

Minneapolis Planning Department

350 South Fifth Street, Room 210

Minneapolis, MN 55415-1385

(612) 673-3887 Phone

(612) 673-2526 Fax

(612) 673-2157 TDD

MEMORANDUM

DATE: September 18, 2003

TO: Council Member Gary Schiff, Chair, Zoning and Planning Committee
Zoning and Planning Committee members

FROM: Jim Voll - City Planning Department

SUBJECT: Appeal of the City Planning Commission's decision for property located at
1501 - 1507 South 6th Street (Baja Riverside) – BZZ-1252

James Bartlett has filed an appeal of the City Planning Commission's approval of a parking variance from 128 to 57 spaces for property located at 1501 - 1507 South 6th Street. The Planning Commission approved the variance on August 18, 2003 and the appeal was filed on August 27, 2003. The Planning Commission voted 6-0 to grant the variance.

Minneapolis Planning Department
350 South Fifth Street, Room 210
Minneapolis, MN 55415-1385
(612) 673-2597 Phone
(612) 673-2728 Fax
(612) 673-2157 TDD

MEMORANDUM

DATE: August 19, 2003

TO: Blake Graham, Planning Department
Phil Schliesman, Licenses
Clara Schmit-Gonzalez, Licenses

FROM: Neil Anderson, Planning Supervisor, Development Services

CC: Chuck Ballentine, Planning Director

SUBJECT: Planning Commission decisions of August 18, 2003

The following actions were taken by the Planning Commission on August 18, 2003. 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:

12. Raul Sacta dba Baja Riverside (BZZ-1252, Ward 6)
1505 & 1507 South 6th Street (Jim Voll) *This item was continued from the August 4, 2003 meeting.*

A. Variance

Application for a variance for Baja Riverside to reduce the required parking from 128 spaces to 57 spaces for a restaurant banquet room, retail space, coffee shop, and accessory parking lot at 1505 & 1507 South 6th Street.

Motion: Notwithstanding the Planning Department's recommendation, the City Planning Commission **approved** the variance application to reduce the required parking from 128 spaces to 57 spaces subject to previous site plan review conditions of approval for the site, based on the findings that this is an older building on a small site with a built environment, that the building is adjacent to a Light Rail Transit station, and that no additional parking is to be found in the area.

Minneapolis City Planning Department Report

Site Plan Review & Variance (BZZ-1252)

Date: August 18, 2003

Date Application Deemed Complete: July 11, 2003

End of 60 Day Decision Period: September 8, 2003

Applicant: Raul Sacta dba Baja Riverside

Address Of Property: 1505 (Retail space and banquet space) & 1507 (parking lot) South 6th Street

Contact Person and Phone: Charles Schatz – DJR 612-676-2715

Planning Staff and Phone: Jim Voll 612-673-3887

Ward: 6 **Neighborhood Organization:** Cedar Riverside\West Bank

Existing Zoning: I1 Light Industrial District & Industrial Living Overlay District.

Proposed Use: Restaurant banquet room, retail space, coffee shop, and accessory parking lot.

Proposed Variance: Variance to reduce the required parking from 128 to 57 spaces (55 percent reduction).

Appropriate Section(s) of the Zoning Code: Chapter 525, Article XI, Section 525.520 authorized variances. Specifically variance number 7 “to reduce the applicable off-street parking requirements up to one hundred (100) percent, provided the proposed use or building serves pedestrian or transit-oriented trade or occupancy, or is located near an off-street parking facility that is available to the customers, occupants, employees and guests of the use.” Chapter 530 Site Plan Review .

Previous Actions: This item was continued from the August 4, 2003 meeting of the City Planning Commission at the request of the applicant to provide more information supporting the variance request. As of the due date of the staff report for printing, staff had not received this additional information. Staff will forward any information received from the applicant at the August 18, 2003 meeting of the Planning Commission. A previous tenant, Vinnie’s restaurant, applied for, but did not complete site plan review (PR-565) in 1999. Mr. Sacta completed site plan review (BZZ-433) for the restaurant at 1501 South 6th Street and the parking lot at 1507 South 6th Street in 2002. The Planning commission approved his site plan at its meeting of January 28, 2002. This action was appealed. The City Council denied the appeal and upheld the site plan review approval on March 1, 2002 giving the applicant an extended time period until October 30, 2003 to implement site improvements and until September 30, 2003 to post a performance bond for those improvements. The applicant has made some of the required improvements to the site including the installation of a barrier fence in the parking lot and a decorative wrought iron fence along the 6th Street sidewalk.

