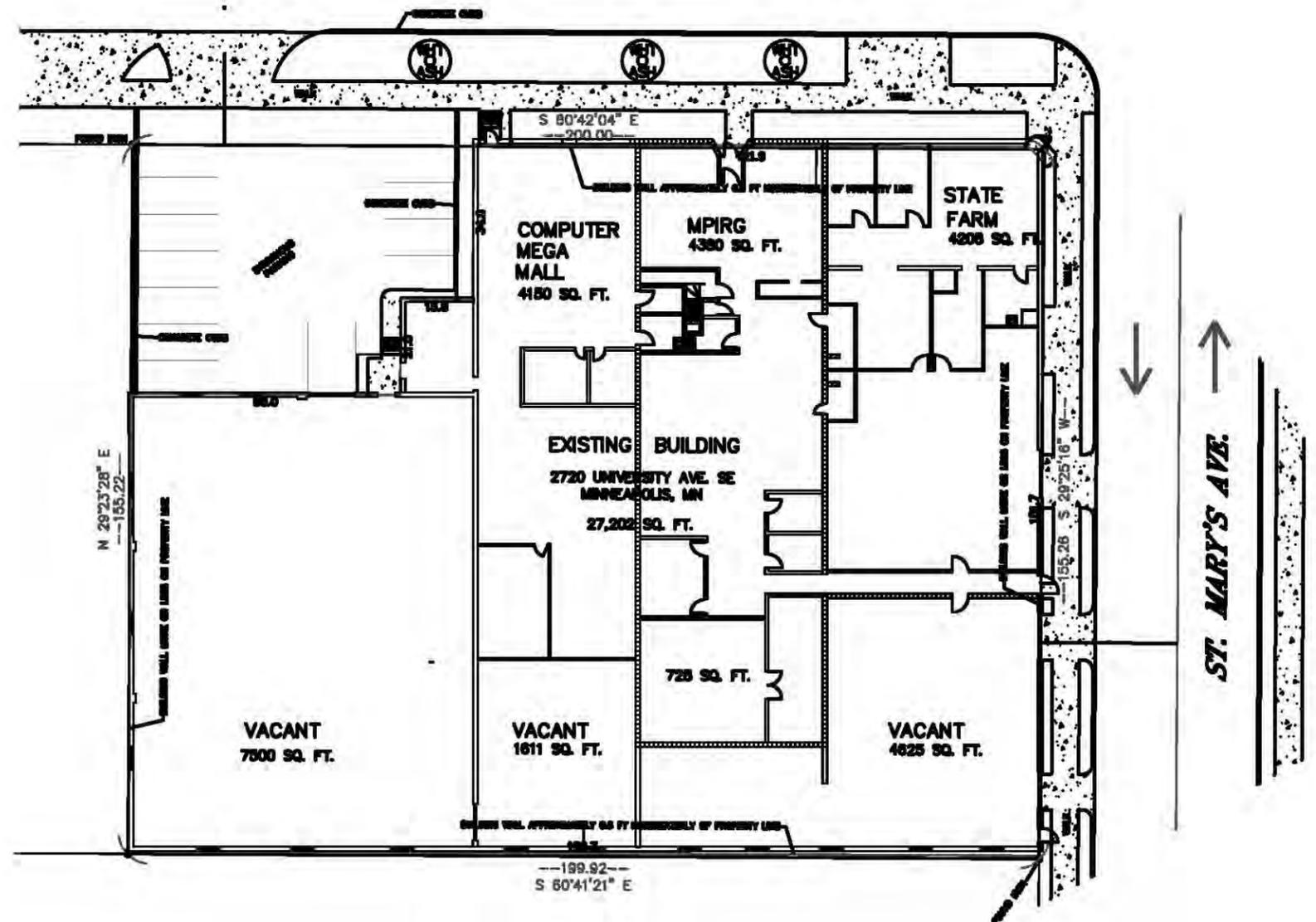
1. Showing the length and direction of boundary lines of the above legal description. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct, and that any matters of record, such as easements, that you wish shown on the survey, have been shown.
2. Showing the location of existing improvements we deemed important.
3. Setting new monuments or verifying old monuments to mark the corners of the property.
4. We have not been provided documentation to verify the above legal description or determine if any easements affect the property. If you provide us said documentation, we can review the legal description and show easements, if any, that affect the property.
5. It appears per the City of Minneapolis Zoning Map, that the property is zoned C3A - Community Activity Center District. Be sure to verify the zoning information with the city before proceeding with any improvements or design.

STANDARD SYMBOLS & CONVENTIONS:

"I" Denotes 1/2" ID pipe with plastic plug bearing State License Number 9235, set, unless otherwise noted.



BASEMENT PLAN



ADVANCE SURVEYING & ENGINEERING CO.

