



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

Date: January 20, 2011

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee.

Referral to: Zoning and Planning Committee

Subject:

Name of Appellant: Catalyst Community Partners

Name of Original Applicant: Auto Zone

Property Address: 1512-1524 West Broadway

Ward #: 5

Catalyst Community Partners has appealed the City Planning Commission's action approving the following variances: to increase the maximum allowable floor area of a new building from 6,000 square feet to 7,726 square feet; to increase the maximum allowable area of sign 1 from 45 feet to 48 feet; to increase the maximum allowable height of sign 1 from 14 feet to 18 feet; to increase the maximum allowable area of sign 2 from 45 square feet to 48 square feet; and to increase the maximum allowable height of sign 2 from 14 feet to 18 feet. The site plan review approval with alternative compliance has been appealed as well.

Recommendation: The following actions were taken by the City Planning Commission on December 13, 2010 (BZZ-4889):

E. Variance: Application by Auto Zone for a variance of the maximum allowable floor area of the building from 6,000 square feet for property located at 1512-1524 West Broadway.

Action: Notwithstanding staff recommendation, the City Planning Commission **approved** the variance to increase the maximum allowable gross floor area in the C1 District from 6,000 square feet to 7,726 square feet for property located at 1512-1524 West Broadway, based on the findings in the staff report.

F. Variance: Application by Auto Zone for a variance to increase the maximum allowable area of a sign from 45 square feet to 48 square feet for Sign 1 for property located at 1512-1524 West Broadway.

Action: Notwithstanding staff recommendation, the City Planning Commission **approved** the variance to increase the maximum allowable area of a sign from 45 square feet to 48 square feet for Sign 1 for property located at 1512-1524 West Broadway, based on the following finding:

1. The variance will allow a sign at an appropriate size and scale to the building elevation

G. Variance: Application by Auto Zone for a variance to increase the maximum allowable height of a sign from 14 feet to 18 feet for Sign 1 for property located at 1512-1524 West Broadway.

Action: Notwithstanding staff recommendation, the City Planning Commission **approved** the variance to increase the maximum allowable height of a sign from 14 feet to 18 feet for Sign 1 for property located at 1512-1524 West Broadway, based on the following finding:

1. The variance will allow a sign at an appropriate size and scale to the building elevation.

I. Variance: Application by Auto Zone for a variance to increase the maximum allowable area of a sign from 45 square feet to 48 square feet for Sign 2 for property located at 1512-1524 West Broadway.

Action: Notwithstanding staff recommendation, the City Planning Commission **approved** the variance to increase the maximum allowable area of a sign from 45 square feet to 48 square feet for Sign 2 for property located at 1512-1524 West Broadway, based on the following finding:

1. The variance will allow a sign at an appropriate size and scale to the building elevation.

J. Variance: Application by Auto Zone for a to increase the maximum allowable height of a sign from 14 feet to 18 feet for Sign 2 for property located at 1512-1524 West Broadway.

Action: Notwithstanding staff recommendation, the City Planning Commission **approved** the variance to increase the maximum allowable height of a sign from 14 feet to 18 feet for Sign 2 for property located at 1512-1524 West Broadway, based on the following finding:

1. The variance will allow a sign at an appropriate size and scale to the building elevation.

L. Site Plan Review: Application by Auto Zone for a site plan review for property located at 1512-1524 West Broadway.

Action: Notwithstanding staff recommendation, the City Planning Commission **approved** the site plan review for property located 1512-1524 West Broadway, based on the following findings:

1. With the approval of the rezoning the use is permitted and the new building is allowed subject to site plan review.

And with the alternative compliance actions:

1. No alternative compliance granted for the door location, with the exception of allowing an angled or "mitered door" facing both West Broadway and the east parking lot.

2. No alternative compliance for any of the landscaping standards.
3. No alternative compliance for the required 30 percent windows. Both the south and east elevations shall provide 30 percent windows.
4. Alternative compliance is granted for to allow an uneven distribution of windows as show on the submitted site plan.

