



**Request for City Council Committee Action from the Department of Community Planning
& Economic Development – Planning Division**

Date: April 21, 2009
To: Council Member Gary Schiff, Chair of Zoning and Planning Committee
Referral to: Zoning and Planning Committee
Subject: Referral from the April 20, 2009 City Planning Commission Meeting
Recommendation: See report from the City Planning Commission

Prepared by: Lisa Baldwin, Planning Commission Committee Clerk (612-673-3710)

Approved by: Jason Wittenberg, Supervisor, CPED Planning-Development Services

Presenter in Committee:

6. Cedar and Lake Shopping Center, 1825 Lake St E, 3005 Cedar Ave S, 3015 Cedar Ave S and 3017 Cedar Ave S, Shanna Sether, Sr. Planner, x2307

8. Zoning Code Text Amendment, Hilary Dvorak, Sr. Planner, x2639

Community Impact (use any categories that apply)

Other: See staff report(s) from the City Planning Commission

Background/Supporting Information Attached

The attached report summarizes the actions taken at the City Planning Commission meeting held on April 20, 2009. The findings and recommendations are respectfully submitted for the consideration of your Committee.

**REPORT
of the
CITY PLANNING COMMISSION
of the City of Minneapolis**

The Minneapolis City Planning Commission, at its meeting on April 20, 2009 took action to **submit the attached comment** on the following items:

6. Cedar and Lake Shopping Center (BZZ-4326, Ward: 9), 1825 Lake St E, 3005 Cedar Ave S, 3015 Cedar Ave S and 3017 Cedar Ave S ([Shanna Sether](#)).

A. Rezoning: Application by Hamoudi Sabri, on behalf of Lake Cedar Revival, LLC, for a petition to rezone the property 3017 Cedar Ave S from R2B Two-Family District to R2B Two-Family District and TP Transitional Parking Overlay District.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the petition to rezone the property of 3017 Cedar Ave S to add the TP Transitional Parking Overlay District to allow for an accessory parking lot.

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permits and Variance
BZZ-4326

Date: April 20, 2009

Applicant: Lake Cedar Revival, LLC

Addresses of Property: 1825 East Lake Street, 3005-3017 Cedar Avenue South

Project Name: Cedar and Lake Shopping Center

Contact Person and Phone: Hamoudi Sabri, (612) 722-4000

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: March 27, 2008

End of 60-Day Decision Period: May 26, 2009

End of 120-Day Decision Period: Staff sent a letter to the applicant on April 14, 2009, extending the decision period to no later than July 25, 2009

Ward: 9 **Neighborhood Organization:** Corcoran Neighborhood Organization, adjacent to East Phillips and Powderhorn Park

Existing Zoning: C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District; 3017 Cedar Avenue South is zoned R2B Two-Family District

Proposed Zoning: 3017 Cedar Avenue South to R2B Two-Family District and TP Transitional Parking Overlay District

Zoning Plate Number: 26

Legal Description: LOTS 7 THRU 12 INCLUSIVE, BLOCK 4, MINNEHAHA ADDITION TO MINNEAPOLIS

Proposed Use: Shopping center with an accessory parking lot

Concurrent Review:

- **Petition to rezone** the property 3017 Cedar Avenue South from R2B Two-Family District to R2B Two-Family District and TP Transitional Parking Overlay District.
- An amendment to the existing **conditional use permit** to allow for a shopping center.
- **Conditional use permit** to allow a parking lot located at 3017 Cedar Avenue South.

Department of Community Planning and Economic Development – Planning Division
BZZ-4326

- **Variance** to reduce the front yard requirement along Cedar Avenue South from 20 feet to 7 feet to allow for a parking lot located at 3017 Cedar Avenue South.
- **Variance** to reduce the rear yard requirement from 5 feet to 0 feet along the east property line to allow for a parking lot located at 3017 Cedar Avenue South.
- **Variance** to increase the maximum amount of impervious surface allowed in the R2B district to allow for a parking lot located at 3017 Cedar Avenue South.
- **Variance** of the Transitional Parking Overlay District standards requiring that the entrances and exits are located at least twenty (20) feet from any adjacent property located in a residence or office residence district to allow for a parking lot located at 3017 Cedar Avenue South.
- **Site plan review**

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits, Chapter 548, Article I, Commercial Districts, Chapter 525, Article IX, Variances, Chapter 530 Site Plan Review, Chapter 536 Specific Development Standards and Chapter 541 Off-Street Parking and Loading

Background: This site is located at the southeast corner of East Lake Street and Cedar Avenue South and is about ½ mile from the Lake Street LRT station. On September 22, 2008, the applicant received approvals for a conditional use permit to allow for a shopping center. The applicant is proposing to amend the floor plan and uses and add an accessory parking lot located at 3017 Cedar Avenue South. These proposed changes to the project require an amendment of the existing conditional use permit and site plan review.

The applicant has proposed the accessory parking lot to provide parking for the customers of the existing shopping center. The proposed parking lot also requires several land use applications. The proposed accessory parking lot is located in the R2B Two-Family District and the use is prohibited. Therefore, the applicant has applied to rezone the parcel to add the TP Transitional Parking Overlay District. In addition, accessory parking lots are conditional uses in the TP Overlay District and a conditional use permit is required. The applicant is intending to allow for 14 standard sized parking spaces in the accessory parking lot; two of which are located in the required front yard setback along Cedar Avenue South and one is located in the required rear yard along the alley; the applicant has applied for variances to reduce the front and rear required yards to allow for parking area. Finally, there is a standard in the TP Overlay that requires that the entrances and exits to the parking lot are located at least twenty (20) feet from any adjacent property located in a residence or office residence district. The adjacent property is also zoned R2B Two-Family District and the proposed curb cut along Cedar Avenue South is located approximately 9 feet to the shared property line to the adjacent residential use to the south.

As of the writing of this staff report, staff has not received any correspondence from any of the neighborhood organizations. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

REZONING: Petition to rezone the property of 3017 Cedar Avenue South to add the TP Transitional Parking Overlay District to the R2B Two-Family District.

Findings as required by the Minneapolis Zoning Code for the rezoning petition:

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

The property of 3017 Cedar Avenue South is on a designated as community corridor, Cedar Avenue South, by *The Minneapolis Plan*. It is also adjacent to a designated commercial corridor along Lake Street East. In *The Minneapolis Plan for Sustainable Growth* the land use designations would remain the same. According to the principles and polices outlined in the plan, the following apply to this proposal:

The Minneapolis Plan (2000)

4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

Applicable Implementation Step

Support the continued presence of small-scale retail sales and commercial services along Community Corridors.

The Minneapolis Plan for Sustainable Growth (2009)

The site is designated as mixed use and located on a community corridor, Cedar Avenue South and a commercial corridor, East Lake Street. The plan states that “Community corridors were the streetcar routes and the traditional urban corridors they created. They serve as principal travel routes. The rhythm of development in community corridors contributes to the dynamic nature of city living and is a source of pride and identity for residents and workers. Many of these streets are designated here as Community Corridors because they serve distinct residential neighborhoods and contain limited commercial and mixed uses.

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.

1.9.1 Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.

