

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permits, Variances & Site Plan Review
BZZ-2537

Date: September 19, 2005

Applicant: Floyd Olson, TNT Properties, LTD

Address of Property: 1626 East Lake Street & 2940 South 17th Avenue

Project Name: 1626 East Lake Street Building

Contact Person and Phone: Floyd Olson, (612) 327-5837

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: August 24, 2005

End of 60-Day Decision Period: October 23, 2005

End of 120-Day Decision Period: On September 7, 2005, staff sent the applicant a letter extending the decision period no later than December 22, 2005.

Ward: 6 **Neighborhood Organization:** East Phillips Improvement Coalition & Powderhorn Park Neighborhood

Existing Zoning: C1, Neighborhood Commercial District

Proposed Zoning: C3A, Community Activity Center District

Zoning Plate Number: 26

Legal Description: Lot 35 and the West 12 feet of Lot 36, Heaton's Addition to Minneapolis; Lot 4, Block 2, Belle Plain Addition to Minneapolis

Proposed Use: a multi-tenant commercial building and a surface parking lot

Concurrent Review:

Rezoning: petition to rezone the properties of 1626 East Lake Street and 2940 South 17th Avenue from C1 to C3A.

Conditional use permit: to increase the maximum height of a principal structure from 4 stories to 6-stories and from 56 feet to 62 feet at 1626 East Lake Street.

Conditional use permit: to allow a shopping center at 1626 East Lake Street.

Conditional use permit: to allow a principal parking facility at 2940 South 17th Avenue.

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Variance: to increase the maximum floor area ratio from 2.7 to 4.61 at 1626 East Lake Street.

Variance: to reduce the North interior side yard setback from 5 feet to 3 feet to allow for a parking area at 2940 South 17th Avenue.

Variance: to reduce the required front yard setback along 17th Avenue from 12.5 feet to 7.5 feet to allow a parking area at 2940 South 17th Avenue.

Variance: to reduce the minimum parking requirement from 189 spaces to 12 spaces for a multi-tenant commercial building at 1626 East Lake Street.

Variance: to reduce the minimum drive-aisle width from 22 feet to 20 feet to allow a parking area at 2940 South 17th Avenue.

Site plan review: to allow a multi-tenant commercial building at 1626 East Lake Street with a parking facility at 2940 South 17th Avenue.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments; Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX Variances; and Chapter 530 Site Plan Review.

Background: The applicant, Floyd Olson, on behalf of TNT Properties, LTD is proposing to construct a 6-story nonresidential building at the property of 1626 East Lake Street. The applicant is also proposing a parking lot at the property of 2940 South 17th Avenue, which would provide parking for the businesses located in the proposed building at 1626 East Lake Street. The properties are located on the Northwest corner of East Lake Street and 17th Avenue South. They are separated by an alley. Nonresidential uses exist to the West of these properties and residential uses are to the North.

A building has existed on the property of 1626 East Lake Street since 1924. In January of 2004, a fire occurred which destroyed most of the building. The exterior walls are still standing, but the building has not been used since the fire. It was condemned and boarded in December of 2004 and registered as vacant in March of 2005. It is also on the Chapter 249 list. Buildings on this list are subject to teardown by Inspections as a nuisance condition. A proposal to demolish a building must be approved by the City Council. The property was scheduled to be reviewed by the City Council Public Safety & Regulatory Services Committee on August 24, 2005; however, the applicant obtained a temporary restraining order and the review has been postponed. A development must be approved or it is likely that the building would be torn down. The structure has been identified a potential historic resource that is potentially eligible for historic designation. It is a significant example of a social hall and has played an important role in the social history of Minneapolis. An evaluation of the properties on Lake Street determined that a sympathetic rehabilitation could make this structure eligible for federal designation. The applicant is proposing to construct a 6-story building by reusing the exterior walls of the damaged structure and building 3 floors above those walls. The first three floors would be occupied by a various number of retail and commercial tenants. The top two floors would be used for a restaurant with general entertainment. General entertainment includes amplified music and patron dancing.

The property of 2940 South 17th Avenue is currently vacant, but has been used for parking in the past. The applicant proposes to continue using this property for parking. A total of 12 spaces, including one van, handicap accessible space, are proposed. Improvements, such as landscaping and screening, would be made to the lot. The parking would be used by the uses established in the reconstructed building.

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The applicant seeks to rezone both properties to the C3A, Community Activity Center District to open a dance and bar area, add to the existing structure, and establish a parking lot. Both properties are currently zoned C1.

In the C3A district, the maximum allowed height is four stories or 56 feet, whichever is less. The proposed building is six stories and 62 feet in height. A conditional use permit is required to increase the maximum height. The proposed building would have only five floor levels; however, the zoning code limits the height of a story at 14 feet. All but one floor complies with this requirement; therefore the height proposed according to the zoning code definition is six stories. Also, the building exceeds the maximum allowed height in feet.

A conditional use permit is required to establish a shopping center in the C3A district. The development includes a shopping center because one of the ground floor uses does not have a principal entrance to the street.

A conditional use permit is required for the establishment of any parking facility that is the principal use of a property in the C3A district. A proposed parking lot cannot be accessory unless it is on the same zoning lot as the use served. Because the property of 2940 South 17th Avenue is separated from the property of 1626 East Lake Street by an alley, the proposed parking lot is a principal use and requires a conditional use permit.

