
LAND USE APPLICATION SUMMARY

Property Location: 2900-2912 Hennepin Avenue
Project Name: Uptown Theater
Prepared By: Alyssa Brandt, City Planner, (612) 673-5877
Applicant: Armory Holdings, LLC
Project Contact: Michael Margulies
Request: To legalize window removals performed without a permit.
Required Applications:

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| Variance | To reduce the required glazing in the Pedestrian Oriented Overlay District from 40% to 30.8% |
|-----------------|--|

SITE DATA

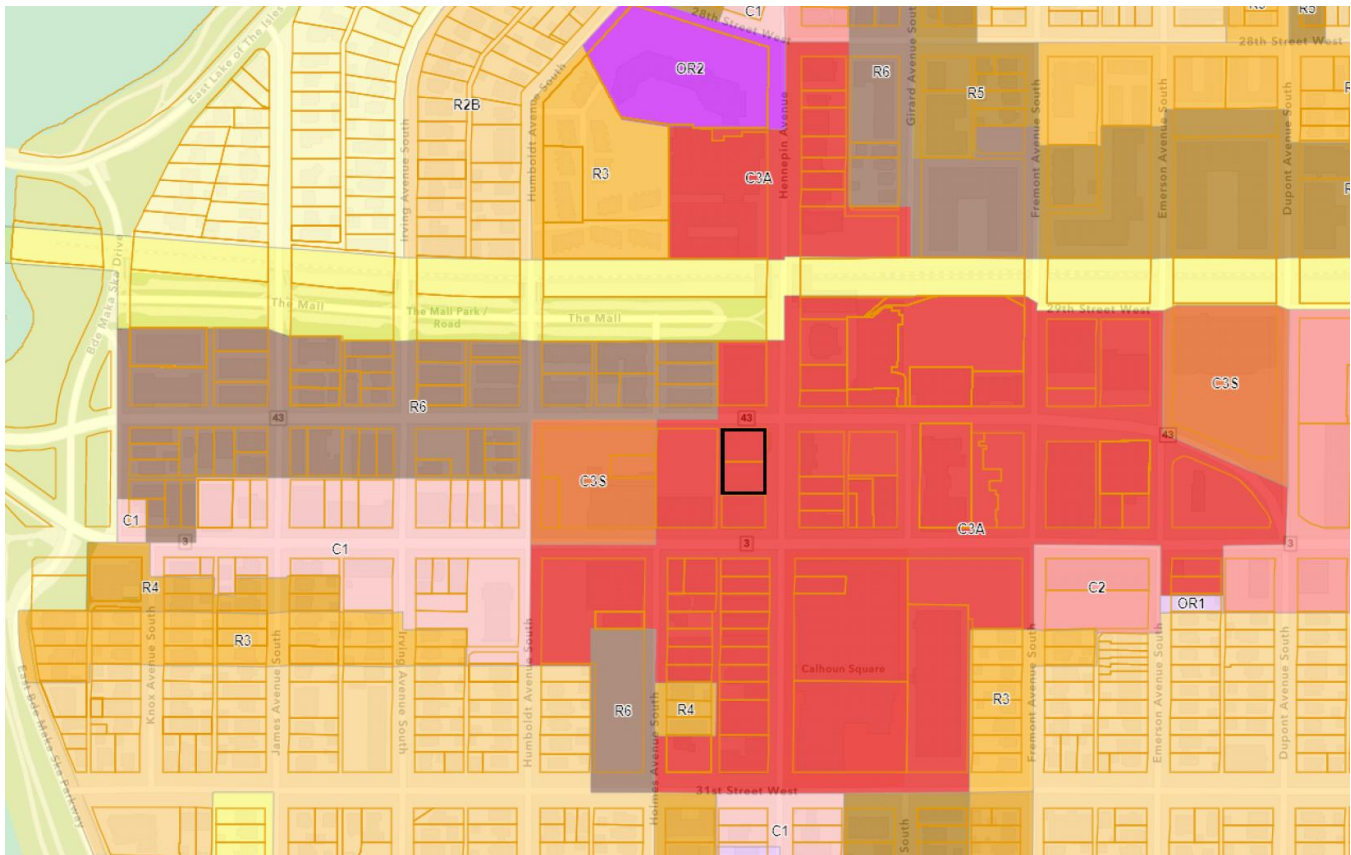
| | |
|------------------------------------|---|
| Existing Zoning | C3A Community Activity Center District PO Pedestrian Oriented Overlay District BFT10 Transit 10 Built Form Overlay District |
| Lot Area | 19,858 square feet / 0.46 acres |
| Ward(s) | Ward 7 (2012 City Council boundaries); Ward 10 (2022 City Council boundaries) |
| Neighborhood(s) | East Isles, adjacent to Lowry Hill East |
| Future Land Use | Destination Mixed Use |
| Goods and Services Corridor | Hennepin Avenue, Lagoon Avenue |
| Built Form | Transit 10 |