1.9.3 Discourage uses that diminish the transit and pedestrian oriented character of Community Corridors, such as automobile services and drive-through facilities.

Staff comment: The properties and businesses to be served by the proposed parking lot are located on the Cedar Avenue community corridor and the Lake Street commercial corridor. The proposed parking lot is along Cedar Avenue South. The applicant has indicated that the rezoning is necessary to provide parking for customers. With the addition of the TP overlay district, the

underlying zoning district, R2B, and the provisions, such as yard requirements, would still apply. Parking lots in the TP overlay district are subject to standards that are intended to minimize the impact of nonresidential parking lots on surrounding properties. The proposed rezoning is consistent with these goals of *The Minneapolis Plan* and *The Minneapolis Plan for Sustainable Growth*.

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

The parking lot would serve businesses that are located along a commercial and community corridors. There have been several neighborhood complaints that there is insufficient parking area provided for the uses in the building. The parking requirement was reduced through nonconforming rights (51 spaces) and the location within the Transit Station Area Pedestrian Oriented Overlay due to the Light Rail Transit (21 spaces) nearby of approximately 72 off-street parking spaces. The businesses provide services to the surrounding neighborhoods. The applicant has indicated that having off-street parking available is needed for these businesses and to relieve the parking issues present nearby. The amendment is in the public interest and not solely in the interest of the property owner.

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 shopping center buildings are located within the C2 District. In 2005, the City of Minneapolis added the TSA PO to properties within ¼ mile of the transit station located at Lake Street. Within the last few years, the TP overlay district was added to properties along 16th Avenue South, approximately three blocks to the west of the proposed parking lot. The proposed zoning should be compatible with the surrounding uses and zoning classifications.

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 R2B district allows residential uses of low density. Only a few nonresidential uses, a preschool, a child care center and a developmental achievement center, could be allowed on this site because of its size. Although some reasonable use of the property is allowed in the R2B district, the R2B zoning does not allow parking for commercial uses.

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.

No zoning changes have occurred on the block on which the subject site is located since it was placed in its present zoning classification. In 2005, the City of Minneapolis added the TSA PO to properties within ¼ mile of the transit station located at Lake Street. Within the last few years, the TP overlay district was added to properties along 16th Avenue South, approximately three blocks to the west of the proposed parking lot.

CONDITIONAL USE PERMIT: to amend and existing conditional use permit for a shopping center

Findings as required by the Minneapolis Zoning Code for the conditional use permit: The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below 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.

This site is zoned C2 Neighborhood Corridor Commercial District and is on a commercial corridor. The buildings are existing retail structures and the site is in compliance with the previously approved site plan review. The applicant is proposing to eliminate the previously proposed intense uses, including a reception meeting hall and the mosque by instead providing general retail sales and service uses, a coffee shop, caterer and office space. By connecting the tenant spaces in 3011 Cedar Avenue South to the other retail buildings with an interior hallway, the project is defined as a shopping center under the zoning code. The uses located within the building are permitted in the C2 District. The use of the shopping center should have little impact on the surrounding area, if the uses meet the parking requirement. In addition, the shopping center will not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances.

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 use of the site as a shopping center should not be detrimental to the surrounding area, provided that the parking requirement is met. Retail is an appropriate use on a commercial corridor. The buildings have been placed up to the street and have individual entrances onto the street in conformance with the goals of traditional urban design.

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

The site is served by existing infrastructure. The Public Works Department has reviewed the project for appropriate drainage and stormwater management in or over the public right of way and the previously approved site plan is in compliance. A copy of the most recent Preliminary Development Review report is attached to the staff report.

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

The required parking for the proposed uses in the building, under typical circumstances, would be 85 spaces. The site is in the Pedestrian Oriented (PO) Overlay District, which allows 75 percent of the parking requirement for the commercial uses specified by Chapter 541 of the zoning code is provided. This reduces the required parking to 64 spaces. The site has grandfather rights for 51 parking spaces. There are four spaces currently provided on site and the applicant is proposing to add an additional 14 stalls. In addition, a minimum of five bicycle parking spaces is required for the

shopping center; the applicant would also be able to take advantage of the parking incentive by eliminating one parking space from the required parking by providing at least four bicycle parking spaces. If the proposed parking lot is approved, the applicant would be providing an additional six spaces than what is required by the zoning code.

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

The Minneapolis Plan designates this portion of Lake Street as a commercial corridor. The plan states that, “Commercial Corridors are streets that are available for development including more intensive commercial and high traffic activities. The buildings and structures on these streets are generally similar to traditional commercial storefronts and the siting and massing of new structures should respect this typology. These corridors must balance both pedestrian and automobile orientation in their design and development. The corridors support all types of commercial uses, with some light industrial and high density residential uses as well. While the character of these streets is commercial, residential areas are nearby and impacts from commercial uses must be mitigated as appropriate.”

The site is also in a Transit Station Area (TSA). *The Minneapolis Plan* states the following about TSAs has the following relevant policies:

Transit Station Areas (TSAs) are designated on the Land Use Policy Map. The *Minneapolis Plan* does not delineate the precise geographic extent of these policy areas. The following general characteristics should be used to guide policy application and implementation steps in these areas:

- TSAs will be the subject of established master plans that identify and/or prioritize areas for change (and preservation), as well as specific goals and objectives for redevelopment, public infrastructure, density and urban design.
- TSAs are areas approximately one-half mile in radius from transit stations, reflecting an understanding that most walking trips to and from transit stations are ten minutes or less in duration. Density, urban design, and public infrastructure is, therefore, especially critical in these areas. The actual size of this area is influenced by directness of routes, physical barriers, and the potential for those barriers to be bridged.
- Potential TSA densities and/or redevelopment opportunities are generally highest within 1/4 mile of the transit station, but are also dependent upon factors such as existing neighborhood character and land cost and availability.
- TSA development is designed with the pedestrian, bicyclist, and/or transit user in mind.
- TSA development serves individuals who are more likely to use transit (e.g., residents of multi-family housing and office and retail workers)
- TSA development includes small-scale retail services that are neighborhood in scale and from which pedestrians, bicyclists, and/or transit riders are likely to benefit (e.g., coffee shop, day care, dry cleaners, small-scale grocery, flower shop)

4.18 Minneapolis will encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users.

Implementation Steps

Explore and pursue opportunities to integrate development with transit stations.

Concentrate highest densities and mixed-use development nearest the transit station and/or along Commercial Corridors, Community Corridors and/or streets served by local bus transit.

Ensure that new development density is well integrated with existing neighborhood character through transitions in scale and attention to design.

Support the development of new housing types in the TSA, including townhomes, mansion apartments, garden apartments, granny flats/carriage houses, and multi-family residential buildings.

Support and encourage small-scale, pedestrian-oriented services and retail uses to locate near stations and within mixed-use buildings to serve transit riders and the immediate neighborhood (e.g., day care centers, cafés, dry cleaners, convenience grocery, etc.).

Recruit land uses that value convenient access to downtown Minneapolis or other institutional or employment centers that are well served by transit.

Discourage automobile services and drive-through facilities from locating or expanding in these designated areas.