And with the following conditions:

1. Approval of the final site plan, lighting plan, landscaping plan, and building elevations by the Department of Community Planning and Economic Development – Planning Division before permits may be issued.
2. All site improvements shall be completed by January 28, 2012, unless extended by the Zoning Administrator, or the permits may be revoked for non-compliance.
3. The building shall not utilize false windows and shall provide 30 percent windows on the south and east elevations.
4. The Planning Commission recommends that the applicant work with staff to find a durable alternative to EFIS for the building elevations.
5. The entrance door shall be angled or “mitered” to face both West Broadway and the parking lot.
6. The two curb cuts shall be reduced to one curb cut in accordance with the Public Works recommendation and applicable requirements.
7. The applicant shall work with staff to explore the addition of boulevard trees and to verify that the proposed boulevard tress have the required space to grow.

Prepared by: Jim Voll, Principal Planner, 612-673-3887 Approved by: Jason Wittenberg, Planning Manager, 612-673-2297 Presenters in Committee: Jim Voll
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Community Impact

- Neighborhood Notification – The Jordan Area Community Council was notified of this appeal application.
- Comprehensive Plan – See staff report.
- Zoning Code – See staff report.
- End of 60/120-day decision period – On October 4, 2010, Auto Zone provided a letter extending the 60/120 day decision period to no later than February 26, 2011.

Background/Supporting Information

Auto Zone applied for a rezoning from the OR2 High Density Office Residence District to the C1 Neighborhood Commercial District, a variance of the front 15 foot setbacks to allow the building and parking to encroach into the setbacks, a variance to increase the maximum allowable lot area from 20,000 square feet to 26,000 square feet, a variance to increase the maximum allowable floor area of a new building from 6,000 square feet to 7,726 square feet; variances of the area, height, and lighting requirements for the signage, and site plan review all to allow a new retail auto parts store.

The City Planning Commission (CPC) recommended approval of the rezoning, the variance to increase the allowable lot size, the variance to increase the allowable building size, the height and area variances for the signage, and the site plan review with conditions. The applicant eliminated the sign lighting variances and the building setback variance. The CPC denied the parking lot setback variance.

Catalyst Community Partners is now appealing the CPC decision related to the building size variance, the height and area variances for the signage, and the site plan review. They did not appeal the approval of the lot area variance.

The CPC voted 4-3 to recommend approval of the rezoning. The CPC voted 8-0 at its meeting on December 13, 2010, to grant the variances and to approve the site plan review with conditions. Please see attached memo with the City Planning Commission minutes and findings.

Department of Community Planning and Economic Development - Planning Division
Rezoning, Variances, and Site Plan Review
BZZ-4889

Date: December 13, 2010

Applicant: Auto Zone

Address of Property: 1512-1524 West Broadway (part of the site was formerly addressed as 2002-2004 James Avenue North).

Project Name: Auto Zone

Contact Person and Phone: Phillip Pecord – Auto Zone 901-495-8706

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

Date Application Deemed Complete: August 6, 2010

End of 60 Day Decision Period: October 5, 2010

Date Extension Letter Sent: August 17, 2010

End of 120 Day Decision Period: December 4, 2010 (please see attached letter from the applicant extending the review period until February 26, 2011).

Ward: 5 **Neighborhood Organization:** Jordan

Existing Zoning: OR2 High Density Office Residence District.

Proposed Zoning: C1 Neighborhood Commercial District.

Zoning Plate Number: 7

Legal Description: Lots 46-50, Block 17, Forest Heights Addition

Proposed Use: General retail sales and services (auto parts store).

Concurrent Review:

Rezoning: Rezoning from OR2 High Density Office Residence District to the C1 Neighborhood Commercial District.

Variance: To reduce the front yard setback from 15 feet to 7 feet for the building (the revised site plan now has the building out of this setback, so a variance is not necessary).

Variance: To reduce the front yard setback from 15 feet to 7 feet for parking (the original variance was from 15 feet to 3 feet).

Variance: To increase the maximum allowable lot area in the C1 District from 20,000 square feet to 26,000 square feet.