Background: Raul Sacta plans to open a restaurant, Baja Riverside, in the building at 1501 South 6th Street. The previous tenant, Vinnie’s restaurant, applied for, but did not complete site plan review (PR-565) in 1999. A restaurant is a permitted use in the I1 Light Industrial District, but requires compliance

with the site plan review section of the zoning code. The applicant has received site plan approval (BZZ-433) for the restaurant and the accessory parking lot. The site does not have to go through major site plan review again, but is subject to minor site plan review, which is a review for compliance with all of the zoning code except for the site plan review chapter. The Planning Commission is not required to take action on the restaurant or the parking lot site plan review. This site is adjacent to and north of the Cedar/Riverside LRT station, which is currently under construction. The Cedar-Riverside Business Association sent a letter of support for the proposed expansion (please see attached letter).

Mr. Sacta is proposing to expand into the building adjacent to the restaurant. He proposes converting the building from industrial uses to retail space, including a coffee shop near the LRT station and adding a banquet room for the restaurant. The existing restaurant is required to have 57 parking spaces. The accessory lot provides 57 spaces. The additional uses boost the parking requirement to 128 spaces, so the applicant is requesting a variance from 128 to 57 spaces. This is a 55 percent reduction in the required parking. The zoning code allows parking to be varied up to 20 percent for all uses. Any variance beyond 20 percent requires that the proposed use or building serve pedestrian-oriented trade or occupancy, or is located near an off-street parking facility that is available to customers, occupants, employees and guests of the use.

Parking requirements for the uses utilizing the accessory parking lot break down as follows:

- Existing restaurant – parking equal to 30% capacity of persons – 57 spaces
- New retail – 4 spaces per tenant space with 6 spaces – 24 spaces
- Coffee shop – parking equal to 30% of capacity of persons – 4 spaces
- Banquet facility – parking equal to 30% capacity of persons – 48 spaces

Adding up all of the uses gives a total of 133 parking spaces. Section 541.90 of the zoning code allows staff to administratively reduce parking requirements through shared parking calculations. The following language from the code is used to compute shared parking:

541.190. Shared parking. The zoning administrator may authorize a reduction in the total number of required parking spaces for two (2) or more uses jointly providing off-street parking when their respective hours of peak operation do not overlap. Shared parking shall be subject to the location requirements of section 541.250 and the following conditions:

- (1) Computation. The number of shared spaces for two (2) or more distinguishable land uses shall be determined by the following procedure:
 - a. Multiply the minimum parking required for each individual use, as set forth in Table 541-1, Specific Off-Street Parking Provisions, by the appropriate percentage indicated in Table 541-2, Shared Parking Calculations, for each of the six (6) designated time periods.
 - b. Add the resulting sums for each of the six (6) columns.
 - c. The minimum parking requirement shall be the highest sum among the six (6) columns resulting from the above calculations.
 - d. Select the time period with the highest total parking requirement and use that total as the shared parking requirement.

(2) Other uses. If one (1) or all of the land uses proposing to make use of shared parking facilities do not conform to the general land use classifications in Table 541-2, Shared Parking Calculations, as determined by the zoning administrator, then the applicant shall submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the zoning administrator shall determine the appropriate shared parking requirement, if any, for such uses.