4.19 Minneapolis will require design standards for TSAs that are oriented to the pedestrian and bicyclist and that enforce traditional urban form.

Implementation Steps

Ensure that TSA building and site design is oriented to the pedestrian (e.g., reinforcing street walls, anchoring street corners, creating semi-public outdoor spaces, creating visual interest, providing adequate fenestration, and ensuring that principal building entrances open onto public sidewalks).

Preserve traditional urban form where it currently exists within TSAs, and encourage new development to relate to this context. (See description of traditional urban form in *Chapter 9, City Form*)

Work in partnership with neighborhoods and businesses to enhance the safety and aesthetics of TSA streets and sidewalks through installation of streetscape elements (e.g., lighting, trees, and street furniture).

Ensure that new development and renovation of existing structures adhere to the principles of Crime Prevention Through Environmental Design (CPTED) (See description of building form and context in *Chapter 9, City Form*.)

Ensure that TSA development is well integrated into the surrounding neighborhoods through attention to building design, landscaping, and transitions in density and land use.

4.20 Minneapolis will provide direct connections to transit stations for pedestrians, bicyclists, and bus riders.

Implementation Steps

Design streets, sidewalks, and other public infrastructure to prioritize pedestrian, bus and bicycle access to transit stations (e.g., create wider sidewalks; construct pedestrian bridges, tunnels, and plazas; add bicycle lanes and parking; create bus lanes, pull-outs, and waiting facilities.)

Work with transit service providers to ensure that bus connections to transit stations are safe, attractive and easy to use (e.g., establish appropriate signage and waiting facilities on important connecting local bus routes)

Enhance pedestrian connections to stations where walking environments are unsafe or uninviting (e.g., buffering pedestrians from traffic, reducing intersection crossing distances, installing traffic control devices, limiting the size and number of curb cuts, improving streetscapes including lighting and landscaping, installing public art, etc.)

Mitigate physical barriers that prevent easy access for pedestrians to the stations (e.g., bridging highways or high-volume roadways, creating safe pedestrian underpasses, acquiring new public rights-of-way and passages, etc.)

Enhance pedestrian connections and wayfinding from neighborhoods with high concentrations of transit users.

Work in partnership with neighborhoods and businesses to ensure that primary pedestrian and bicycle routes are well maintained, free of obstacles, and cleared of snow and litter.

Establish working relationships with institutions, large employers, and/or landowners to encourage transit use and improve wayfinding to/from transit.

4.21 Minneapolis recognizes that parking is a necessary part of the urban environment, but will limit the amount, location, and design of parking in TSAs in order to encourage and support walking, bicycling, and transit use.

Implementation Steps

Establish upper limits on the amount of off-street parking so that walking, bicycling and transit use are not discouraged.

Allow reductions in minimum off-street parking requirements.

Support shared use of parking by commercial uses with different peak periods of parking demand.

Restrict the location of off-street parking for new development to the side or rear of buildings, so that there are direct connections between the public sidewalk and the principal entrances of buildings.

Limit the amount of street frontage for new off-street parking lots and require landscaping between parking lots and public sidewalks.

Provide density bonuses for land uses that provide parking underground or within structures.

Use parking meters and other parking management practices to ensure an adequate supply and turnover of on-street parking for commercial activities.

Discourage long-term on-street parking by non-residents.

Work in partnership with the Metropolitan Council to evaluate and address the impact of automobile traffic and parking generated by the presence of transit stations.

Limit parking facilities in neighborhoods that are exclusively for the use of transit riders.

Work in partnership with other entities to identify opportunities for shared parking facilities to strategically support the development within TSAs.

The use of the site for a shopping center as proposed is in conformance with the above noted goals of the comprehensive plan, as it has a mix of uses and the buildings are designed with principals of traditional urban design.

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

In addition to the conditional use permit, several land use applications are required due to the addition of the proposed parking lot and the proposed use is subject to the following Specific Development Standards, addressed in Chapter 536:

Shopping center.

(1) Only uses allowed in the zoning district in which the shopping center is located shall be allowed in the shopping center.

(2) Uses which require a conditional use permit, site plan review or other land use approval shall comply with all review and approval requirements of this zoning ordinance.

(3) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

The building and intended use shall comply with all of the development standards.

CONDITIONAL USE PERMIT: to allow an accessory surface parking lot in the TP overlay district.

Findings as required by the Minneapolis Zoning Code:

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.**

One of the standards of the overlay district requires that the parking lot be closed with a secured gate or other appropriate mechanism between the hours of 10:00 p.m. and 6:00 a.m. to prevent unauthorized use of the parking lot when businesses are not open to the public. The applicant is requesting that the Planning Commission not require gating the lot. However, due to previous issues regarding illegal parking and late night operation, staff is recommending that the applicant install the required gate and comply with the required hours of operation of the proposed parking lot. The lot will be accessed via curb cut along Cedar Avenue South and alley access will be prohibited. Due to traffic patterns along Cedar Avenue South, Planning and Public Works staff are requiring a sign be installed indicating that left turns out of the parking lot shall be prohibited. The establishment of a parking lot on the site should not prove detrimental to public health, safety, comfort or general welfare provided that the recommended crime prevention design elements in the site plan review section of this report are implemented.

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 parking lot would serve existing buildings and businesses. The applicant is requesting that the Planning Commission not require gating the lot. Staff is recommending that the Planning Commission require the gate. The use should have little effect on surrounding properties with the recommended crime prevention design elements in the site plan review section of this report are implemented.

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

The site is served by existing infrastructure. Vehicle access would be from Cedar Avenue South. The Public Works Department has reviewed the project for appropriate drainage and stormwater management. Planning and Public Works staff is requiring the installation of a “no left turn” sign for vehicles exiting the parking lot to ensure the safety of pedestrians and other vehicles traveling on or over the public right of way.

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

The proposed parking lot would contain 14 parking spaces; staff is recommending that the applicant meet the required established front yard and rear yard requirements; resulting in a total of 13 (11 standard and 2 compact) parking spaces. Vehicle access is proposed through a curb cut on Cedar Avenue South. The parking lot would serve existing buildings and businesses at the intersection of East Lake Street and Cedar Avenue South. A parking lot of 13 spaces should have little effect on congestion in the streets.

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

See Finding #1 under Rezoning.

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 use of the site for a parking lot will conform to the applicable regulations of the districts in

which it is located upon the approval of the rezoning, conditional use permit, variances, and site plan review.

VARIANCES: 1) to reduce the front yard requirement along Cedar Avenue South from 20 feet to 7 feet and 2) to reduce the rear yard requirements from 5 feet to 0 feet

Findings as required by the Minneapolis Zoning Code:

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

Front: A front yard is required along Cedar Avenue South. In the R2B district, the minimum front yard requirement is equal to 20 feet or the set back of the adjacent residential structure, whichever is greater. The adjacent residential structure is set back 10.5 feet; therefore the district setback of 20 feet is applied. The applicant is proposing to install a 9 foot 3 inch landscaped yard, screening and landscaping to minimize the potential effects of a parking area to the adjacent single family dwelling. The adjacent structure to the south is currently nonconforming to the minimum setback of 20 feet and staff believes that the proposed parking area is a reasonable use as long as the parking stalls and drive aisle are not located closer to Cedar Avenue South than the existing adjacent structure.

