

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit  
BZZ-4511

**Date:** August 24, 2009

**Applicant:** Midtown Global Market

**Address of Property:** 826 East Lake Street, 1010 East Lake Street, 2935 10<sup>th</sup> Avenue South and 2843 Elliot Avenue South

**Project Name:** Midtown Exchange

**Contact Person and Phone:** John Wheeler, (612) 872-4041

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

**Date Application Deemed Complete:** July 29, 2009

**End of 60 Day Decision Period:** September 27, 2000

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

**Ward: 9      Neighborhood Organizations:** Central Neighborhood Improvement Association, Midtown Phillips, Powderhorn Park Neighborhood Association and Phillips West Neighborhood

**Existing Zoning:** C3A, Community Activity Center District

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

**Zoning Plate Number:** 26

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

**Proposed Use:** Planned Commercial Development, specifically adding signage to the development

**Concurrent Review:**

**Modification to the previously approved conditional use permit:** for a Planned Commercial Development to increase the outward projection of the existing projecting sign attached to the parking ramp located along 10<sup>th</sup> Avenue South

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits.

**Background:** In May of 2005, the City Planning Commission approved a number of land use applications associated with the Midtown Exchange development. Those applications included approvals for the 1928 building and the associated parking ramp and surface parking lots, the hotel

development and the PPL housing development. And then in September of 2005, the City Planning Commission approved a modification to the conditional use permit for the planned commercial development for a master sign plan.

This application is for a modification to the previously approved conditional use permit for a Planned Commercial Development to increase the size of the projecting sign attached to the parking ramp located along 10<sup>th</sup> Avenue South. Projecting signs cannot extend outward from a building by more than four feet. The existing sign projects two and a half feet from the edge of the parking ramp. The additional sign would have an outward projection of approximately four feet seven inches. As part of a Planned Commercial Development, master sign plans are reviewed and approved by the City Planning Commission.

The applicant has indicated that the change to the sign is necessary in order to direct motorists to the “free parking with validation” area within the parking ramp. The applicant has said that because the entrance to the parking ramp is difficult to see from East Lake Street that a sign that projects further from the building will make it easier for those parking in the ramp to locate it.

**CONDITIONAL USE PERMIT** - Modification to the previously approved conditional use permit for a Planned Commercial Development to increase the size of the projecting sign attached to the parking ramp located along 10<sup>th</sup> Avenue South

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

The Department of 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.**

The Planning Division does not believe that increasing the outward projection of the existing projecting sign will be detrimental to or endanger the public health, safety or general welfare. The site is over eight acres in size and the building is over one million square feet. This development can support the proposed changes to the projecting sign.

**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 Planning Division does not believe that increasing the outward projection of the existing projecting sign will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. Even though the proposed sign will project four feet seven inches from the side of the building it will not extend over the public sidewalk. It should be noted that the bottom of the sign is located nine feet six inches above the ground.

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

The applicant will be 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.

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

The applicant has indicated that the purpose of increasing the outward projection of the existing projecting sign is to minimize traffic congestion in the public streets. The applicant has said that the change to the sign is necessary in order to direct motorists to the “free parking with validation” area within the parking ramp. The entrance to the parking ramp is difficult to see from East Lake Street so a sign that projects further from the building will make it easier for those parking in the ramp to locate it.

**5. Is consistent with the applicable policies of the comprehensive plan.**

The Midtown Exchange Planned Commercial Development is located on the northeast corner of the intersection of East Lake Street and Chicago Avenue South. According to *The Minneapolis Plan*, East Lake Street is a designated Commercial Corridor and Chicago Avenue South is a designated Community Corridor. This site is also located in a designated Major Housing Site. The land use features in the update to *The Minneapolis Plan* are the same; however, the site is no longer located in a designated Major Housing Site and is instead located in a designated Activity Center. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment (Policy 9.6).
- Protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses (Policy 9.15)
- Use the site plan review process to ensure that lighting and signage associated with non-residential uses do not create negative impacts for residentially zoned property (Implementation Step for Policy 9.15).

The Planning Division believes that increasing the outward projection of the existing projecting sign is in compliance with the above policies of the *Minneapolis Plan*.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located.**

**Exceptions to Zoning Ordinance Standards:** Chapter 527, Planned Unit Development authorizes the City Planning Commission to approve exceptions to the zoning regulations that are applicable to the zoning district in which the development is located. This may be done only upon finding that the Planned Unit Development includes adequate site amenities to address any adverse effects of the exception.

**Placement of Structures:** No change as a result of this application.

**Bulk Regulations:**

**Floor Area:** No change as a result of this application.

**Building Height:** No change as a result of this application.

**Lot Requirements:**

**Generally:** No change as a result of this application.

**Density Bonus:** No change as a result of this application.

**Yards:** No change as a result of this application.

**On-Premise Signs:** In the C3A District projecting signs cannot extend outward from a building by more than four feet. The proposed sign would have an outward projection of approximately four feet seven inches.

**Off-Street Parking and Loading:** No change as a result of this application.

**527.280. Required 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 a planned residential development the variety of housing types and their relationship to other site elements and to surrounding development.**

Within the Planned Commercial Development there are a mixture of uses including offices, commercial uses, for-sale and rental housing units and structured parking. The mixture of uses blend in well with the surrounding area. No changes are proposed to the mix of uses within the 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 and availability of transit alternatives.**

No changes are proposed to the design and operation of the site. Street capacity, the provision of vehicular access, parking and loading areas as well as pedestrian access and availability of transit incentives is existing and adequate.

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

No changes are proposed that would impact site amenities, open space, the natural environment or historic features.

**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.**

No changes are proposed to the design and operation of the site.

**e. 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.**

No changes are proposed to the design and operation of the site.

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

The platting of the site is in compliance with Chapter 598, Land Subdivision Regulations.

## **RECOMMENDATIONS**

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the modification to the previously approved conditional use permit for a Planned Commercial Development to increase the outward projection of the existing projecting sign attached to the parking ramp along 10<sup>th</sup> Avenue South which is associated with the Midtown Exchange development located at 826 East Lake Street, 1010 East Lake Street, 2935 10<sup>th</sup> Avenue South and 2843 Elliot Avenue South subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

**Attachments:**

1. Statement of proposed use and conditional use permit findings
2. July 24, 2009, e-mails to Council Member Schiff, the Central Neighborhood Improvement Association, Midtown Phillips, the Powderhorn Park Neighborhood Association and the Phillips West Neighborhood
3. Zoning Map
4. Sign plans
5. Photos of the existing signs at the site