The applicant is also requesting to vary a number of regulations of the C3A district to meet compliance. A variance is required to exceed the maximum floor area ratio of 2.7. The district does not allow obstructions in required yards for nonresidential uses. A parking area is proposed to project into the required front and interior side yards, which requires a variance. Also, the required drive aisle width is not provided on the property; therefore a variance must be obtained. The parking that is provided does not meet the minimum requirements for the number of uses proposed. A requirement reduction of 93.7 percent for the whole development is requested in the variance. Grandfather rights to parking no longer exist for this property. Minnesota State law allows any legal nonconformity to continue as long as two conditions are met: 1) it is not discontinued for more than a year, or 2) if the nonconforming use is destroyed beyond 50 percent of its market value, a building permit is applied for within 180 days. Because the use of the building, and therefore all uses nonconforming as to parking, has been discontinued for over a year and no building permits were applied for within the allowed time, any grandfather rights to parking that once existed for the property have now expired.

Finally, a site plan review is required to construct any addition that exceeds 1,000 square feet in area as well as to establish a shopping center and principal parking facility.

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

REZONING: Petition to rezone the properties of 1626 East Lake Street and 2940 South 17th Avenue from C1 to C3A.

Findings As Required By The Minneapolis Zoning Code:

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

According to Map 9.8, as found in the *The Minneapolis Plan*, 1626 East Lake Street is designated as Retail-Commercial, but 2940 South 17th Avenue is designated as Transportation-Communications. Lake Street is designated 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. Some uses may not be allowed on commercial corridors because of their impacts and the repercussions these impacts have on nearby residential areas. Commercial uses on these streets will be supported insofar as they do not create excessive negative impacts relative to the location and its surroundings. These impacts include consequences such as fumes, noise, significant automobile traffic, late night activity, and negative aesthetics that may be associated with businesses such as major automobile repair and automobile sales. The streets that form the spine of these corridors carry large traffic volumes and must balance significant vehicular through-traffic capacity with automobile and pedestrian access to commercial property.”

The properties are located two blocks from two community corridors: Bloomington Avenue to the West and Cedar Avenue to the East. They are not in or near an activity center or transit station area designated by *The Minneapolis Plan*.

According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

4.3 Minneapolis will support development in Commercial Corridors where it enhances the street’s character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.

Applicable Implementation Steps

Support a mix of uses on Commercial Corridors--such as retail sales, office, institutional, higher density residential (including Major Housing Sites where designated), and clean low-impact light industrial--where compatible with the existing and desired character of the street.

Ensure that commercial uses do not negatively impact nearby residential areas.

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Regulate impacts of commercial uses, and in some cases prevent some uses from locating on designated Commercial Corridors, due to their adverse impacts on the viability of nearby residential areas.

Reduce the impact of non-residential uses on neighboring residential areas by considering appropriate access, buffering between incompatible uses and regulating hours of operation.

9.24 Minneapolis will support continued growth in designated commercial areas, while allowing for market conditions to significantly influence the viability of a commercial presence in undesignated areas of the city.

Applicable Implementation Steps

Develop land use controls which include a variety of commercial districts and, in addition to establishing the uses allowed in the commercial districts, establish regulations applicable to all uses and structures located in the commercial districts, including maximum occupancy standards, hours open to the public, truck parking, provisions for increasing the maximum height of structures, lot dimension requirements, density bonuses, yard requirements, and an enclosed building requirement.

Encourage the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.

Facilitate the redevelopment of underutilized commercial areas by evaluating possible land use changes against potential impacts on neighborhood compatibility.

The commercial properties along Lake Street are developed. The corridor is lined with commercial zoning between Interstate 35W and Hiawatha Avenue with very few exceptions. Residential zoning typically exists behind the properties fronting Lake Street as is the case with the subject properties. The C1 and C3A districts allow many of the same uses, and both do not allow new automobile services uses to be established. However, the C3A district allows more uses than the C1 district. Some of the additional uses allowed include secondhand goods stores, tobacco shops, off-sale liquor stores, nightclubs, sit-down restaurants serving alcohol with general entertainment, hotels, reception/meeting halls, and indoor theatres. These uses are often less compatible with residential uses because they may create excessive negative impacts, such as higher volumes of traffic and longer hours of operation, for adjacent residential uses. They are more commonly located in activity centers, which are identified in *The Minneapolis Plan*. Activity Centers are destinations that have a diversity of uses that draw traffic from citywide and regional destinations. These centers are complimented by medium and high density, residential uses, and also accommodate retail and commercial services, entertainment uses, educational campuses, or other large-scale cultural or public facilities. Uses in activity centers are often active all day long and into the evening. The C3A district could be appropriately located on a commercial corridor even if it is not in a designated activity center; however, the area around the subject properties does not have all of these essential characteristics. For example, this particular location on Lake Street is not a specific destination, and mainly low-density residential uses exist nearby, but no large-scale cultural or public facilities exist. Establishing a zoning district that is intended to support a major urban activity and entertainment center on two, small properties is not consistent with the comprehensive plan.

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

An amendment of the zoning district from C1 to C3A would allow for additional commercial uses and building bulk and extended hours of operation for businesses on the property. The C1 district allows the majority of the uses allowed in the C3A district. A variety of neighborhood services can be provided in the C1 district. Uses, such as general retail uses, restaurants including limited entertainment, and parking facilities, are allowed. In order to establish a restaurant with general entertainment, the property must be up-zoned. Also, the applicant proposes to exceed the building bulk allowed by the C1 district. Up-zoning to the C3A district will allow more FAR and height as-of-right. The proposed amendment is more in the interest of the property owner and less for the public.