Rear: A rear yard is required adjacent to the alley on the property of 3017 Cedar Avenue South. The minimum set back required is 5 feet and the applicant is proposing to provide parking up to the rear property line. There is insufficient maneuvering space adjacent to the last stall, along the alley. Staff believes that the applicant is able to provide the minimum 5 foot required rear yard, adjacent to the alley.

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.

Front and Rear: Complying with the established front and rear yard requirements would result in the loss of only one parking stall. The applicant is proposing to have 14 standard parking stalls and has 6 spaces in excess of what is required by the zoning code. The applicant could provide a minimum setback of 10.5 feet along the front yard, 11 standard spaces, 2 compact spaces and 5 feet along the alley. The circumstances that would eliminate required yards to allow for parking are not unique and have been created by the applicant. However, staff believes that is reasonable to allow for a reduction from the district front yard setback of 20 feet to the established setback of 10.5 feet that matches the adjacent residential structure. The circumstances that require the greater setback of 20 feet, when the established setback is 10.5 feet is unique to the land and not a circumstance that has been created by the applicant.

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.

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses.

Front: The adjacent residence is set back 10.5 feet from the front lot line. The average set back of houses on the block appears to be approximately 10-12 feet, as well. Complying with the yard requirement would increase the amount of landscaped area, which is more characteristic of a residential neighborhood.

Rear: A rear yard is required adjacent to the alley on the property of 3017 Cedar Avenue South. There are residential uses across the alley and staff believes that a landscaped buffer adjacent to the alley should be required to minimize potential impacts. In addition, there is insufficient maneuvering space adjacent to the last stall, along the alley. Staff believes that the applicant is able to provide the minimum 5 foot required rear yard, adjacent to the alley.

- 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.**

Front and rear: The applicant has proposed to provide 14 standard parking stalls in the new parking area located at 3017 Cedar Avenue South. Staff is recommending that the applicant meet the established setback along the front property line of 10 feet 6 inches and the rear yard of 5 feet. Further, by meeting the proposed yard requirements, the applicant would be able to provide 11 standard stalls and 2 compact stalls, thus providing 1 less parking stall than proposed. Finally, the staff does not expect that granting the variances would negatively affect public safety.

VARIANCE: to increase the maximum amount of impervious surface allowed in the R2B district from 65 percent to 79.5 percent.

Findings as required by the Minneapolis Zoning Code:

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

The maximum amount of impervious surface allowed in the R2B district is 65 percent of the lot area. The area of the site located in the R2B district is approximately 6,255 square feet, therefore not more than 4,065 square feet of impervious area is allowed in that area. A total of 4,972 square feet of impervious surfaces (79.5 percent of the R2B portion of the site) are proposed. In other words, approximately 907 square feet of additional pervious surfaces would need to be provided to comply with the district requirement. The applicant is also requesting a variance to reduce the front and rear yard requirements. If the applicant met the established front yard requirement along Cedar Avenue South—aligning with the front of the residential structure to the south—and the rear yard requirement, the amount of impervious surface would be reduced by approximately 150 square feet (total impervious surface would then cover 77 percent of the R2B portion of the site), and only one parking space would be eliminated. Staff believes increasing the overall amount of pervious surface on the site is a reasonable alternative.

- 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.**

Some additional landscaping can be added on the site by meeting the required established setback along Cedar Avenue South and along the rear yard. Staff believes increasing the overall amount of pervious surface on the site is a reasonable alternative.

- 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 maximum impervious surface requirements are established to provide a number of benefits from landscaping such as buffers between uses, on-site retention of stormwater, and preserving the residential character of an area. Providing more landscaping adjacent to Cedar Avenue South and the alley is more characteristic of the residential neighborhood and would mitigate the impact on surrounding properties.

- 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.**

The granting of the variance should not affect public safety or increase congestion in the public streets.

VARIANCE: Variance of the TP overlay district standard requiring that the parking lot entrance not be located within 20 feet from any adjacent property located in a residence or office residence district

Findings as required by the Minneapolis Zoning Code:

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

The parking lot entrance is required to be located a minimum of 20 feet from any adjacent property located in a residence or office residence district. To comply with the requirement, the parking lot would have to be reversed, putting the parking area along the south property line that is shared with the adjacent residential use. The adjacent single family home accesses their lot via the alley, whereas the proposed parking area will be accessed via Cedar Avenue South. Further, a “no left turn” sign will be installed, prohibiting turns out of the parking lot going southbound on Cedar Avenue South. Staff believes that the proposed parking layout, with vehicles facing the commercial building is more reasonable than providing the entrance within 20 feet of the adjacent 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 lot with the proposed accessory parking lot is 50 feet in width. The TP Overlay requires that the entrance of the parking lot be located at least 20 feet from the adjacent property zoned residence or office residence. The applicant would be able to reverse the parking location and drive aisles to be adjacent to the south property to comply with this provision. However, the applicant has instead applied for the variance to minimize the impact of vehicles by providing the parking along the north property line and the curb cut along the south property line. Staff believes that the proposed parking layout, with vehicles facing the commercial building, is more reasonable than providing the entrance greater than 20 feet from the adjacent property in this instance.

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 purpose of the TP overlay standards includes minimizing the impacts of allowing parking for a commercial use in a residential district on surrounding properties and limiting the expansion of commercial parking into primarily residential neighborhoods. The parking lot would be adjacent to only one residential property along Cedar Avenue South. The applicant would be able to reverse the parking location and drive aisles to be adjacent to the south property to comply with this provision. However, the applicant has instead applied for the variance to minimize the impact of vehicles by providing the parking along the north property line and the curb cut along the south property line. Staff is recommending that additional landscaping and screening be provided to provide physical transition and more separation to the surrounding residential properties. The granting of the variance should have little effect on the surrounding properties.

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.

The CPED Department does not expect that granting the variance would significantly affect congestion or public safety.

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the 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 the 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.
- 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 and windows:
 - 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.**

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

- **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. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

Conformance with above requirements:

The existing shopping center buildings are located up to the property line along Lake Street East and Cedar Avenue South to reinforce the street.

Principal entrances to the tenant spaces along Lake Street East and Cedar Avenue South face public streets and the intersection.

The existing and proposed parking areas are located to the rear and interior of the site.

The exterior materials include brick, granite and windows. Canopies are located above the windows and building entrances.

Plain face concrete block will not be used as a primary exterior building material.

The buildings would include sufficient architectural detail and amounts of windows to avoid large blank walls, not exceeding twenty-five (25) feet in length along Lake Street East and Cedar Avenue South. There are two blank walls, along the south and east walls; however, no new construction is proposed and therefore the applicant is not required to meet this standard.

The applicant is not proposing new construction and is therefore not required to provide a minimum of 40% glazing on the first floor on the three elevations of the shopping that face a public street, pathway or parking area on the north, west and south facades. The building does exceed the window requirements on the north and west facades.

All windows are vertical in proportion and evenly distributed.

A flat roof is proposed. Many buildings in the area also have flat roofs.

