

LAND USE APPLICATION SUMMARY

Property Location: 710 West Broadway
Project Name: Advance Auto Parts
Prepared By: Kimberly Holien, Principal Planner, (612) 673-2402
Applicant: Tim McShane, McShane Development
Project Contact: Eric Broostin, CMA
Request: To rezone the property at 710 West Broadway from OR2 to C3S to allow for a 7,591 square foot retail store and to allow signage on a non-primary building wall.

Required Applications:

Rezoning	Petition to rezone the properties located at OR2, High Density Office Residence district to the C3S, Community Shopping Center district, retaining the WB, West Broadway Overlay district.
Variance	To allow a sign on a non-primary building wall.

SITE DATA

Existing Zoning	OR2, High Density Office Residence District WB, West Broadway Overlay District
Lot Area	17,270 square feet / 0.396 acres
Ward(s)	5
Neighborhood(s)	Hawthorne
Designated Future Land Use	Mixed Use
Land Use Features	Commercial Corridor (West Broadway) Community Corridor (Lyndale) Major Retail Center (near the intersection of Lyndale and West Broadway)
Small Area Plan(s)	<u>West Broadway Alive! Plan (2008)</u>

Date Application Deemed Complete	April 20, 2016	Date Extension Letter Sent	May 13, 2016
End of 60-Day Decision Period	June 19, 2016	End of 120-Day Decision Period	August 18, 2016

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject site is an L-shaped parcel with frontage on 21st Avenue N and Lyndale Avenue N. The site contains a commercial building that is connected to the building at 700 West Broadway and surface parking on the north side of the building. The building is currently vacant. The previous use was a medical clinic.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The zoning designations of properties bordering the subject site are a combination of C3S and OR2. The properties east and west of the subject site both front along West Broadway and are zoned C3S. The property to the east, which was originally constructed as part of the same building as the subject site, contains an off-sale liquor store and check cashing use. The property west of the site is a vacant lot that was formerly occupied by a fast food use. Said property recently received approvals for an interim use permit to be used as a principal parking facility. The site also borders a duplex that is owned by a church which operates in the building at 2018 Aldrich Avenue N, also bordering the site to the west. To the south, across West Broadway, there is a Cub Foods grocery store with a large surfacing parking lot.

PROJECT DESCRIPTION. The applicant is proposing to establish a new retail use in the existing building at 710 West Broadway. The subject tenant space is 7,591 square feet in area and will house Advanced Auto Parts. This use is deemed to be a standard retail use. As part of the project the applicant is proposing to add windows to the south elevation and bump out the existing entry door on the south elevation so that it is oriented toward West Broadway. The existing roof will also be raised slightly to allow for additional ceiling height within the building.

The site is currently zoned OR2, High Density Office Residence district. This district only allows for retail sales and service uses on the ground floor of a two-story building. The existing building is a single story and most recently housed a clinic use, which was a permitted use in the OR2 district. As such, the building does not have any rights to retail uses and the applicant has requested rezoning to the C3S, Community Shopping Center district.

The applicant is also proposing to install a new wall sign on the south elevation. This elevation is not a primary building wall. A primary building wall is defined as an exterior building wall that faces a street or an exterior building wall that faces an on-site accessory parking area. Wall signage is only allowed on a primary building wall and allowances for signage are based on linear feet of primary building wall. The applicant is proposing an 87.5 square foot sign on the south building wall and is requesting a variance to increase the permitted sign area from zero to 87.5 square feet and a variance for the location of the sign.

PUBLIC COMMENTS. No correspondence had been received as of the writing of this staff report. Any additional 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 710 West Broadway from OR2 to C3S 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 property is designated as mixed use on the future land use map. While the property does not technically have frontage on West Broadway, it did until approximately 2001 and is still addressed off West Broadway. West Broadway is a Commercial Corridor in this location and Lyndale Avenue N, bordering the site to the east, is a Community Corridor. The site is also near a Major Retail Center identified at the intersection of West Broadway and Lyndale Avenue N.

The following principles and policies outlined in the plan 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.1.1 Ensure that the City's zoning code is consistent with The Minneapolis Plan and provides clear, understandable guidance that can readily be administered.