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 properties along Lake Street in this area are zoned C1 or C2 with several scattered C4 zoned properties. The commercial properties on the same block as the subject properties are all zoned C1. Nearby commercial uses include general retail, restaurants, a gas station and automobile sales. Retail sales and services and a restaurant previously occupied the property of 1626 East Lake Street. Low density residential zoning exists to the North of the subject properties and occupies three-quarters of the block. The nearest C3A zoning is seven blocks West on the Midtown Exchange site. The C3A district is established for the development of major activity and entertainment centers. The C1 district is meant to provide a convenient shopping environment with small scale retail sales and commercial services that are compatible with adjacent residential uses. The existing commercial uses do not make up an activity center and activity center-like development is not occurring in this area. The C3A district will allow additional uses, such as a secondhand goods store, a tobacco shop, an off-sale liquor store, a nightclub, a sit-down restaurant serving alcohol with general entertainment, a hotel, a reception/meeting hall, or an indoor theatre, that are less compatible with residential uses because they may create excessive negative impacts for adjacent residential uses. These impacts can include higher volumes of traffic and longer hours of operation. The C3A district does not allow automobile service uses, which can also impact residential uses. Nevertheless, the proposed C3A district classification is not compatible with the surrounding properties.

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.

Reasonable use of the property is permitted under the C1 zoning district. This district allows the most of the uses allowed in the C3A district. A variety of neighborhood services can be provided in the C1 district. Uses, such as general retail uses, restaurants including limited entertainment, and parking facilities, are allowed.

- 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.**

Within this area of Minneapolis there have not been many changes in zoning or in the type of development. The properties along Lake Street in this area have remained predominantly small scale commercial uses.

CONDITIONAL USE PERMIT: to increase the maximum height of a principal structure from 4 stories to 6-stories and from 56 feet to 62 feet at 1626 East Lake Street.

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.**

Staff does not believe the proposed height will be detrimental to or endanger the public health, safety, comfort or general welfare.

- 2. Will be injurious to the use and enjoyment of other property in the vicinity and will impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

Staff believes that a six-story building would be injurious to the use and enjoyment of other property in the vicinity and will affect development of the surrounding properties. The height of other commercial buildings in the area is between one and two stories. Going West on Lake Street, a few three story buildings exist, but no five or six story buildings with the exception of Midtown Exchange. Nearby residential structures are between one and 2 ½ stories. Redevelopment along Lake Street is likely to occur. Allowing one property owner to increase the height of their building could set a precedent for other commercial developments along Lake Street. Furthermore, additional building height requires additional floor area. Excessive height would likely result in overdevelopment of the property, particularly given the lack of off-street parking accessory to the project.

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

Utilities are existing and adequate. A drainage plan will also be reviewed by Public Works at the final site plan stage.

4. Adequate measures have not been or will not be provided to minimize traffic congestion in the public streets.

The minimum parking requirement for the proposed development is 189 spaces. The applicant is proposing 12 vehicle parking spaces including one van-accessible parking stall, and asking for a variance to make up the rest of the difference. The zoning code minimum parking requirements are generally based on the floor area of each use. The additional height will allow additional floor area, which in turn can support more uses each with their own parking requirement. The height of the building could inadvertently contribute to traffic congestion in the public streets.

5. Is not consistent with the applicable policies of the comprehensive plan.

According to Map 9.8, as found in the *The Minneapolis Plan*, 1626 East Lake Street is designated as Retail-Commercial, but 2940 South 17th Avenue is designated as Transportation-Communications. Lake Street is designated 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.... While the character of these streets is commercial, residential areas are nearby and impacts from commercial uses must be mitigated as appropriate.”

Traditional urban form is found on Lake Street. To achieve traditional urban design, *The Minneapolis Plan* emphasizes that “Good design must be in place to ensure that intensive mixed-use development is well used, pleasant and aesthetically attractive enough to withstand the test of time. Successful mixed use buildings and areas attract pedestrians by bringing their storefronts to the sidewalk's edge, orienting building design to the street, and respecting traditional urban form by keeping building heights to a maximum of four or five stories.”

The properties are located two blocks from two community corridors: Bloomington Avenue to the West and Cedar Avenue to the East. They are not in or near an activity center or transit station area designated by *The Minneapolis Plan*.

According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

4.1 Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods.

Applicable Implementation Steps

Develop standards based on a recognition of the qualities that make urban corridors desirable, viable and distinctly urban, including; diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements which add interest at the scale of the pedestrian.

9.4 Minneapolis will promote preservation as a tool for economic development and community revitalization.

Applicable Implementation Steps

Protect potentially significant historic structures from demolition until the city can determine the significance of the structure and explore alternatives to demolition.

9.11 Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.

Applicable Implementation Steps

Enhance unique characteristics of the city's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality public spaces and infrastructure.

9.15 Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses.

Applicable Implementation Steps

Promote quality design and building orientation of commercial and industrial development that is appropriate with the surrounding neighborhoods.

Mitigate, through screening and buffering, limiting the size and scale of a building, and a business' hours of operation, the effects of commercial properties on residential areas.

9.16 Minneapolis will encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs.

Applicable Implementation Steps

Encourage the design of all new buildings to fulfill light, privacy and view requirements for the subject building as well as for adjacent buildings.