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.**
- **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 above requirements:

The applicant has is not proposing an additional walkway connecting parking area to the public sidewalk and is requesting alternative compliance. To provide a walkway, either a variance to reduce the minimum two-way drive aisle would be required or a reduction in landscaping adjacent to the residential property to the south. Staff believes that a parking lot of only 13 spaces will allow for pedestrians to safely travel behind the parked vehicles to the public sidewalk and thereby not requiring an additional variance or a reduction in the proposed landscaped yard.

There are no transit shelters on the site. There are two transit shelters nearby; one is located across Cedar Avenue South in front of 1817 East Lake Street and the other is across Lake Street East in front of the Pioneers and Soldiers Memorial Cemetery.

The existing four parking spaces are accessed behind the structure located at 3005 Cedar Avenue South from the alley. The proposed accessory parking lot located at 3017 Cedar Avenue South will be accessed via a new curb cut along Cedar Avenue South. Alley access to the proposed parking lot located at 3017 Cedar Avenue South will be prohibited.

The site plan shows an increase in the amount of impervious surface than what previously existed on the site prior to the demolition of the duplex. The applicant is requesting a variance to the maximum impervious surface requirement in the R2B District.

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 above requirements:

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area is approximately 31,275 square feet and the existing building footprints are 22,917 square feet. The lot area minus the building footprints therefore consists of approximately 8,358 square feet. At least 20 percent of the net site area (1,672 square feet) must be landscaped and the staff is recommending that the applicant provide a minimum of 1,436 square feet, which equals 17.2 percent of the net site area. The applicant is requesting alternative compliance to providing a minimum of 20% landscaping due to the impracticality of providing an additional 236 square feet, which would further reduce the number of parking spaces provided.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space, including required yards. In addition, not less than one (1) tree shall be provided for each twenty-five linear feet or fraction thereof of parking lot frontage along a public street. The tree and shrub requirement for this site is 5 and 25 respectfully. The applicant has shown 3 canopy trees and 27 shrubs. Staff is recommending that the applicant provide the required number of trees and shrubs.

A seven-foot landscaped yard is required on three of the four sides of the proposed parking lot, along the east, south and west property lines at 3017 Cedar Avenue South, due to adjacency to a public street and pathway and residential uses and zoning classification. The applicant is requesting alternative compliance to reduce the landscaped yard requirement on the rear yard to maximize the number of parking stalls on the site. In addition, there is a required rear yard setback required of 5 feet. Staff is recommending that the applicant provide a minimum of a 5 foot landscaped yard along the rear property line and the planning commission grant alternative compliance, in lieu of reducing the provided number of stalls.

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. Four of the proposed parking stalls do not meet this requirement. The applicant is required to provide two more trees per 530.160 and can therefore meet this requirement, as well.

Screening, not less than 3 feet in height and less than 60% opaque is required along Cedar Avenue South and along the south property line in the required front and interior side yards. Screening, not less than 6 feet high and 95% opaque, is required for the remainder of the south property line for approximately 90 feet and along the rear yard. The applicant is not proposing

any screening. Due to the location adjacent residential structure, a variance would be required to increase the maximum height of a fence along the front and interior side yards, beyond 3 feet in height. Therefore, staff is recommending the installation of screening that meets the required height and opacity as previously specified and the installation of dense, columnar and prickly shrubbery, a minimum of six feet in height along the south property line in the required front and interior yards to effectively screen the parking area from the adjacent structure.

Turf, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees shall cover all areas that are not paved or landscaped.

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 above requirements:

The parking area would be defined by 6-inch by 6-inch concrete curbing. The site gradually slopes towards Cedar Avenue South. It is feasible to retain some stormwater on-site in the landscaped yard adjacent to Cedar Avenue South and along the east and south property lines in the landscaped area. Staff is recommending that discontinuous curbing be provided on the south side of the parking area to accommodate on-site filtration and retention of some of the stormwater.

The elements of the site plan should not impede any views of important elements of the city.

No buildings are proposed that would shadow the adjacent streets or properties.

Wind currents should not be major concern.

The site design and the staff recommendation for improvements would allow natural surveillance and visibility. Between the street and the parking area, the required shrubs and trees will need to

allow views between 3 and 7 feet. Adjacent to the neighboring residential property, staff is recommending a row of shrubs and a fence would control and guide movement on the site and distinguish between public and private spaces.

The existing structures are neither historic nor eligible for historic designation.

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 site is zoned C2 and PO; the applicant is proposing to rezone the property located at 3017 Cedar Avenue South to add the TP Overlay District. Shopping centers are conditional uses in the C2 District and accessory parking lots are conditional uses in the TP Overlay District.

Off-Street Parking and Loading:

Minimum automobile parking requirement: 12 off-street parking spaces

Use	Location	Square footage	Required parking stalls	Required parking stalls with PO District reduction
Offices	1st floor	8640 sqft	9	7
Grocery Store	1st floor	5983 sqft	4	3
Coffee Shop/General Seating Area	1st floor	1000 sqft	4	3
General retail spaces (20)*	1st floor	N/A	64	48
Storage	Basement	3296 sqft	4	3
Total			85	64
Nonconforming rights				-51 stalls
Required bicycle parking spaces			5	-1 stall
Total required vehicle parking				12 off-street parking stalls
Notes:				
* Table 541-1 exempts parking requirements for up to four tenant spaces of 1,000 square feet or less				

Maximum automobile parking requirement: 115 off-street parking spaces

Bicycle parking requirement: 5 bicycle parking spaces; 50% of which shall meet the minimum standards for short term bicycle parking

Loading: As approved by the conditional use permit

Maximum Floor Area: The maximum floor area ratio in the C2 District is 1.7. The lot area is 31,275 square feet. The existing structures are 22,917 square feet. The floor area ratio is .733.

Height and Bulk: The maximum building height in the C2 District is limited to four stories or 56 feet, whichever is less. The existing buildings are one and two stories.

Minimum Lot Area: Not applicable

Dwelling Units per Acre: There are no existing or proposed dwelling units.

Yard Requirements: The majority of the subject site is zoned C2 and there are yard requirements along the south property line due to adjacency to the office residence zoning classification. The property located at 3017 Cedar Avenue South is zoned R2B Two-Family District. The applicant has requested a variance to reduce the front and rear property lines to allow for the proposed parking area.

Hours of Operation: The permitted hours of operation in the C2 District are 6:00 am – 10:00 pm Sunday through Thursday and 6:00 am – 11:00pm Friday and Saturday. The use has been in existence prior to the limitation of hours and has consistently operated from 6:00am – 12:00 am, seven days per week. The parking lot shall be closed from 10:00 pm to 6:00 am, seven days a week.

Signs: There is no new signage proposed. All new signage is required to meet the requirements of the zoning code.

Refuse screening: There is an existing trash enclosure to the rear of the structure located at 3011 Cedar Avenue South and is in compliance with section 535.80 of the zoning code.

Lighting: Lighting proposed for the development complies with Chapter 536 Specific Development Standards for the canopy lighting, Chapter 535 and Chapter 541 of the zoning code including:

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 not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from 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 from any permitted or conditional residential use.
- (4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-

half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.

- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

MINNEAPOLIS PLAN: Please see the rezoning and conditional use permit sections of this report.

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 by the applicant for the following standards:

- Walkway for pedestrian access

The applicant has is not proposing an additional walkway connecting parking area to the public sidewalk and is requesting alternative compliance. To provide a walkway, either a variance to reduce the minimum two-way drive aisle would be required or a reduction in landscaping adjacent to the residential property to the south. Staff believes that a parking lot of only 13 spaces will allow for pedestrians to safely travel behind the parked vehicles to the public sidewalk and thereby not requiring an additional variance or a reduction in the proposed landscaped yard.

- Minimizing impervious surface

The site plan shows an increase in the amount of impervious surface than what previously existed on the site prior to the demolition of the duplex. The applicant is requesting a variance to the maximum impervious surface requirement in the R2B District. Staff is recommending that the planning commission grant alternative compliance.

- Twenty percent landscaping

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area is approximately 31,275 square feet and the existing building footprints are 22,917 square feet. The lot area minus the building footprints therefore consists of approximately 8,358 square feet. At least 20 percent of the net site area (1,672 square feet) must be landscaped and the staff is recommending that the applicant provide a minimum of 1,436 square feet, which equals 17.2 percent of the net site area. The applicant is requesting alternative compliance to providing a minimum of 20% landscaping due to the impracticality of providing an additional 236 square feet, which would further reduce the number of parking spaces provided.

- Parking spaces located no more than fifty (50) feet to an on-site deciduous tree

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. Four of the proposed parking stalls do not meet this requirement. The applicant is required to provide two more trees per 530.160 and can therefore meet this requirement, as well.

- Not less than one tree per 500 square feet of required landscaping

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space, including required yards. In addition, not less than one (1) tree shall be provided for each twenty-five linear feet or fraction thereof of parking lot frontage along a public street. The tree and shrub requirement for this site is 5 and 25 respectfully. The applicant has shown 3 canopy trees and 27 shrubs. Staff is recommending that the applicant provide the required number of trees and shrubs.

- Landscaped yard

A seven-foot landscaped yard is required on three of the four sides of the proposed parking lot, along the east, south and west property lines at 3017 Cedar Avenue South, due to adjacency to a public street and pathway and residential uses and zoning classification. The applicant is requesting alternative compliance to reduce the landscaped yard requirement on the rear yard to maximize the number of parking stalls on the site. In addition, there is a required rear yard setback required of 5 feet. Staff is recommending that the applicant provide a minimum of a 5 foot landscaped yard along the rear property line and the planning commission grant alternative compliance, in lieu of reducing the provided number of stalls.

- Screening requirements

Screening, not less than 3 feet in height and less than 60% opaque is required along Cedar Avenue South and along the south property line in the required front and interior side yards. Screening, not less than 6 feet high and 95% opaque, is required for the remainder of the south property line for approximately 90 feet and along the rear yard. The applicant is not proposing any screening. Due to the location adjacent residential structure, a variance would be required to increase the maximum height of a fence along the front and interior side yards, beyond 3 feet in height. Therefore, staff is recommending the installation of screening that

meets the required height and opacity as previously specified and the installation of dense, columnar and prickly shrubbery, a minimum of six feet in height along the south property line in the required front and interior yards to effectively screen the parking area from the adjacent structure.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Rezoning:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the petition to rezone the property of 3017 Cedar Avenue South to add the TP Transitional Parking Overlay District to allow for an accessory parking lot.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for an amendment to an existing conditional use permit to allow a shopping center for the properties located at 1825 East Lake Street, 3005-3015 Cedar Avenue South in the C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District, subject to the following conditions:

1. The applicant shall meet the specific development standards for Shopping Center in section 536.20 of the zoning code.
2. 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.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the Conditional Use Permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a parking lot for the property located at 3017 Cedar Avenue South in the R2B Two-Family District and TP Transitional Parking Overlay District, subject to the following conditions:

1. The parking lot shall be closed with a secured gate or other appropriate mechanism between the hours of 10:00 pm and 6:00 am.
2. The applicant shall post a sign that states: "No Left Turn" prohibiting turns out of the parking lot going southbound on Cedar Avenue South.

3. 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.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to reduce the front yard requirement along Cedar Avenue South from 20 feet to 7 feet to allow a parking lot for the property located at 3017 Cedar Avenue South, and in lieu thereof, the Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the front yard requirement along Cedar Avenue South from 20 feet to **10.5** feet to allow a parking lot for the property located at 3017 Cedar Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for variance to reduce the rear yard requirement from 5 feet to 0 feet along the east property line to allow for a parking lot located at 3017 Cedar Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for variance to increase the maximum impervious surface requirement from 65 percent to 79.5 percent, and in lieu thereof, the Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** a variance to increase the maximum impervious surface requirement from 65 percent to **77** percent for the property located at 3017 Cedar Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application of the Transitional Parking Overlay District standards requiring that the entrances and exits are located at least twenty (20) feet from any adjacent property located in a residence or office residence district to allow for a parking lot located at 3017 Cedar Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Site Plan Review:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review for the properties located at 1825 East Lake Street and 3005-3017 Cedar Avenue South:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by April 20, 2010, or the permit may be revoked for non-compliance.
3. At least 1,436 square feet (17.2 percent of the net lot area) of landscaped area shall be provided on-site and at least 6 canopy trees, 5 deciduous trees and 25 shrubs shall be provided as required by section 530.160 of the zoning code. The applicant is encouraged to plant native grasses and perennials in addition to the required trees and shrubs.
4. Screening, not less than 3 feet in height and less than 60% opaque is required along Cedar Avenue South and along the south property line in the required front and interior side yards. Screening, not less than 6 feet high and 95% opaque, is required for the remainder of the south property line for approximately 90 feet and along the rear yard.
5. Along the south property line in the required front and interior yard, adjacent to the residential property, a 6-foot high hedge shall be provided as required by section 530.170 of the zoning code.
6. Discontinuous curbing shall be provided on the west side of the parking area and the grading of the parking area shall be modified to facilitate some filtration and retention of stormwater as required by section 530.230 of the zoning code.
7. Bicycle racks shall be provided to accommodate no fewer than five (5) bicycles on the property and shall meet the minimum requirements for short term bicycle parking. The bicycle parking may be located in the public right-of-way with permission of the city engineer.

Attachments:

1. PDR report
2. Statement of use and findings
3. December 5, 2008, e-mails to CM Schiff and applicable neighborhood organizations
4. Zoning map
5. Site plan, floor plans and elevations
6. Photos of the site and surrounding area
7. Oblique aerials

**Excerpt from the
CITY PLANNING COMMISSION
MINUTES
Minneapolis Community Planning & Economic Development (CPED)
Planning Division**

250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385
(612) 673-2597 Phone
(612) 673-2526 Fax
(612) 673-2157 TDD

MEMORANDUM

DATE: April 21, 2009

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of April 20, 2009

The following actions were taken by the Planning Commission on April 20, 2009. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners present: President Motzenbecker, Bates, Gorecki, Huynh, Luepke-Pier, Nordyke, Norkus-Crampton, Schiff and Tucker – 9

Not present: Cohen

Committee Clerk: Lisa Baldwin (612) 673-3710

6. Cedar and Lake Shopping Center (BZZ-4326, Ward: 9), 1825 Lake St E, 3005 Cedar Ave S, 3015 Cedar Ave S and 3017 Cedar Ave S ([Shanna Sether](#)).