Table 541-2 Shared Parking Calculations

General Land Use Classification	Weekdays			Weekends		
	1:00 a.m.-7:00 a.m.	7:00 a.m.-6:00 p.m.	6:00 p.m.-1:00 a.m.	1:00 a.m.-7:00 a.m.	7:00 a.m.-6:00 p.m.	6:00 p.m.-1:00 a.m.
Restaurant	20%	70%	100%	30%	75%	100%
	-----	57 code req.	57 code req.	-----	57 code req.	57 code req.
	-----	40	57	-----	43	57
Banquet room	20%	70%	100%	30%	75%	100%
	-----	48 code req.	48 code req.	-----	48 code req.	48 code req.
	-----	34	48	-----	36	48
Coffee shop	20%	70%	100%	30%	75%	100%
	-----	4 code req.	4 code req.	-----	4 code req.	4 code req.
	-----	3	4	-----	3	4
Retail	0%	100%	80%	0%	100%	60%
	-----	24 code req.	24 code req.	-----	24 code req.	24 code req.
	-----	24	19	-----	24	14
Totals	-----	101	128	-----	103	123

The shared parking calculations produce a new parking requirement of 128 spaces. . The shared parking calculations reduce the required parking by 5 spaces. This is granted administratively.

The applicant is requesting a variance from 128 to 57 spaces. However, it is reasonable to assume that the restaurant’s busiest hours will be during the evening when the retail will be closed. In addition, staff

believes that there will be sufficient pedestrian activity around the LRT station to justify a reduction in parking to zero for the coffee shop. In general the City has granted parking variances to zero for coffee shops, as they tend to rely on pedestrian and transit oriented trade rather than drawing traffic as a destination point. Staff is recommending a parking variance for the retail and coffee shops recognizing the shared use of the parking lot and the pedestrian oriented nature of the coffee shop. This would reduce the required parking by 28 to 100 spaces.

Restaurants tend to be destination points that draw traffic from a larger area. While this site is located near an LRT station, is near bus routes, and is near several apartment buildings, the applicant has not provided enough information to show that the business would draw customers from these sources. So while it is reasonable to assume that some pedestrian traffic from the high density residential in the area and from the proximity to the LRT and bus routes, there is no evidence to indicated that parking requirements should be reduced by over 50 percent. Therefore, staff recommends granting a twenty percent variance for the required parking for the restaurant, to recognize some pedestrian oriented activity in the area. This would reduce the required parking by another 20 spaces from 100 to 80 spaces. The total variance would be a reduction of 48 spaces from the required 128 spaces to 80 spaces (38 percent variance).

VARIANCE (to reduce the required parking from 128 spaces to 57 spaces)

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot 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 applicant has indicated that there is a large population in the adjacent apartment buildings. In addition, the site is located near bus lines and the new LRT station making transit very accessible. However, the applicant has provided no information that would indicate that the restaurant would draw pedestrian traffic rather than being a destination point or that would show any hardship if the variance were not granted.

It is reasonable to assume that the restaurant’s busiest hours will be during the evening when the retail will be closed. In addition, staff believes that there will be sufficient pedestrian activity around the LRT station to justify a reduction in parking to zero for the coffee shop. In general the City has granted parking variances to zero for coffee shops, as they tend to rely on pedestrian and transit oriented trade rather than drawing traffic as a destination point.

So while it is reasonable to assume that some pedestrian traffic from the high density residential in the area and from the proximity to the LRT and bus routes, there is no evidence to indicate that parking requirements should be reduced by over 50 percent. However, staff recommends granting a twenty percent variance for the required parking for the restaurant, to recognize some pedestrian oriented activity.

- 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.

This site is located near large residential buildings and near transit. Therefore, a significant amount of the traffic to this site for the retail and the coffee shop should be pedestrian and transit oriented and to some degree for the restaurant. This situation is not generally applicable to other properties in the city. However, there will likely be destination traffic that arrives by car for the restaurant, so a variance of 55 percent of the spaces may not be reasonable. Parking is already at a premium due to the large high rise buildings. The site is unique in its location in a pedestrian oriented area, but it does not appear that the restaurant will necessarily rely on this pedestrian orientation for its business.

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 intent of the parking requirements is to provide adequate parking spaces to meet the parking demands of a use. The pedestrian and transit oriented use variance was designed to recognize that some uses may not need all of the parking required by code since the use may draw pedestrian traffic or may have access to transit. There are bus routes and an LRT station nearby and the applicant has indicated that many of the anticipated customers to the site will come from the nearby residential buildings. Granting a variance that recognizes the pedestrian and transit trade is within the spirit of the ordinance and would be reasonable for the coffee shop and retail. However, granting too large of a variance may have an impact on the character of the area, as parking is already at a premium.