The proposed development would provide a variety of uses and would preserve the exterior of a potentially historic structure. The existing structure embodies the standards of traditional urban form and design. Because the proposed development restores the existing building, many of those standards are still achieved such as the placement of the structure and architectural details and windows at the pedestrian level. However, a three story addition does not respect the architectural significance of the structure, which is also the intent of the comprehensive plan. A six story building also does not respect the low density residential uses nearby. The scale of the building is out of character with other commercial buildings in the area as well. Bulk regulations in each zoning district are established to protect neighboring properties, and the comprehensive plan supports these regulations. The building would also have windows on the top two floors and a terrace on the fifth floor, which could affect the privacy of residences to the North. The conditional use is not consistent with the applicable policies of the comprehensive plan.

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 multi-tenant commercial building will conform to the applicable regulations of the district in which it is located upon the approval of the rezoning, conditional use permits, variances, and site plan review.

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

(1) Access to light and air of surrounding properties.

The proposed height of the structure would be 62 feet above grade. Parking lots and an alley are directly adjacent to the site. The nearest residential structure is 70 feet North from the base of the building. The nearest commercial structure is 63 feet West from the building. Although access to air may not be affected, the increase in height to 62 feet with the mass of the proposed building would affect surrounding property's access to light.

(2) Shadowing of residential properties or significant public spaces.

The applicants did not submit a shadow study as part of this application. Shadowing would affect the residence to the North of the site even though a parking lot is proposed between the two structures. This property will especially be affected by shadows during the winter months. Other nearby residences could also be impacted.

(3) The scale and character of surrounding uses.

The height of other commercial buildings in the area are typically one or two stories. Going several blocks West on Lake Street, a few three story buildings exist, but no five or six story buildings with the exception of Midtown Exchange. Nearby residential structures are between one and 2 ½ stories. The scale of the proposed building is out of character with the rest of the neighborhood.

(4) Preservation of views of landmark buildings, significant open spaces or water bodies.

The building should not significantly block views of landmark buildings, significant open spaces, or bodies of water.

CONDITIONAL USE PERMIT: (1) to allow a shopping center at 1626 East Lake Street, and (2) to allow a principal parking facility at 2940 South 17th Avenue.

Findings as required by the Minneapolis Zoning Code:

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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.**

Conditional use permit to allow a shopping center. The use of the site as a shopping center could be appropriate on a commercial corridor for property zoned C1 or C3A, but the intensity of this use may have a negative impact on the surrounding area due to the lack of parking provided. It is the opinion of staff that the proposed development has too many tenant spaces that will generate a level of activity and traffic to the site that can't be served by the existing parking in the area. A smaller shopping center, with less tenant spaces could be appropriate at this site.

Conditional use permit to allow a principal parking facility. Staff does not believe the proposed use will be detrimental to or endanger the public health, safety, comfort or general welfare.

- 2. Will be injurious to the use and enjoyment of other property in the vicinity and will impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

Conditional use permit to allow a shopping center. The use of the site as a shopping center, in and of itself, would not be detrimental to the surrounding area. Retail is an appropriate use on a commercial corridor. However, this development can only provide twelve parking spaces and requires a reduction of 189 spaces. This has the potential to cause parking problems in the area that may affect future development and have an impact on surrounding existing uses.

Conditional use permit to allow a principal parking facility. A parking lot in compliance with the site plan review standards would likely have little impact to the surrounding properties. With approval of the development at 1626 East Lake Street, a parking lot for that use would not impede in the development of surrounding properties. However, staff is recommending denial of all applications associated with the 1626 East Lake Street property. A stand-alone parking facility would not allow for infill development that is appropriate along a commercial corridor.

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

Conditional use permits to allow a shopping center and a parking facility. Utilities are existing and adequate. A drainage plan would also be reviewed by Public Works at the final site plan stage.

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

Conditional use permit to allow a shopping center. The lack of parking for the development has the potential to cause traffic congestion in the surrounding streets and parking problems in the

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surrounding area. Only 12 parking spaces are proposed. Two bus routes run along Lake Street, which provides one alternative to driving a single-occupancy vehicle. The applicant has indicated that a shared parking agreement is in place; however, further information about or evidence of the agreement has not been submitted at the writing of this report. While some parking reduction may be reasonable along a bus route, the proposed variance of 177 spaces would not likely be accommodated by mass transit. This would likely cause congestion in the public streets.

Conditional use permit to allow a principal parking facility. The parking facility is located near 1626 East Lake Street to provide parking for that development. Allowing parking for that development could lessen congestion and traffic of the public street. Also, the parking area uses the curb access of the adjacent public alley. Without adding another curb cut, the current number of on-street parking spaces is maintained.

5. Is not consistent with the applicable policies of the comprehensive plan.

According to Map 9.8, as found in the *The Minneapolis Plan*, 1626 East Lake Street is designated as Retail-Commercial, but 2940 South 17th Avenue is designated as Transportation-Communications. Lake Street is designated 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. Some uses may not be allowed on commercial corridors because of their impacts and the repercussions these impacts have on nearby residential areas. Commercial uses on these streets will be supported insofar as they do not create excessive negative impacts relative to the location and its surroundings. These impacts include consequences such as fumes, noise, significant automobile traffic, late night activity, and negative aesthetics that may be associated with businesses such as major automobile repair and automobile sales. The streets that form the spine of these corridors carry large traffic volumes and must balance significant vehicular through- traffic capacity with automobile and pedestrian access to commercial property.”

The properties are located two blocks from two community corridors: Bloomington Avenue to the West and Cedar Avenue to the East. They are not in or near an activity center or transit station area designated by *The Minneapolis Plan*.

According to the principles and policies outlined in *The Minneapolis Plan*, the following also apply to this proposal:

9.28 Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.