A. Rezoning: Application by Hamoudi Sabri, on behalf of Lake Cedar Revival, LLC, for a petition to rezone the property 3017 Cedar Ave S from R2B Two-Family District to R2B Two-Family District and TP Transitional Parking Overlay District.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the petition to rezone the property of 3017 Cedar Ave S to add the TP Transitional Parking Overlay District to allow for an accessory parking lot.

B. Conditional Use Permit: Application by Hamoudi Sabri, on behalf of Lake Cedar Revival, LLC, for an amendment to the existing conditional use permit to allow for a shopping center located at 1825 Lake St E, 3005 Cedar Ave S, 3015 Cedar Ave S and 3017 Cedar Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for an amendment to an existing conditional use permit to allow a shopping center for the properties located at 1825 E Lake St, 3005-3015 Cedar Ave S in the C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District, subject to the following conditions:

1. The applicant shall meet the specific development standards for Shopping Center in section 536.20 of the zoning code.
2. 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.
3. The fences shall be of wrought iron or similar material to help prevent graffiti.
4. Graffiti-proof tiles shall be added to the southern façade of the building, up to at least eight (8) feet in height, to match the other facades that are in existence.

C. Conditional Use Permit: Application by Hamoudi Sabri, on behalf of Lake Cedar Revival, LLC, for a conditional use permit to allow a parking lot located at 3017 Cedar Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow a parking lot for the property located at 3017 Cedar Ave S in the R2B Two-Family District and TP Transitional Parking Overlay District, subject to the following conditions:

1. The parking lot shall be closed with a secured gate or other appropriate mechanism between the hours of 10:00 pm and 6:00 am.
2. The applicant shall post a sign that states: "No Left Turn" prohibiting turns out of the parking lot going southbound on Cedar Ave S.
3. 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.

D. Variance: Application by Hamoudi Sabri, on behalf of Lake Cedar Revival, LLC, for a variance to reduce the front yard requirement along Cedar Ave S from 20 feet to 7 feet to allow for a parking lot located at 3017 Cedar Ave S.

Action: The City Planning Commission adopted the findings and **denied** the application for a variance to reduce the front yard requirement along Cedar Ave S from 20 feet to 7 feet to allow a parking lot for the property located at 3017 Cedar Ave S, and in lieu thereof, the City Planning Commission adopted the findings and **approved** the application for a variance to reduce the front yard requirement along Cedar Ave S from 20 feet to 10.5 feet to allow a parking lot for the property located at 3017 Cedar Ave S.

E. Variance: Application by Hamoudi Sabri, on behalf of Lake Cedar Revival, LLC, for a variance to reduce the rear yard requirement from 5 feet to 0 feet along the east property line to allow for a parking lot located at 3017 Cedar Ave S.

Action: The City Planning Commission adopted the findings and **denied** the application for variance to reduce the rear yard requirement from 5 feet to 0 feet along the east property line to allow for a parking lot located at 3017 Cedar Ave S.

F. Variance: Application by Hamoudi Sabri, on behalf of Lake Cedar Revival, LLC, for a variance to increase the maximum amount of impervious surface allowed in the R2B district to allow for a parking located at 3017 Cedar Ave S.

Action: The City Planning Commission adopted the findings and **denied** the application for variance to increase the maximum impervious surface requirement from 65 percent to 79.5 percent, and in lieu thereof, the City Planning Commission adopted the findings and **approved** a variance to increase the maximum impervious surface requirement from 65 percent to 77 percent for the property located at 3017 Cedar Ave S.

G. Variance: Application by Hamoudi Sabri, on behalf of Lake Cedar Revival, LLC, for a variance of the Transitional Parking Overlay District standards requiring that the entrances and exits are located at least twenty (20) feet from any adjacent property located in a residence or office residence district to allow for a parking lot located at 3017 Cedar Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application of the Transitional Parking Overlay District standards requiring that the entrances and exits are located at least twenty (20) feet from any adjacent property located in a residence or office residence district to allow for a parking lot located at 3017 Cedar Ave S.

H. Site Plan Review: Application by Hamoudi Sabri, on behalf of Lake Cedar Revival, LLC, for a site plan review for a parking lot located at 3017 Cedar Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for site plan review for the properties located at 1825 E Lake St and 3005-3017 Cedar Ave S:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by April 20, 2010, or the permit may be revoked for non-compliance.
3. At least 1,436 square feet (17.2 percent of the net lot area) of landscaped area shall be provided on-site and at least 6 canopy trees, 5 deciduous trees and 25 shrubs shall be provided as required by section 530.160 of the zoning code. The applicant is encouraged to plant native grasses and perennials in addition to the required trees and shrubs.
4. Screening, not less than 3 feet in height and less than 60% opaque is required along Cedar Avenue South and along the south property line in the required front and interior side yards. Screening, not less than 6 feet high and 95% opaque, is required for the remainder of the south property line for approximately 90 feet and along the rear yard.
5. Along the south property line in the required front and interior yard, adjacent to the residential property, a 6-foot high hedge shall be provided as required by section 530.170 of the zoning code.
6. Discontinuous curbing shall be provided on the west side of the parking area and the grading of the parking area shall be modified to facilitate some filtration and retention of stormwater as required by section 530.230 of the zoning code.
7. Bicycle racks shall be provided to accommodate no fewer than five (5) bicycles on the property and shall meet the minimum requirements for short term bicycle parking. The

bicycle parking may be located in the public right-of-way with permission of the city engineer.

Staff Sether presented the staff report.

Commissioner Tucker: I was just curious if the percentage of impervious surface that you recommend passing reflects your recommendations on the variances as well.

Staff Sether: We've worked all the numbers out and the plan looks something like this, which you received in your packets today. Staff is recommending the additional landscaping for the five feet in a required yard instead of seven feet along the front 10 ½ feet and then that nine foot three inches would remain the same. This is pretty close to the plan. We'd ask that the fence come around the corner a little bit and we have one missing canopy tree.

Commissioner Tucker: How many parking places are lost by not granting the variance?

Staff Sether: Only one; they originally proposed 14 standard stalls. With this preferred layout, there are 11 standard stalls and two compact stalls.

Commissioner Tucker: Are there other curb cuts along Cedar on the residential or are they all served from the alley?

Staff Sether: The majority is residential. In fact, everything to the south is residential and everyone accesses the alley. This would really be the only curb cut along Cedar Ave.

Commissioner Schiff: What graffiti prevention mechanisms are included in the staff recommendation to deal with the blank wall that is very visible whereas before there was a house on the lot?

Staff Sether: We believe that there may be potential for graffiti along the required screening adjacent to the alley. Everything on the other side will either be gated off or landscaped. I believe there is a recommendation coming from the Corcoran Neighborhood Association to do more of a board on board fence. They actually haven't identified the fence materials at this point; it's been identified as either wood or metal. Staff would be open to any other additional ideas that the commission or neighborhood organization has to prevent or do that graffiti mitigation.