5300 S. Hwy. No. 101 Minnetonka, MN 55345 Phone (952) 474 7964 Fax (952) 225 0502 WWW.ADV SUR.COM

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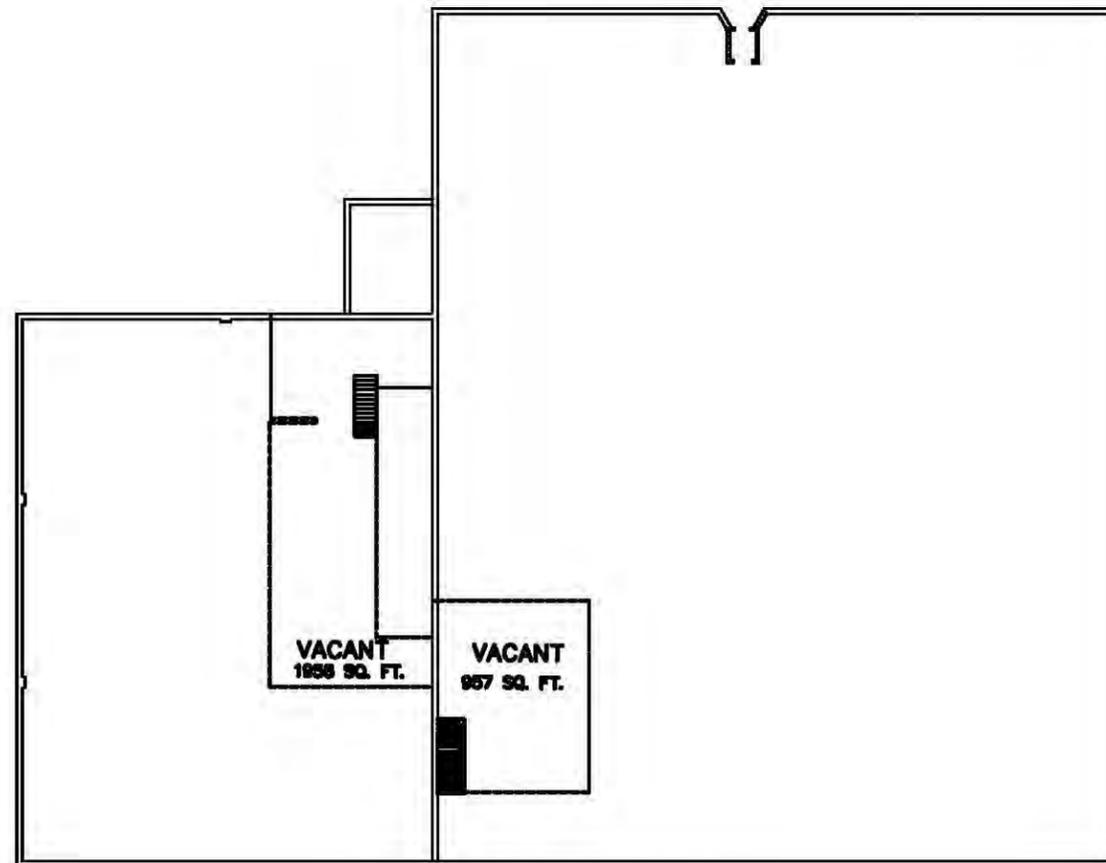
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SCOPE OF WORK & LIMITATIONS:

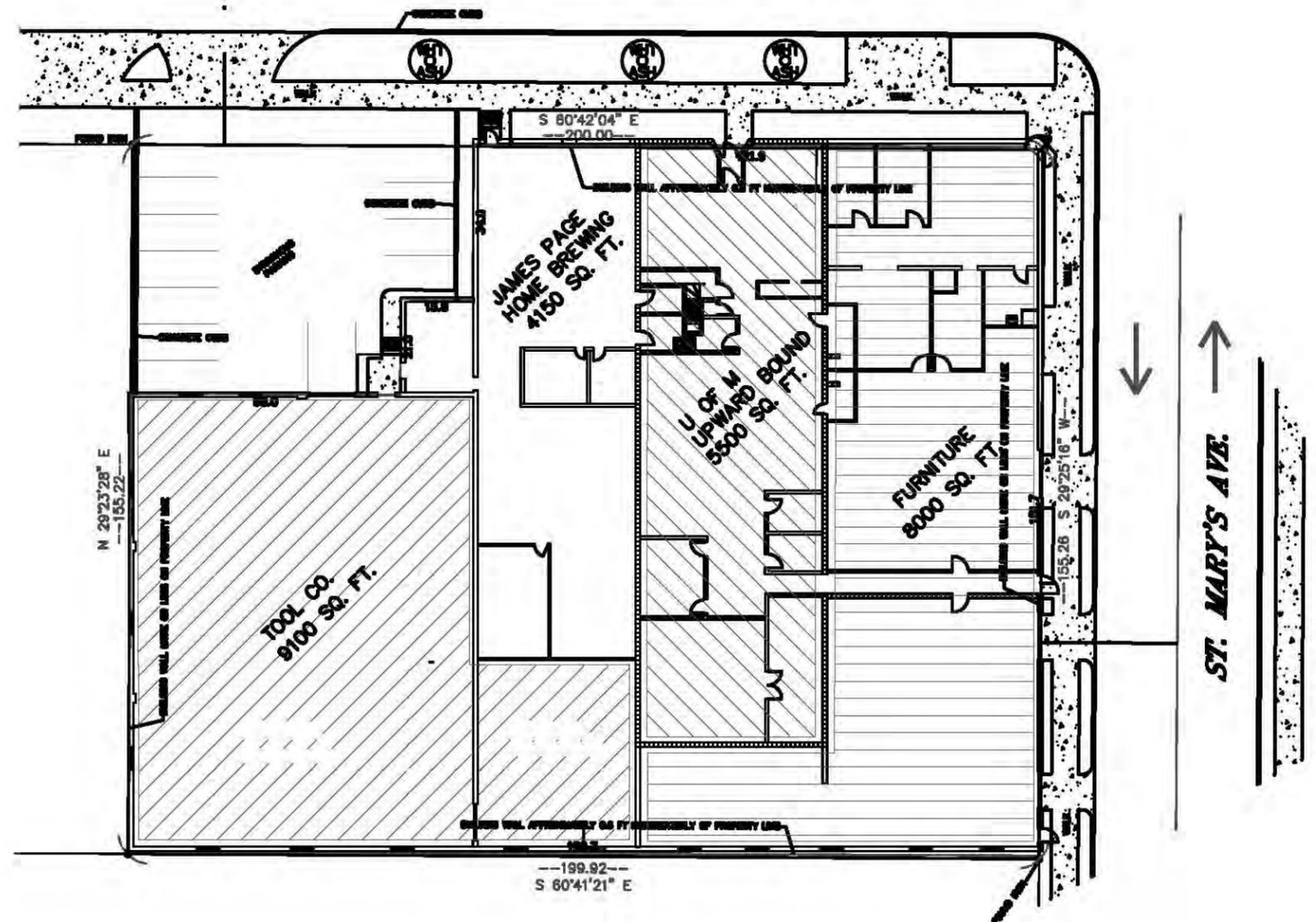
1. Showing the length and direction of boundary lines of the above legal description. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct, and that any matters of record, such as easements, that you wish shown on the survey, have been shown.
2. Showing the location of existing improvements we deemed important.
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BASEMENT PLAN



DWG. NO. 130451 WP



OVER 3 TONS

2724

State Farm
Kim Nybo
612-767-7775

State Farm
Kim Nybo
Agency

Auto Home Life Bank

State Farm Bank
Providing Insurance and
Financial Services
Life Home Life Bank

State Farm

St. Mary's Ave

NE corner

University Ave



Apple PC Sales

COMPUTER Mega Sales & Service Apple & PC

2720

University Ave.

NW Corner

FOR LEASE
763-231-4960

Parking Lot



West Facade



SE Corner and East Facade



East Facade

Lansing, Carol

From: Lansing, Carol
Sent: Monday, June 22, 2015 2:35 PM
To: 'dickbrownl@mac.com'; 'Cam.Gordon@minneapolismn.gov'
Cc: 'GeoKosmides@aol.com'; 'GregHiniker@yahoo.com'
Subject: Application to Rezone 22720 University Avenue SE to C2

Dick Brownlee
PPERRIA

Cam Gordon
Second Ward Council Member

Dear Dick and Cam,

On behalf of the applicant, 2720 University LLC and its owner, George Kosmides, I am notifying you that we are submitting an application to rezone the property located at 2720 University Avenue SE from OR2 to the C2 Zoning District. Mr. Kosmides is requesting the rezoning in order to expand the type and size of commercial uses that will be allowed at tenants in the existing building, which has been largely vacant for many years due to the limitations of the OR2 District. The existing Pedestrian Oriented Overlay District will remain in place. We met with the PPERRIA zoning committee in July 2013 to discuss the proposed rezoning and were pleased to receive a vote of support.

I am the contact person for these land use applications and my contact information is below. Kimberly Holien is the planner assigned to this application. Please let us know if you have any questions or would like any additional information at this time. Thank you.

Carol Lansing

Counsel

carol.lansing@FaegreBD.com Download vCard
D: +1 612 766 7005

Faegre Baker Daniels LLP

2200 Wells Fargo Center | 90 South Seventh Street | Minneapolis, MN 55402-3901, USA