Applicable Implementation Steps

Support a mix of uses on commercial corridors--such as retail sales, office, institutional, higher density residential, and clean low-impact light industrial--where compatible with the existing and desired character of the street.

Ensure that commercial uses do not negatively impact nearby residential areas.

Regulate impacts of commercial uses, and in some cases prevent some uses from locating on designated Commercial Corridors, due to their adverse impacts on the viability of nearby residential areas.

Reduce the impact of non-residential uses on neighboring residential areas by considering appropriate access, buffering between incompatible uses and regulating hours of operation.

9.12 Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.

Applicable Implementation Steps

Require the landscaping of parking lots.

Encourage parking strategies that reduce the need for parking in order to avoid spillover into neighboring residential areas, including residential parking permits and the joint use of available parking in mixed-use areas.

Locate parking lots behind buildings or in the interior of a block to reduce the visual impact of the automobile in mixed-use areas.

9.15 Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses.

Applicable Implementation Steps

Provide appropriate physical transition and separation using green space, setbacks or orientation between residential and non-residential uses.

Require screening and buffering for new developments next to residential areas,

Conditional use permits to allow a shopping center and a parking facility. The use of the property for a shopping center as proposed meets some goals of the comprehensive plan. It has a mix of uses and the building is designed with principals of traditional urban design. Likewise, the proposed parking facility complies with several goals. It is located toward the interior of the block and some landscaping is proposed. However, the significant shortage of parking, extended hours of operation allowed by the C3A district, and a parking lot not in compliance with site plan review standards would have an impact on surrounding properties, which is in conflict with the goals of the plan that encourage the mitigation of impacts on surrounding properties.

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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.**

Conditional use permits to allow a shopping center and a parking facility: The use of the properties for a multi-tenant commercial building and a principal parking facility would conform to the applicable regulations of the district in which it is located upon the approval of the rezoning, conditional use permits, variances, and site plan review.

VARIANCE: (1) to increase the maximum floor area ratio (FAR) from 2.7 to 4.61 at 1626 East Lake Street, (2) to reduce the North interior side yard setback from 5 feet to 3 feet to allow for a parking area at 2940 South 17th Avenue, (3) to reduce the required front yard setback along 17th Avenue from 12.5 feet to 7.5 feet to allow a parking area at 2940 South 17th Avenue, (4) to reduce the minimum parking requirement from 189 spaces to 12 spaces for a multi-tenant commercial building at 1626 East Lake Street, and (5) to reduce the minimum drive-aisle width from 22 feet to 20 feet to allow a parking area at 2940 South 17th Avenue.

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.**

Variance to increase the maximum FAR: The applicant is proposing to establish 33,700 square feet of floor area for non-residential uses on a 7,309 square foot lot. This is a floor area ratio of 4.61. The C3A district allows a floor area ratio of 2.7, or 19,734 square feet. The former structure, which is built lot line to lot line, had 14,618 square feet of floor area, or an FAR of 2.0. The increase in FAR is due to the proposed addition of three floors above the two original floors. The applicant could construct additional floors on top of the original structure if those floors do not match the existing footprint. Also, the applicant could increase the maximum FAR by 20 percent without a variance if a mixed commercial-residential building is proposed. The property can be put to a reasonable use without increasing the FAR to 4.61.

Variance to reduce the interior side and front yard setback: The applicant is proposing to establish parking at 2940 17th Avenue South, which would be used by the commercial uses that would be established at 1626 East Lake Street. Twelve spaces are proposed including one van-accessible parking space. A standard parking stall is required to be 8.5 feet wide and 18 feet deep with a minimum drive-aisle width of 22 feet. The subject property is 41 feet wide. To orient the spaces perpendicular to the interior side property line, a variance of the interior side yard or a variance of the drive aisle is required. The applicant is applying for a variance to reduce the drive aisle width because of the access to the alley. Also, twelve spaces can be situated on the property without requiring a front yard variance if the standard widths are applied. Strict adherence to the code causes some hardship; however, other alternatives are possible.

Variance to reduce the minimum parking requirement: Parking for general retail sales and

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services uses is based on one space per each 300 square feet of gross floor area, after the first 4,000 square feet, but a minimum of four spaces for each tenant space over 100 square feet. There are 17 retail spaces proposed in the building (over 100 square feet, but under 4,000 square feet) and at four spaces each, this creates a requirement of 68 spaces. The restaurant that is proposed to occupy the fourth and fifth floors has a parking requirement that is equal to 30 percent of the capacity of persons. The parking requirement for the restaurant is 121 spaces. The total for these uses is 189 spaces. Twelve spaces are proposed at 2940 South 17th Avenue. The applicant has applied for a variance from 189 to 12 spaces. Please note: the applicant has indicated that the exact number of tenant spaces may be less than or exceed those shown on the floor plans. The minimum parking requirements are based on the size and number of uses. Therefore if the development is approved and changes are later made to the proposal, the applicant may need to return to Planning Commission to amend the variance.

Parking could be incorporated into the site if the property were completely redeveloped. However, the applicant is proposing to rehabilitate a building with a footprint that spans lot-line to lot-line. Strict adherence to the code to rehabilitate the existing structure would create undue hardship. Other options to on-site vehicle parking, such as bike racks or shared parking, could be proposed to reduce the need for parking. The applicant has indicated that a shared parking agreement is in place; however, further information about or evidence of the agreement has not been submitted at the writing of this report. Two bus routes travel along Lake Street that can reduce some of the need for parking. However, the new construction proposed does not adhere to the code in several instances, including height and FAR, and thereby increases the parking requirement beyond what mass transit or bike parking options could accommodate and exceeds the reasonable use of the property.