4. The proposed variance may 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 proposed variance should not increase the danger of fire or endanger public safety, since many of the businesses' customers are anticipated to be from the surrounding neighborhood. However, granting the entire variance does not recognize that much of the traffic to the restaurant will be by car and will probably increase congestion in the public streets.

SITE PLAN REVIEW

If an establishment has received site plan approval and is in conformance with that approval, then the site is only subject to minor site plan review (which does not require a public hearing). The site is in compliance with the approved site plan requirements and is only subject to a minor site plan review. Minor site plan review requires that staff review the plan for compliance with specific development standards and general regulations of the zoning code. It does not require compliance with the site plan review standards found in Chapter 530 of the code, since the site is already in conformance with these requirements from the previous plan approval. The proposed site plan and expansion meets the requirements of the zoning code with the exception of parking. The applicant has applied for a parking variance. Staff has included the site plan findings from the previous approval in 2002 below for background reference:

Required Findings for Major 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. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- 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.
- 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 façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- 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 where visible from a public street or a residence or office residence district.
- Entrances and windows:
 - Residential uses shall be subject to section 530.110 (b) (1).
 - Nonresidential uses shall be subject to section 530.110 (b) (2).

The building is existing and is located up to the property lines. The principal entrance opens onto the corner of 15th Avenue South and South 6th Street.

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 530.140 (b).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

The entrance of the building opens onto the public sidewalk. A four-foot walkway will be provided at

the west end of the parking lot to connect the lot and the public sidewalk. Public Works has reviewed the parking lot for access and circulation and finds the design acceptable if the proper stall size and drive aisles are provided. Public Works requires that a fence be provided along the east end of the lot to separate the site from the parking lot to the east. Public Works requires that the western most curb cut be restored to curbing and sidewalks if it is to be closed. There is very little room for snow storage so a snow removal plan is required at the final site plan stage.

The applicant is applying for a liquor license. While the zoning code requires 57 parking spaces for this use, the liquor licensing code has separate and more restrictive parking standards that requires 63 parking spaces. There is not a variance process for the liquor license parking requirements. Based on the information supplied to staff it appears that 63 spaces can be provided on site, which would satisfy the zoning code requirement and the liquor code requirements. However, approval of the site plan by the City Planning Commission is not a liquor license approval. This is separate from zoning code approval of a site plan for the restaurant and accessory parking lot design. Three handicapped accessible parking spaces are required. One of the three spaces is required to be van accessible. The plan shows three handicapped accessible spaces, but they do not have the proper dimensions. The final site plan will be required to show parking spaces that meet the required dimensions of zoning code.

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 shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b)
- 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.
- 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, or a hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 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 530.220.
- 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 530.60, as provided in section 530.230.

Approximately 19 percent of the site is landscaped. An eight-foot wide landscaped buffer is provided along the public sidewalk along South 6th Street. Approximately six feet of this buffer is an interior boulevard (right-of-way). If this area is included in the landscaping calculations approximately 20 percent of the site is landscaped. Staff recommends that the fencing along the front of the site be removed and replaced with a wrought iron type fence as an amenity in lieu of 20 percent landscaping on site.

The eight-foot wide landscape buffers between the 6th Street sidewalk and the parking lot contain community gardens. These gardens do not meet the landscaping and screening requirements of the site plan review chapter of the code. However, staff recommends that they be allowed to remain, as they are a unique community feature. If in the future the gardens are ever abandoned the applicant would be required to provide landscape screening in compliance with the standards of the code. Four trees are required along the 6th Street frontage, but it may be difficult to install them due to the community gardens. Since there are large trees in the boulevard and since the gardens are a unique community feature, staff recommends that the requirement for four trees be waived. The wrought iron type fencing would be an amenity in lieu of the tree requirements.