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Variance: To increase the maximum allowable gross floor area in of the building from 6,000 square feet to 7,726 square feet (the revised building design has increased the size from the original proposal of 6,476 square feet, an increase of 1,250 square feet).

Variance: To allow sign 1 to exceed 45 square feet in area to 48 square feet (the previous proposal was to 110 square feet).

Variance: To allow sign 1 to exceed the maximum allowable height of 14 feet to 18 feet (the previous proposal was to 20 feet).

Variance: To allow sign 1 to be backlit. The applicant has modified the sign. It now can be classified as internally lit, rather than backlit, so the variance is no longer necessary.

Variance: To allow sign 2 to exceed 45 square feet in area to 48 square feet (the previous proposal was to 84 square feet).

Variance: To allow sign 2 to exceed the maximum allowable height of 14 feet to 18 feet.

Variance: To allow sign 2 to be backlit. The applicant has modified the sign. It now can be classified as internally lit, rather than backlit, so the variance is no longer necessary.

Site Plan Review: For a new building.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments; Article IX Variances, specifically Section 525.520(1) “to vary the yard requirements...”; Section 525.520(2) “to vary the lot area...by up to 30 percent.”; Section 525.520(3) “To vary the gross floor area...of a structure or use.”; Section 525.520(21) “To vary the number, type, height, area, or location of allowed signs...”; and Chapter 530, Site Plan Review.

Background: This item was continued from the September 7, September 20, October 4, and November 13, 2010, meetings of the City Planning Commission. The revised site plan has slightly changed the location of the building, has enlarged the building, and has changed the shape of the building, so that it is now out of the west side 15-foot front yard setback and is slightly into the west side seven foot side yard. The building can not be located in the west side yard without a variance and no side yard variance was applied for, so the building will have to be moved or reduced in size to comply with this side yard setback. The redesign does eliminate the need for the front yard setback for the building. The building now has more windows facing West Broadway and the entrance has been relocated further to the south to be closer to West Broadway. The overall site plan has changed as well, with the loading, parking, trash enclosure, walkways, and curb cuts all rearranged. In addition, the landscaping plan has been revised. Finally the signage has been modified to eliminate two variances, but there are still variances for height and area of the signage. Please see the original and revised plans attached to this report.

Auto Zone proposes to purchase the properties at 1512-1524 West Broadway (parts of the site were formerly addressed as 2002-2004 James Avenue North), demolish the existing commercial building, and construct a new 7,726 square foot building for auto parts store. The original proposal was for a 6,476 square foot building, but the floor plan has increased in size with the modifications to the building that provide an entrance closer to West Broadway and to add more windows on the south and east elevations.

The site contains a car wash and vacant land. The auto parts store is classified as general retail sales and services and is first allowed in the C1 Neighborhood Commercial District as a permitted use. The site is currently zoned OR2 High Density Office Residence District, so the applicant is requesting a rezoning from this district to the C1 Neighborhood Commercial District. The C1 District limits the zoning lot size to 20,000 square feet and floor area of the building to 6,000 square feet, for this building proposal. The lot area and building gross floor area exceed these limits, so the applicant is requesting a variance of

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these standards as well. A variance is necessary for the parking to encroach into the east side front yard setback. In addition, there are two wall signs that require variances to exceed the height and area standards of the zoning code; however, the signage has been modified to reduce the square footage and height of the signs, so the variance requests are for smaller signs that will not exceed 18 feet in height from grade. The lighting of the signage has been modified so that the signs no longer need a variance to be back lit and they are now classified as internally lit signage. Finally, a new 7,726 square foot building requires site plan review and approval.

Please see the attached letters from the Jordan Area Community Council and the West Broadway Coalition in support of the project.

REZONING (from OR2 High Density Office Residence to C1 Neighborhood Commercial)

Findings As Required By The Minneapolis Zoning Code:

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

The Minneapolis Plan for Sustainable Growth designates this part of West Broadway as a Commercial Corridor. Commercial Corridors can accommodate intensive commercial uses and high levels of traffic. The policies in the comprehensive plan indicate that a mix of uses such as retail sales, office, institutional, high-density residential and clean low-impact light industrial are appropriate for Commercial Corridors. However, the comprehensive plan also states that “in addition to the future land use map, the comprehensive plan incorporates by reference land use recommendations from a number of small area plans that cover various sub-sectors of the city. These plans should be consulted for applicable areas when making development decisions, as they provide more detailed guidance.”