Variance to reduce the minimum drive aisle width: The property is not wide enough at 41 feet to accommodate the minimum depths required for a parking stall (18 feet), drive aisle (22 feet) and a 5-foot wide landscaped yard. The applicant is proposing to provide a 3-foot landscaped yard on the North side of the property, thereby requiring that the minimum drive aisle width be reduced from 22 feet to 20 feet. An alley is directly South of the property. Vehicles could maneuver into the alley as necessary to gain access to or from the parking spaces. Although this is a reasonable request for a variance, staff is recommending denial based on the recommendations of the other applications (conditional use permit to allow the parking facility, variances to reduce the yard requirements, and site plan review) affecting the proposed parking lot.

- 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.**

Variance to increase the maximum FAR: There are no unique circumstances associated with this parcel that would justify the proposed exception to the maximum permitted FAR. The applicant is proposing to rehabilitate a burned-out building. The existing structure is built lot-line to lot-line with an FAR of 2.0. Despite the condition of the building, other non-residential buildings in the area are built lot-line to lot-line and subject to a lesser FAR allowance. The C3A district

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allows for FAR up to 2.7, which is the largest of the commercial districts (all other commercial districts allow an FAR of 1.7). If the petition to rezone is approved, over 5,000 square feet of additional floor area can be added without the variance.

Variance to reduce the interior side and front yard setback: The subject property is an average sized, rectangular parcel. There is no rugged terrain or other physical conditions that constrain the property. The yard requirements apply because of the adjacent residential property. There are other commercial properties in the area that abut residential properties. There are not any unique circumstances to this property.

Variance to reduce the minimum parking requirement: Although grandfather rights have expired for the existing structure because the uses on the site have been discontinued for over a year, the rehabilitation of a structure that is eligible for local designation is a unique circumstance to this site. These existing conditions limit the ability to add parking to the site. However, adding additional building bulk and increasing the number of uses is a circumstance created by the property owner.

Variance to reduce the minimum drive aisle width: The subject property is an average sized, rectangular parcel. There is no rugged terrain or other physical conditions that constrain the property. The drive aisle width cannot be accommodated on-site because of the yard requirements inflicted by the adjacent residential property. There are other commercial properties in the area that abut residential properties, which must comply with the yard requirements. There are not any unique circumstances to this property, but the applicant did not create the situation.

- 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.**

Variance to increase the maximum FAR: An FAR of 4.61 does not meet the intent of the ordinance and can negatively impact the surrounding area. The only way to accomplish an FAR of 4.61 on this property is to build up. The applicant is proposing a 6-story building. A 6-story building is not appropriate for an area where buildings, both residential and nonresidential, are typically between one and two stories, and no taller than three stories. The use of the site a multi-tenant commercial building creates a higher parking demand. When more floor area is added, more businesses are potentially allowed further increasing the demand for parking. The intensity of these uses may have a negative impact on the surrounding area due to the lack of parking provided. A smaller building with less tenant spaces would be more compatible with the scale and character of the buildings in the immediate area.

Variance to reduce the interior side and front yard setback: Yard setbacks are established to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. The site plan review requires yard setbacks, screening, and landscaping to mitigate the effects of parking areas on residential uses. The proposed site plan does not meet all the minimum standards of site plan review. A parking lot in compliance with the site plan review

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standards (providing a greater side yard than proposed by the applicant) would likely have little impact to the surrounding properties.

Variance to reduce the minimum parking requirement: The intent of the parking requirement is to provide adequate parking spaces to meet the parking demands of a use in order to reduce the traffic and parking impacts on area streets. The lack of parking for the development has the potential to cause traffic congestion in the surrounding streets and parking problems in the surrounding area. Only 12 parking spaces are proposed. Two bus routes run along Lake Street, which provides one alternative to driving a single-occupancy vehicle. The applicant has indicated that a shared parking agreement is in place; however, further information about or evidence of the agreement has not been submitted at the writing of this report. While some parking reduction is reasonable along a bus route, the proposed variance of 177 spaces would not likely be accommodated by mass transit. Granting a variance that recognizes the pedestrian and transit trade is within the spirit of the ordinance; however, granting a variance of this size without evidence that the majority of the traffic to the site will be pedestrian and not vehicular does not meet the intent of the ordinance.

Variance to reduce the minimum drive aisle width: The purpose of the ordinance is to allow sufficient area for vehicles to maneuver in and out of parking spaces on-site without creating conflicts between other pedestrian and vehicular traffic. The proposed drive aisle should not interfere with pedestrian traffic. Residences and commercial uses on the block use the alley. The parking lot uses the alley curb cut to gain direct access to 17th Avenue. Access to the alley is also at 16th Avenue and 29th Street because the alley “T”’s at the South end of the block. Because of its configuration, allowing vehicles to maneuver into the alley should not impede traffic flow and should not create conflicts with residential and nonresidential use of the alley. Although the alternative meets the intent of the ordinance, staff is recommending denial based on the recommendations of the other applications (conditional use permit to allow the parking facility, variances to reduce the yard requirements, and site plan review) that do not meet the intent of the ordinance and could negatively impact the surrounding area.