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.

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

- I.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.
- I.5.2 Facilitate the redevelopment of underutilized commercial areas by evaluating possible land use changes against potential impacts on the surrounding neighborhood.

Land Use Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

- I.9.1 Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.
- I.9.2 Support new small-scale retail sales and services, commercial services, and mixed uses where Community Corridors intersect with Neighborhood Commercial Nodes.

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.

Land Use Policy I.16: Support a limited number of Major Retail Centers, while promoting their compatibility with the surrounding area and their accessibility to transit, bicycle and foot traffic

- I.16.1 Encourage the development of mixed residential, office, institutional and, where appropriate, small-scale retail sales and services to serve as transitions between Major Retail Centers and neighboring residential areas.
- I.16.3 Encourage and implement buffering to lessen potential conflicts between uses in Major Retail Centers and surrounding areas.
- I.16.5 Support district parking strategies in Major Retail Centers, including shared parking facilities, uniform signage for parking facilities, and other strategies.

The request for rezoning is consistent with the above policies of the Comprehensive Plan. The applicant is proposing to reuse an existing building for a retail auto parts store near a Major Retail Center and along a Commercial Corridor.

The subject site is also within the study area of the West Broadway Alive! Plan. The future land use map in the small area plan designates the existing building as commercial/mixed use but the parking area as residential. The future land use designations do not follow the existing parcel boundary and established conflicting policies for the use of this property. In terms of development intensity, the south portion of the site was designated for transit oriented development and the north portion was identified as being appropriate for urban scale development.

In 2009, as a follow-up to the West Broadway Alive! Plan, the site was rezoned from C2 to OR2 based on the residential designation on the north side of the site. The proposed zoning was intended to support high density office or residential development for this site that is a step down from the C3S zoning along West Broadway to facilitate compatible with the adjacent housing. Again, this policy guidance failed to recognize the existing parcel boundaries. Based on the other land use features present, including the Commercial Corridor designation of West Broadway and the Major Retail Center designation, and the policy guidance for the building itself, staff finds that the proposed rezoning 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 C3S, Community Shopping Center 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 C3S, Community Shopping Center District is consistent with adopted City policy for the area. While the subject site technically does not front along West Broadway, it did historically and was originally constructed as one building with the property at 700 West Broadway. The site is along a Commercial Corridor (West Broadway), a Community Corridor (Lyndale Avenue N) and near a designated Major Retail Center. 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 and the property has been vacant for more than a year, losing any non-conforming rights to such uses. The

uses allowed in the proposed C3S district would allow for a broad range of commercial uses on a Commercial Corridor and near a Major Retail Center. 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 proposed rezoning to the C3S district would be compatible with the uses and zoning classifications in the immediate area. The zoning designations of properties bordering the subject site are a combination of C3S and OR2. The properties east and west of the subject site both front along West Broadway and are zoned C3S. The property to the east, which was originally constructed as part of the same building as the subject site, contains an off-sale liquor store and check cashing use. The property west of the site is a vacant lot that was formerly occupied by a fast food use. Said property recently received approvals for an interim use permit to be used as a principal parking facility. The site also borders a duplex that is owned by a church which operates in the building at 2018 Aldrich Avenue N, also bordering the site to the west. To the south, across West Broadway, there is a Cub Foods grocery store with a large surfacing parking lot.

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.*

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. However, under the current on-story building configuration allowed uses are limited to educational facilities, social, cultural and recreational facilities, religious institutions, birth centers, medical and dental labs and clinics, offices and child care centers. The proposed C3S zoning would allow for a wider range of goods and services along this designated Commercial Corridor near a Major Retail Center. The proposed zoning would also match the zoning.