Commissioner Schiff: Where the cars will park, is there any landscaping between the edge of the parking lot and the building to the north or is it pavement directly up to the building?

Staff Sether: It's actually pretty close. It's really just curbing with about enough for a very thin walkway so as you exit your vehicle you could kind of squeeze between your car and the building, but there is no additional landscaping along the north property line with the exception of what's here in the front yard.

Commissioner Schiff: And there are no windows in the building facing the southern side so a big blank wall there perfect for graffiti unless we include some graffiti prevention mechanisms with our recommendation today.

Staff Sether: The site is also proposed to be gated off. Assuming you can't jump the gate, that might be graffiti protection but knowing it's a possibility, you might want to think about something additional.

Commissioner Schiff: In my experience graffiti artists aren't too concerned about gates or "Do Not Enter" signs.

President Motzenbecker opened the public hearing.

David Garrity [not on sign-in sheet]: We'd like to thank the city for the recommendation for approval and we'd like to thank the commissioners for your consideration. I grew up in this neighborhood about 50 years ago. My grandfather came from Norway and lived in that neighborhood and my Irish side of my family lived in the neighborhood too. I went to school there. It was, back then, a neighborhood to get away from. Now we have a Somali population here; they're new immigrants. They're experiencing the same things that my family did. This area has given them an opportunity to become self-sufficient. This project has given that opportunity to start small businesses. It's very important to have a little parking lot because it adds an extra shop for somebody. They can feed their family. These are very hard working, self-sufficient people and they're very grateful to be given this opportunity to experience the American dream. This is what's happening and you should feel good about giving them this opportunity. They wanted me to tell you thank you from their heart and that's why they're here. We plan on trying to make this area as good as possible. The mayor made a speech about the new vision he had for the city and he said it should start with new immigrants and it work from the bottom up. I think that's the way it really does work. Change occurs from the bottom up. It's the strength of each person working together in the community with a common vision and common goal that actually makes things work. I'm very proud to be associated with this project. I see that it's a very positive thing. The buildings look very well. We're trying to do everything we can to get this tastefully and respectfully done, acknowledging their cultural concerns as well. Thank you.

Commissioner Schiff: Your client has graffiti proof tiles on the north and on the west side of his building. Would you have any objection to a requirement to add that on the south side of the building? That big blank wall right now is going to become a constant source of graffiti if it doesn't receive a similar treatment. I would propose that those tiles extend around the south line of the building.

David Garrity: I can't speak for him but I can give that suggestion and he'll probably do that. That's his trademark, actually, is the graffiti proof tiling. He's very concerned about graffiti. We have security cameras and we have a security individual that drives around and checks on people. If he sees somebody doing graffiti, he will stop them and he'll call the police.

Commissioner Schiff: Ok. So you don't have any objection to that?

David Garrity: I don't have any objection personally but I can't make the authority...

Commissioner Tucker: Just a clarification on variance D, do you agree with the staff recommendation to approve the variance from 20 to 10.5 instead of the requested seven?

David Garrity: I'm not familiar with that variance provision.

Commissioner Tucker: The staff had recommended denying the request to seven feet and instead suggested we approved to 10.5 feet and I'm wondering how your client feels about that.

David Garrity: I haven't asked but I would suspect that the less restrictive the better.

President Motzenbecker: Commissioner Tucker, I believe that it was understood that the client was in acceptance of all those proposals by staff. That was our understanding from the outset. If that's something that is incorrect we should probably straighten that out. Ms. Sether, can you clarify?

Staff Sether: I met with one of Mr. Sabri's other associates and the architect and the architect sent me the revised copy of the site plan incorporating all of the staff recommendations with the exception of the fence coming around the corner and one canopy tree. Yes, they have agreed that 10.5 feet is appropriate and they have agreed to do so.

Eric Gustafson (3451 Cedar Ave S): I'm representing the Corcoran Neighborhood Organization. We would like to see a fence or barrier to prohibit foot traffic between the new parking lot and the alley. It wasn't clear to me reading the staff recommendations whether that was going to be required. The concern is that if there is pedestrian access allowed in this manner we could see increased loitering and noise from people at all hours as well as possible nuisance and crime activity like drug dealing in the parking lot and certainly it wouldn't come from the business owners but I think if you build it they will come. We would like to see something whether it's a fence or otherwise to prohibit that kind of foot traffic between the parking lot and the alley. We would like to say that if a fence is part of the required outcome we'd recommend a graffiti-proof design. We support the staff recommendation to require that the parking lot be closed with a secured gate between 10 and 6. Thank you.

President Motzenbecker closed the public hearing.

Commissioner Schiff: Question for staff, there was a pretty mature tree that was removed already, what type of tree is proposed to be planted as part of the landscaping?

Staff Sether: There are four maple trees proposed and one existing pine to remain. Staff is recommending one additional canopy tree that we believe would be sufficient there, perhaps a maple as well.

Commissioner Schiff: I'm concerned about the street canopy as well. So the trees proposed closest to the sidewalk are maples?

Staff Sether: Yes. All of the trees proposed are maples with the exception of the existing pine.

Commissioner Schiff: I'll move approval of the rezoning (Tucker seconded).

President Motzenbecker: Further discussion? All those in favor? Opposed?

The motion carried 8-0.

Commissioner Schiff: I'll move approval of the conditional use permit with a condition that the fences be of wrought iron or similar material so that they do not collect graffiti (Tucker seconded). Then another requirement that the southern wall of the building to the north, the wall facing the parking lot, be treated with similar tile-like material that is on the rest of the building, up to eight feet in height, because the tile does a great job of protecting the building from graffiti. Where the tile exists there is no graffiti and where the tile does not exist there is graffiti. Since there's no room for landscaping against that property line, that tiling is going to be the best solution I would think.

President Motzenbecker: So let me clarify, we have a motion to move the staff recommendation of the CUP with two additional conditions that the fence used be wrought iron or similar to bolster its graffiti proofness and that the graffiti-proof tiles be added to the southern façade of the building to match the other facades that are in existence.

Commissioner Norkus-Crampton: I just want to make sure that fence would address the issue of the foot traffic. You think it would contain the parking lot enough for that issue?

Commissioner Schiff: Yes, the fence has to go along the alley as well.

President Motzenbecker: Further discussion? All those in favor? Opposed?

The motion carried 8-0.

Commissioner Schiff: I'll move approval of C (Tucker seconded). I have a question for Mr. Wittenberg, should those conditions also be placed on the variance?

Staff Wittenberg: I think the CUP is the correct place and I don't think there would be a need to have it in more than one of the CUPs.

President Motzenbecker: Further discussion? All those in favor? Opposed?

The motion carried 8-0.

Commissioner Schiff: I will move approval of staff recommendation for all the variances (Huynh seconded).

President Motzenbecker: Further discussion? All those in favor? Opposed?

The motion carried 8-0.

Commissioner Schiff: I move approval for the site plan review (Huynh seconded).

President Motzenbecker: Further discussion? All those in favor? Opposed?

The motion carried 8-0.