- 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.**

Variance to increase the maximum FAR: The granting of the variance would likely have little impact on fire safety or be detrimental to public welfare or safety. However, allowing the increase in FAR would likely increase the congestion of the public streets. A larger building can allow for more tenant spaces. Each commercial use has a minimum parking requirement. The applicant is proposing 12 parking spaces for the development. The parking requirement for the 17 general retail spaces and one restaurant tenant shown on the attached floor plans is 189 spaces. Limiting the FAR of the property to what is allowed by the district would likely lessen the potential traffic problems of a large, multi-tenant commercial development.

Variance to reduce the interior side and front yard setback: Granting the variances would likely have no impact on the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Variance to reduce the minimum parking requirement: The proposed variance should not increase the danger of fire or endanger public safety. The lack of parking for the development has the potential to cause traffic congestion. While some parking reduction is reasonable along a bus route, the proposed variance of 177 spaces would not likely be accommodated by mass transit.

Variance to reduce the minimum drive aisle width: Granting the variance would likely have no impact on the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety. However, staff is recommending denial based on the recommendations of the other applications (conditional use permit to allow the parking facility, variances to reduce the yard requirements, and site plan review) affecting the proposed parking lot.

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 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. 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 building would contribute to a street wall along Lake Street and 17th Avenue. Natural surveillance and pedestrian access to the building would be maximized through multiple ground floor entrances, including a common entrance along Lake Street.

The applicant proposes keep the building up to the property line along Lake Street and 17th Avenue.

The principal common entrance would face Lake Street.

By restoring the building shell, the first two levels the building facing Lake Street and 17th Avenue would include sufficient architectural detail and would make generous use of windows. The materials of these facades are mostly brick. On the contrary, the existing first two levels facing the West property line and they alley are large blank, stucco walls with the exception of a few openings on the each façade. The facades above the existing shell would consist of a glazing system. With the exception of a fifth floor terrace, the glazed walls are not interrupted by any other elements. Windows are not allowed by the Building Code on the West façade because they would be less than three feet from the interior property line. Although not clearly indicated on the floor plans, the South, East and North facades of floors four and five should have unobstructed windows at least every 25 feet. Blank, uninterrupted walls that exceed 25 feet in width are proposed on floors one through five of the West façade and floors three through five of the North (alley) façade.

The exterior materials and appearance of the rear and interior side walls are not similar to or compatible with the front of the building or side of the building facing 17th Avenue. While the Lake Street and 17th Avenue facades provide many architectural details and openings, the other facades are essentially blank with no visual interest.

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

The principal entrance would be clearly defined with a canopy and recession into the front façade. Windows would exceed 30 percent of the first floor façade facing the streets. On the other floors facing the streets, windows would exceed 10 percent. All windows would be vertical in proportion and evenly distributed. Ground floor windows would not be more than four feet above adjacent grade. The type of glass proposed on the first floor is not indicated in

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the plan. The applicant would be required to install glass that complies with the standards of this chapter.

A flat roof is proposed, which is similar to surrounding buildings.

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:

Building entrances open directly onto the sidewalks.

There are no transit shelters on or immediately adjacent to the site.

Vehicular access would take place from the adjacent alley access from 17th Avenue minimizing traffic conflicts with pedestrians. The alley “T”’s at the South end of the block behind the properties on Lake Street. Residential properties on the block also have access to the alley from the North end. Conflicts between residential and nonresidential use of the alley would likely be minimal because of the alley configuration and location of nonresidential parking limited to the South end of the block.

The applicant has indicated that snow would be removed from site when necessary.

On the property of 1626 East Lake Street, the building occupies the entire site and no green space is proposed. The parking lot property would include more permeable area than is typical in the vicinity for nonresidential uses.

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).**

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- **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:

Because the building occupies the entire property of 1626 East Lake Street, these standards do not apply to that site. The property of 2940 South 17th Avenue does not have a building, therefore the standards apply to the entire site and are described as follows:

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is 5,064 square feet. Twenty percent of this number is 1,013 square feet. The applicant is proposing to landscape 633 square feet, or 12.5 percent of the site. The applicant would also replace the asphalt that currently exists in the right-of-way (287 square feet) with sod.

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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. The tree and shrub requirement for this site is 2 and 10 respectfully. The applicant is providing approximately 23 shrubs.

Because of the setback of the adjacent residence, a 12.5 foot landscaped yard is required along 17th Avenue for the parking lot. The applicant is proposing a 7.5 foot landscaped yard. The yard includes six shrubs to provide screening between the parking lot and the street. One tree is required to be provided for each 25 feet of parking lot frontage, therefore two trees are required. No trees are proposed.

A seven foot wide yard is required between the parking area and the adjacent residential property to the North. The minimum setback requirement of the zoning district is five feet for an interior side yard. The applicant is proposing three feet. Screening that is 95 percent opaque is also required between the parking lot and the adjacent residence. A six foot high (except in the required front yard where the fence is four feet) wood fence exists on the residential property providing the required screening for the parking area. A lilac hedge exists on the subject property that also provides screening.

Because no trees are proposed or existing on the site, the requirement that each parking space is within 50 feet of a tree is not met.

Turf will 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.**
- **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.**
- **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**

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- **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:

Wheel stops are proposed adjacent to the required landscaped yard. The site slopes and drains toward the alley.

No additional lighting is indicated on the site plan. A pole light exists in the alley that also lights the proposed parking area. If additional lighting is proposed for the building or the parking lot, the lighting must comply with 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.

The existing neighbor's fence and lilac hedge should shield headlight glare.

The building should not significantly block views of landmark buildings, significant open spaces, or bodies of water.