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|----------------------------------|----------------|--------------------------------|-----|
| Date Application Deemed Complete | March 21, 2022 | Date Extension Letter Sent | N/A |
| End of 60-Day Decision Period | May 23, 2022 | End of 120-Day Decision Period | N/A |

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The site is located at the intersection of Hennepin Avenue and Lagoon Avenue in the Uptown neighborhood of south Minneapolis. It is currently undergoing renovation to establish its use as a live music and event center. The scope of the remodel includes expanding the original theater, constructed in 1916, partially into the adjacent storefront building, constructed in 1918. The most recent previous use of the commercial tenant space was a nail salon. The theater building is a locally designated historic landmark, while the storefront building—which is the subject of this application—is not.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The property is located along Hennepin Avenue in between Lagoon Avenue and Lake Street. Surrounding properties reflect a wide variety of built forms and uses. Notable nearby uses include the Uptown Transit Center, Hennepin County Library Walker branch, and Seven Points shopping center (formerly Calhoun Square). The area is well served by local transit routes as well as the B-Line Arterial Bus Rapid Transit Project currently under construction along Lake Street and the E-Line aBRT project currently in planning stages along Hennepin Avenue.



PROJECT DESCRIPTION. The applicant is seeking permission to legalize the removal of windows, which was performed without securing building permits for the work. The standard requirement for minimum glazing of a street-facing façade on a non-residential building is 30%. Because this property is located in the PO Pedestrian Oriented Overlay District, the requirement is increased to 40%. The work as completed comprises 30.8% glazing on the façade along Hennepin Avenue. Minimum glazing is not typically a standard which can be reduced through

the variance process, however since the increased glazing requirement is due to an overlay district, the list of enumerated variances found in 525.520 allows this application¹.

(20) To vary the standards of any overlay district, other than the SH Shoreland Overlay District, FP Floodplain Overlay District, and built form overlay districts. The standards of the SH Shoreland Overlay District, FP Floodplain Overlay District, and any built form overlay district may be varied only as allowed by another authorized variance in this section of the zoning code.

The theater building is required to retain its own minimum glazing requirement, independent of the subject property, and has 42.1% glazing along the Hennepin Avenue facade. The combined glazing of the two buildings is 36.5%.

RELATED APPROVALS.

| Planning Case # | Application(s) | Description | Action |
|-----------------|--------------------------------|---|---|
| PLAN14633 | Certificate of Appropriateness | Exterior renovations to the historically designated portion of the theater, including door replacement and installation of HVAC equipment | Conditionally Approved by Heritage Preservation Committee August 10, 2022 |
| PLAN16167 | Certificate of Appropriateness | Signage alterations | Submitted, pending action as of writing this report |

PUBLIC COMMENTS. As of writing this report, no public comments have been received. Any correspondence received prior to the public meeting will be forwarded on to the Zoning Board of Adjustment for consideration.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance of the PO Pedestrian Oriented Overlay District glazing standards based on the following findings:

1. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

There are not practical difficulties associated with the requested variance. The building was constructed in 1918, with alterations to the storefronts periodically since that time. The existing conditions at the time of the window removal were compliant with the 40% requirement in the Pedestrian Oriented Overlay District. The layout of the expanded theater space is a condition created by the applicant. Further, the applicants’ claims that the building is historically protected do not apply to this portion of the theater project, only to the original theater building. The windows that have been removed are separated from the performance area by walls

¹ The city’s Land Use Rezoning Study currently proposes to retain a minimum requirement of 40% glazing for properties facing a goods and services corridor, such as Hennepin Avenue.

and/or other rooms, and so do not pose difficulties to the visibility of the stage by audience members. This finding is not met.