The *West Broadway Alive* small area plan was adopted by the City Council on March 21, 2008. A follow-up rezoning study that updated the zoning districts within the study area was approved by the City Council on August 14, 2009, and this changed the zoning of the site from C1 and C2 Commercial to the OR2 High Density Office Residence District. The land use map of the *West Broadway Alive* plan (see attached map) shows the site as part of the Urban Neighborhood land use category. It states that “although there are currently a number of commercial business scattered through these areas, the Urban Neighborhood category emphasizes the dominance of residential development. It does not preclude the presence of some commercial businesses. However, it supports the finding in the Economic and Business Development chapter that commercial areas on West Broadway will be strengthened if the commercial districts are somewhat less sprawling and more focused within the sub-areas. The plan recommends that redevelopment of property designated Urban Neighborhood should generally lead to a stronger residential character in these areas.”

For these reasons the site was rezoned from the C1 and C2 Commercial Districts to the OR2 High Density Office Residence District in 2009, as part of the rezoning study for the area. A rezoning back to the C1 District would be in opposition to the above noted goals and would make it more difficult to deny other similar requests in the immediate area, and therefore, is not in conformance with the small area plan and comprehensive plan.

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

The rezoning is in the interest of the property owners and purchaser. The redevelopment of an underutilized site could be considered in the interest of 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.

This area along West Broadway is made up of office, commercial, residential, and institutional uses. The 2009 rezoning study changed the zoning districts along West Broadway from James Avenue North to just east of Girard Avenue North from C1 and C2 Commercial, and some I1 Light Industrial, to the OR2 Office High Density Office Residence District. The C1 District could be considered compatible with these uses and the OR2 District; however, as noted in finding number one, the intent was to limit commercial zoning to certain areas to provide stronger and less sprawling commercial districts along West Broadway.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

The OR2 High Density Office Residence District allows a range of residential, office, and institutional uses, as well as limited commercial, which would be a reasonable use of the property.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

The 2009 rezoning study changed the zoning districts along West Broadway from James Avenue North to just east of Girard Avenue North from C1 and C2 Commercial, and some I1 Light Industrial, to the OR2 Office High Density Office Residence District. There has not been a change in the character or trend of development since the property was recently placed in the OR2 District.

VARIANCE (to reduce the required 15 front yard setback – west side for the building)

The applicant has modified the site plan to remove the building from the 15 foot front yard setback on the west side of the property. The variance is no longer necessary and staff recommends that it be returned to the applicant.

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VARIANCE (to reduce the required 15 front yard setback – east side for parking)

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.**

There is a required 15 foot front yard setback along the West Broadway Avenue frontage for 40 feet from the easterly property line, as there is an adjacent OR2 Office Residence District. The zoning code requires that the front yard setback of the adjacent office residence district be continued onto the subject property for 40 feet from the district boundary. The applicant has located the parking partially in this setback at varying distances, from seven to 10 feet (formerly it was at three to six feet), but approximately 25 to 30 feet from the east property line. The site sits on a part of West Broadway and James Avenue North that curves making it difficult to site parking without encroaching into a setback; however, the proposed site plan exceeds the required parking and complying with the setbacks would reduce the proposed parking by one space. Staff can find no hardship for this variance. In addition, because staff is not recommending approval of the rezoning to the C1 Commercial District, the building and variance are not possible, so staff is not recommending approval of the variance. If the rezoning were approved, staff would not recommend approval of this variance.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The site sits on a part of West Broadway and James Avenue North that curves, making it difficult to site parking without encroaching into a setback; however, the proposed site plan exceed the required parking and complying with the setbacks would reduce the parking by only one space. Staff can find no unique circumstance or hardship for this variance. In addition, because staff is not recommending approval of the rezoning to the C1 Commercial District, the building and variance are not possible, so staff is not recommending approval of the variance. If the rezoning were approved, staff would not recommend approval of this variance.