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The applicant did not submit a shadow study as part of this application. Since the project is situated north of the public sidewalks, shadowing of sidewalks would not be significant. Shadowing would affect the residence to the North of the site even though a parking lot is proposed between the two structures. This property will especially be affected by shadows during the winter months. Other nearby residences could also be impacted.

Wind currents should not be major concern.

The City's crime prevention through environmental design (CPTED) standards recommend 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.

The existing building has not been locally designated as a historic structure.

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: Both sites are zoned C1. The applicant is proposing to rezone both properties to the C3A district. A shopping center and a parking facility are conditional uses in both districts. General retail sales and services uses and restaurants are permitted in both districts.

Parking and Loading: For shopping centers, the parking requirement is based on the principal uses. Most of those uses are general retail sales and services where each use requires one off-street parking space for each 300 square feet of gross floor area over 4,000 square feet, or a minimum of four spaces, whichever is greater. For restaurants, the zoning code requires parking equal to 30 percent of the capacity of persons. The total requirement for the development is 189 spaces. The applicant proposes 12 spaces.

Signs: Signage plans are not finalized at this time. All new signage will require Zoning Office review and approval and permits.

Maximum Floor Area: The lot area of 1626 East Lake Street, according to the applicant, is 7,309 square feet. The maximum F.A.R. in the C3A District is 2.7. The applicant is proposing to building to a floor area ratio of 4.61.

Minimum Lot Area: There is not a minimum lot size requirement for a shopping center or a restaurant. The minimum parking requirement for a parking facility is 5,000 square feet. The lot area proposed is 5,064 square feet.

Height: Building height in the C3A district is limited to four stories or 56 feet, whichever is less. The applicant is proposing a 6-story building at 62 feet in height.

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Yard Requirements: There are no yard requirements for 1626 East Lake Street because it is not adjacent to a residential use or district. There is a front and interior side yard setback requirement for 2940 South 17th Avenue. The minimum front yard setback required is 12.5 feet. The applicant is proposing 7.5 feet. The minimum interior side yard requirement is 5 feet along the North property line. A three foot wide yard is proposed along the interior property line.

Specific Development Standards:

For a 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.

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: The C3A district allows hours open to the public between 6:00 a.m. and 1:00 a.m., Sunday through Saturday, for all allowed uses.

Dumpster screening: Refuse would be stored inside the building.

MINNEAPOLIS PLAN: Please see finding number 5 under the 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 to meet the following standards:

- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, that do not exceed 25 feet in length on floors one through five of the West façade and floors three through five of the North (alley) façade;
- 20 percent landscaping of the site (12.5 percent is proposed);
- one canopy tree for each 500 square feet of required landscaped area, or two trees (0 are proposed);
- a 12.5-foot wide landscaped yard along the public street (a 7.5-foot wide yard is proposed, as also requested by a variance);
- one tree for each 25 linear feet of parking lot frontage, or two trees (0 are proposed);
- a 7-foot wide landscaped yard adjacent to a residential property (a 3-foot wide yard is proposed); and
- proximity of all parking spaces within 50 feet of a tree (0 trees are proposed on-site, therefore 0 spaces are within 50 feet of a tree).

The applicant is proposing to rehabilitate a structure that is eligible to be locally designated as a historic structure. This improvement is an amenity that is encouraged by the site plan review chapter and the comprehensive plan. Alternative compliance is warranted to allow for the blank walls of floors one through three of the West façade because these walls are already existing. Alternative compliance for the West façade is practical because the building sits on the property line and the building code does not allow additional openings to be created. Additional openings could be proposed on the North side to meet this requirement. Alternative compliance is not warranted for the building addition. New construction should be able to comply with the site plan review standards. If no openings are allowed on the ground level, graffiti protection should be applied to those blank facades.

The applicant has not proposed any additional amenities that would warrant alternative compliance for the landscaping requirements at 2940 South 17th Avenue. Meeting these requirements is not impractical. Providing a 5-foot interior side yard and a 12.5-foot front yard would meet the 20 percent landscaping requirement as well as eliminate the need for those variances. Also, there is sufficient area to provide the number of required trees in several locations on the site. Staff believes that alternative compliance should not be granted.

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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 **deny** the petition to rezone the properties of 1626 East Lake Street and 2940 South 17th Avenue from the C1, Neighborhood Commercial District to the C3A, Community Activity Center District.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the conditional use permit to increase the maximum height of a principal structure from 4 stories to 6 stories and from 56 feet to 62 feet at the property of 1626 East Lake Street.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the conditional use permit to allow a principal parking facility with 12 spaces at the property of 2940 South 17th Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the conditional use permit to allow a shopping center at the property of 1626 East Lake Street.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to increase the maximum floor area ratio from 2.7 to 4.61 at the property of 1626 East Lake Street.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to reduce the North interior side yard setback from 5 feet to 3 feet to allow for a parking area at the property of 2940 South 17th Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to reduce the required front yard setback along 17th Avenue from 12.5 feet to 7.5 feet to allow a parking area at the property of 2940 South 17th Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to reduce the minimum parking requirement from 189 spaces to 12 spaces for a multi-tenant commercial building at the property of 1626 East Lake Street.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to reduce the minimum drive-aisle width from 22 feet to 20 feet to allow a parking area at the property of 2940 South 17th Avenue.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:

The Community Planning and Economic Development - Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the site plan review application to allow a multi-tenant commercial building at the property of 1626 East Lake Street with a parking facility at the property of 2940 South 17th Avenue.

Attachments:

1. Zoning code information sheet
2. Preliminary Development Review comments
3. Statement of use
4. Findings
5. Correspondence
6. Zoning map
7. Plans
8. Photos