The applicant has not submitted a complete landscaping plan for the area at the rear of the site. The landscaping plan for the rear of the site (facing the new LRT station) is required at the final site plan stage and should show the required trees, bushes, screening, and new fence location. The applicant proposes a new 8-foot high chain link fence in this area. Staff recommends that this fence be black vinyl coated chain link fencing. The LRT project has a construction easement over the landscape area at the rear of the site for the next three years. Landscaping improvements would not be required in this area until this easement is released.

Concrete curbing is not necessary along the south side of the lot due to the location of the building on the property to the south and because of the large open space area, which water could be allowed to run onto for retention. Curbing is not required along the west property line due to the building location. Curbing is not necessary along the east side of the lot as it may hinder drainage. However, Public Works requires that a guard rail type fence be installed here to separate the parking lot from the lot to the east. Six-inch by six-inch continuous curbing is required along the back side of the eight-foot landscaped strips (community gardens) between the sidewalk and the parking lot.

ADDITIONAL STANDARDS:

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **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.**
- **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.**

The building is existing. Lighting shall comply with the requirements with Chapters 535 and 541 of the

code. The City’s crime prevention through environmental design (CPTED) standards recommends that all vegetation should follow the 3 foot - 7 foot rule, which states that plantings should not exceed three feet in height and that the canopies of trees should be over seven feet in height allowing a window of visibility into the site.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE:

Specific Development Standards (Section 536) for a Restaurant, sit down:

(1) Where alcoholic beverages are served, not less than sixty (60) percent of total gross sales revenue shall be from the sale of food and beverages not containing alcohol, and the use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.

(2) 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.

Hours of Operation: Hours of operation allowed under the I1 Light Industrial District are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday. The applicant proposes to be open until 1:00 everyday as allowed by the liquor code requirements. Until a liquor license is obtained the applicant would need a CUP to operate beyond these hours.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The applicant has not indicated on the site plan where the dumpster is located. If it is located outside it shall be screened per code.

Window obstructions: 543.350. Window signs. Window signs shall be allowed, provided that such signage shall not exceed thirty (30) percent of the window area, whether attached to the window or not,

and shall not block views into and out of the building at eye level. Window signs shall be included in the calculation of the total permitted building sign area, except as provided for temporary signs in section 543.330.

Signage: No signage information has been provided. All new signage is required to meet the standards of the zoning code and will require Zoning Office review and approval.

MINNEAPOLIS PLAN: *The Minneapolis Plan* designates the Cedar Riverside area as an Activity Center. While a large surface parking lot is not the type of land use that is encouraged for Activity Centers, the lot is permitted under the I1 Zoning and is existing. Policy 4.7 states that “Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.” One of the implementation steps of this policy states that the city should “develop parking facilities and management strategies that accommodate high customer demand, promote shared facilities and minimize visual impact and adverse effects on pedestrian and sidewalk traffic.” The proposed site improvements to the parking lot are in conformance with this policy of the comprehensive plan.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

The Minneapolis Plan designated this area as a study area due to the location of an LRT station. The City Council approved the *Franklin/Cedar-Riverside Transit Oriented Development Master Plan* for the area around the Cedar/Riverside LRT station on December 28, 2001. A surface parking lot is not the desired type of development for a parcel close to the LRT station. The plan states that “parcels immediately adjacent to the station platform should contain uses that promote pedestrian activity and promote either destinations or origins for LRT and transit system patrons.” However, the parking lot is a permitted use in the I1 District and is existing. In this case site plan review is not a process to allow a lot, but rather it is a process to improve the condition of the lot.

Alternative Compliance. The Planning Commission may approve alternatives to any major 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, 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.**

Alternative compliance was used to allow a wrought iron type fence to be an amenity in lieu of 20 percent landscaping on site and to waive the requirement of four trees along the 6th Street frontage.

- **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.**

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

The City Planning Department recommends that the City Planning Commission adopt the above findings and **deny** the variance application to reduce the required parking from 128 spaces to 57 spaces and in lieu thereof **approve** a variance from 128 spaces to 80 spaces for property located at 1501-1507 6th Street South subject to previous site plan review conditions of approval for the site.