- 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 ordinance is to provide a separation and buffer between properties to preserve views up and down the street in the front yard setbacks. The proposed parking layout would bring part of the parking lot within seven feet of the public sidewalk, but it would still leave a large landscaped area to the east side of the site, so it may meet the intent of the setback buffer requirement. However, because staff is not recommending approval of the rezoning to the C1 Commercial District, the building and variance are not possible, so staff is not recommending approval of the variance. If the rezoning were approved, staff would not recommend approval of this variance.

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- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The variance will not contribute to the generation of traffic congestion in the public streets as it will allow a small increase in parking. It should not be detrimental to the public welfare or safety or increase the danger of fire, but it would diminish the buffer for pedestrians along the public sidewalk.

VARIANCE (to increase the maximum allowable lot size from 20,000 to 26,000 square feet)

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 C1 Neighborhood Commercial District limits commercial uses to a maximum lot size of 20,000 square feet. The intent of the provision is to provide a limit to the size of commercial uses and to promote smaller scale buildings within the C1 District, which is intend for neighborhood serving commercial, not the more intensive commercial uses allowed in the other commercial districts. The maximum allowable variance is 30 percent, which allows a lot size of up to 26,000 square feet. The City can not grant a lot variance larger than 30 percent. The applicant has provided conflicting site plans that in some cases show the lot area as greater than 26,000 square feet. Staff asked for a clarification and the applicant's surveyor verified that the lot is 26,000 square feet.

While staff does not recommend approval of the rezoning to the C1 District, it would be the commercial district that is most compatible with the uses allowed in residential districts and office residence districts existing or envisioned for the area. A reduction in the size of the lot would not significantly change the size or scale of the use, but would impact the operations. This could be considered a hardship; however, because staff is not recommending approval of the rezoning to the C1 Commercial District, the building and variance are not possible, so staff is not recommending approval of the variance. If the rezoning were approved, staff would recommend approval of this variance.

- 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.**

In this case the proposed zoning lot is 26,000 square feet. While staff does not recommend approval of the rezoning to the C1 District, it would be the commercial district that is most compatible with the uses allowed in residential districts and office residence districts existing or envisioned for the area. A reduction in the size of the lot of would not significantly change the size or scale of the use, but would impact the operations. This could be considered a hardship; however, because staff is not recommending approval of the rezoning to the C1 Commercial District, the building and variance are not possible, so staff is not recommending approval of the variance. If the rezoning were approved, staff would recommend approval of this variance.

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- 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 provision is to provide a limit to the size of commercial uses in conformance with the goals of the district. The C1 District is designed for neighborhood oriented uses and is not intended for larger scale commercial uses. A relatively small increase in the lot area will not circumvent the intent of the ordinance; however, because staff is not recommending approval of the rezoning to the C1 Commercial District, the building and variance are not possible, so staff is not recommending approval of the variance. If the rezoning were approved staff would recommend approval of this variance.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The variance will allow a larger commercial lot, but not by a significant amount that would generate traffic congestion in the public streets. It should not be detrimental to the public welfare or safety or increase the danger of fire.

VARIANCE (to increase the maximum allowable gross floor area from 6,000 to 7,726 square feet)

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 C1 Neighborhood Commercial District limits commercial uses to a maximum gross floor area of 4,000 square feet. This can be increased to 6,000 square feet when parking is not located between the building and the front lot line. Further it can be increased to 8,000 square feet when a second story with an active use is provided and there is no parking located between the building and the front lot line. The proposed building qualifies for the bonus to 6,000 square feet of gross floor area. The intent of the provision is to provide a limit to the size of commercial uses and to promote smaller scale buildings within the C1 District, which is intended for neighborhood serving commercial, not the more intensive commercial uses allowed in the other commercial districts.

In this case the proposed building is 7,726 square feet (the original proposal was 6,476 square feet) of gross floor area, which is 1,726 feet over the limit. While staff does not recommend approval of the rezoning to the C1 District, it would be the commercial district that is most compatible with the uses allowed in residential districts and office residence districts existing or envisioned for the area. A reduction in the size of the building of 1,726 feet would not significantly change the size or scale of the use, but could impact the operations.