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 subject property was originally constructed as a single building along with the property at 700 West Broadway in 1983. The building was later subdivided into two parcels, separating the parking lots as well. The property at 700 West Broadway is zoned C3S, Community Shopping Center district. Up until 2009, both of these parcels were zoned C2. In 2009 a rezoning study was conducted as a follow-up to the West Broadway Alive Plan. As a result, the property at 700 West Broadway, which includes the east half of the building and the parking lot fronting along West Broadway, was rezoned to C3S. The property at 710 West Broadway, which includes the west half of the building and the parking area on the north side of the site, was rezoned to OR2, despite the two parcels being originally constructed as one building and remaining as such in appearance.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to allow a sign on a non-primary building wall, 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.*

A primary building wall is defined as an exterior building wall that faces a street or an exterior building wall that faces an on-site accessory parking area. Wall signage is only allowed on a primary building wall and allowances for signage are based on linear feet of primary building wall. The applicant is proposing an 87.5 square foot sign on the south building wall, which is not a primary building wall. As such, the applicant is requesting a variance to increase the permitted sign area from zero to 87.5 square feet and a variance for the location of the sign.

Practical difficulties exist in complying with the ordinance regulations for primary building walls due to circumstances unique to the property. As previously noted, the building was originally constructed as one building along with the property at 700 West Broadway. At the time of construction, the south building wall was a primary building wall as it faced an on-site parking lot and West Broadway. The building was later subdivided into two parcels, separating the south parking lot from the subject site. Post-subdivision, the south building wall is no longer considered a primary building wall for the property at 710 West Broadway. However, for all intents and purposes this wall still functions as a primary building wall. The south wall of the building still faces West Broadway and the applicant will likely be leasing parking in the parking lot between the building and West Broadway. The circumstances related to the subdivision were not created by the applicant.

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 sign placement and size is reasonable and in keeping with the spirit and intent of the ordinance and the comprehensive plan. As noted above, the south wall still reads as a primary building wall though it is not, per the technical definition in the zoning code. If this were a primary building wall, a wall sign up to 138.6 square feet in area would be permitted in the C3S district. The proposed sign is only 87.5 square feet in area. Further, the proposed sign is 14 feet in height and the C3S district does not have a maximum height limit. The zoning code regulations governing on-premise signs were established to allow effective signage appropriate to the planned character of each zoning district, to promote an attractive environment by minimizing visual clutter and confusion, to minimize adverse effects on nearby property and to protect the public health safety and welfare. The proposed wall sign is consistent with the intent of these regulations. It is appropriately scaled to the building, will not lead to sign clutter and will have no adverse, off-site impacts.

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 proposed variance to allow a wall sign on a non-primary building wall will not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The neighboring property at 700 West Broadway is essentially an extension of the subject building and has a wall sign on the south elevation. The sign will be facing West Broadway, a designated Commercial Corridor, and will be located near the building's primary entrance. The applicant is proposing the sign in on the south elevation in lieu the north elevation, which is technically the front, as the north elevation faces residential uses. As such, the proposed location is less impactful on adjacent residential uses. The proposed sign will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Additional Standards for Sign Adjustments

In addition, the Planning Commission shall consider, but not be limited to, the following factors when considering an adjustment to the number, type, height, area, or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown, or industrial district:

1. *The sign adjustment 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 sign adjustment to allow for a wall sign on a non-primary building wall would not result in sign clutter. The applicant is only proposing one sign and it would be well below the maximum area allowance if the south wall were a primary building wall.

2. *The sign adjustment 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.*

Staff finds that all of the signs would relate in shape, material, color, illumination and character of the building on the property. The signs will be professionally installed with quality materials. The proposed wall signs will be individual, internally illuminated channel letters. The letters are yellow with brick as the primary building material behind them.

FOR REZONINGS ONLY

ZONING PLATE NUMBER. 8

LEGAL DESCRIPTION. Lot 1, Block 1, Merwin Drug Addition, Hennepin County, Minnesota

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the applications by Eric Broostin for the property located at 710 West Broadway:

A. Rezoning .

Recommended motion: **Approve** the application for a rezoning from the OR2, High Density Office Residence zoning district, to the C3S, Community Shopping Center zoning district, retaining the WB, West Broadway Overly District.

B. Variance.

Recommended motion: **Approve** the application for a variance to allow a sign on a non-primary building wall and to increase the allowed sign area from zero to 87.5 square feet.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site plan
4. Site survey (if applicable)
5. Plans
6. Building elevations
7. Renderings
8. Shadow study (if applicable)
9. Photos
10. Oblique aerials (optional)

- 11. Applicant's evidence
- 12. Correspondence