2. *The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.*

The proposed project would be consistent with the applicable guidance and policies of Minneapolis 2040 (2020):

| Future Land Use | Guidance | Staff Comment |
|---------------------------------------|---|----------------------------------|
| Destination Mixed Use | Commercial retail uses are required at the street level of all development in this category to encourage pedestrian activity beyond the typical daytime business hours. Multi-story development is required. Contiguous expansion of commercial zoning is allowed. | The proposal meets this guidance |
| Goods and Services Corridor | Guidance | Staff Comment |
| Hennepin Avenue, Lagoon Avenue | Goods and Services Corridors serve two purposes: 1) To indicate where commercial uses should front in relation to properties guided for commercial future land uses, and 2) In addition to the guidance for the mixed use land use categories found in this section, Goods and Services Corridors identify where the establishment or expansion of commercial uses can be considered. Properties immediately adjacent to a Goods and Services Corridor may be considered for commercial activity, allowing for uses similar in scale and scope to the Neighborhood and Corridor Mixed Use categories. | The proposal meets this guidance |
| Built Form Guidance | Guidance | Staff Comment |
| Transit 10 | New and remodeled buildings in the Transit 10 district should reflect a variety of building types on both moderate and large sized lots. Building heights should be 2 to 10 stories. Building heights should be at least 2 stories in order to best take advantage of the access to transit, jobs, and goods and services provided by the Transit 10 district. Requests to exceed 10 stories will be evaluated on the basis of whether or not a taller building is a reasonable means for further achieving Comprehensive Plan goals. | The proposal meets this guidance |

The requested variance is not in keeping with the spirit and intent of the ordinance and the comprehensive plan. Adopted City policies and the Zoning ordinance require design elements, such as minimum window requirements, to provide good urban design and opportunities for natural surveillance. The City has adopted Crime Prevention Through Environmental Design principles which are codified in the Zoning Ordinance. The first CPTED guideline is “Design the site, landscaping, and buildings to promote natural observation and maximize the opportunities for people to observe adjacent spaces and public sidewalks” (MCO530.260(1)). Requiring an increased glazing percentage in the Pedestrian Oriented Overlay District is intended to improve the pedestrian experience along public sidewalks by allowing more views of interest as well as preventing feelings of enclosure created by blank walls.

The following policies and action steps from *Minneapolis 2040 (2020)* apply to this proposal:

Policy 6. Pedestrian-Oriented Building and Site Design: Regulate land uses, building design, and site design of new development consistent with a transportation system that prioritizes walking first, followed by bicycling and transit use, and lastly motor vehicle use.

- c. Require windows and window treatments on buildings that allow clear views into and out of the building.

Policy 8. Public Safety Through Environmental Design: Use design principles that ensure a safe and welcoming environment when designing all projects that impact the public realm, including open spaces and parks, on publicly-owned and private land.

- a. Integrate “eyes on the street” concepts into building design through the use of windows to foster safer and more successful areas throughout the city.
- c. Design the site, lighting, landscaping, and buildings to promote natural observation and maximize the opportunities for people to observe adjacent spaces and public sidewalks.
- f. Use innovative building designs, window locations, lighting, and landscaping to limit or eliminate the opportunity for vandalism.
- i. Encourage the renovation of existing developments to conform to CPTED principles.

- 3. *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.*

The essential character of the buildings in the Uptown area reflect its status as a commercial hub for retail and entertainment uses. The buildings nearby along Hennepin Avenue, Lagoon Avenue, and Lake Street feature large, clear windows at street level. The requested variance is not in keeping with this character.

The variance requested would not be detrimental to the health, safety, or welfare of those using the property or of the general public.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application by Armory Holdings, LLC for the properties located at 2900-2912 Hennepin Avenue:

A. Variance.

Recommended motion: The Zoning Board of Adjustment **denies** the variance to reduce the required glazing.

ATTACHMENTS

PLAN16059

1. Oblique aerial photo
2. Written description and findings submitted by applicant
3. Building elevations
4. Excerpted plans from building permit number BLDG899530 showing pre-construction conditions
5. Zoning enforcement photos taken December 2022
6. 1918 Advertisement for grand opening of the building, showing the original glazing configuration