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The applicant has indicated that the further increase in size is to facilitate for a floor plan that would allow the door to be located towards the street frontage and to allow additional windows facing West Broadway and the parking lot. The elevation facing the parking lot does not meet the window requirements of the zoning code and the entrance does not face West Broadway. If the building were to meet the window and entrance requirements of the code, then the variance to increase in size could be considered a hardship; as the applicant would be increasing the size of the building to provide a design that mitigates the impact of the larger size. Without these design elements the variance circumvents the intent of the ordinance, which is to provide smaller scale retail uses that would typically and historically be found along commercial corridors. However, because staff is not recommending approval of the rezoning to the C1 Commercial District, the building and variance are not possible, so staff is not recommending approval of the variance. If the rezoning were approved and the building was in compliance with the design standards of the zoning code, staff would recommend approval of this variance.

- 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.**

See finding number one above.

- 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 provision is to provide a limit to the size of commercial uses in conformance with the goals of the district. The C1 District is designed for neighborhood oriented uses and is not intended for larger scale commercial uses. The proposed additional gross floor area is 1,726 square feet over the maximum. The applicant has indicated that the further increase in size is to facilitate for a floor plan that would allow the door to be located towards the street frontage and to allow additional windows facing West Broadway and the parking lot. The elevation facing the parking lot does not meet the window requirements of the zoning code and the entrance does not face West Broadway. If the building were to meet the window and entrance requirements of the code, then the variance to increase in size could be considered a hardship; as the applicant would be increasing the size of the building to provide a design that mitigates the impact of the larger size. Without these design elements the variance circumvents the intent of the ordinance, which is to provide smaller scale retail uses that would typically and historically be found along commercial corridors. However, because staff is not recommending approval of the rezoning to the C1 Commercial District, the building and variance are not possible, so staff is not recommending approval of the variance. If the rezoning were approved and the building was in compliance with the design standards of the zoning code, staff would recommend approval of this variance.

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- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The variance will allow for additional floor area, but not by an amount significant amount enough to generate traffic congestion in the public streets. It should not be detrimental to the public welfare or safety or increase the danger of fire.

VARIANCE (to increase the maximum area and height for two wall signs)

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 C1 District limits wall signs to 45 square feet of area and 14 feet in height. It also does not allow backlit signs, which are signs that have a light source contained within the sign element or sign cabinet that illuminates by shining through a translucent surface or sign face, except when only letters, numbers, or logos of the sign copy are illuminated. The applicant is requesting variances of area and height for both signs. Both signs have been redesigned to be classified as internally lit rather than backlit.

The applicant proposes two wall signs. Sign 1, which faces east toward the parking lot and West Broadway, has an area of 48 square feet (previously 110 square feet) and a height to the top the sign of 18 feet (previously 20 feet). Sign 2, which faces south toward West Broadway, has an area of 48 square feet (previously 95 square feet) and a height to the top of the sign of 18 feet. Staff can find no undue hardship with complying with the sign regulations.

- 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.**

Staff can find no unique circumstance for the site to justify the variance. The variance is created by the desire of the applicant to have signs that are larger and placed taller in a manner that is not in conformance with the zoning code regulations.

- 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 ordinance is to reduce sign clutter, signage that is out of scale with the building and the area, and to limit light impacts. Granting the variance where there are no unique circumstances or hardship will circumvent the intent of the ordinance.

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- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The proposed signs will have no impact on traffic congestion. It will not increase the danger of fire, be detrimental to the public welfare, or endanger public safety.

In addition to the conditional use standards contained in Chapter 525 and this article, the City Planning Commission shall consider, but not be limited to, the following factors when determining sign variances:

- 1. The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.**

The signs will exceed the area and height requirements of the zoning code, which is inconsistent with the purposes of the zoning district.

- 2. The sign adjustment will allow a sign that relates in size, shape, materials, color, illumination and character to the function and architectural character of the building or property on which the sign will be located.**

The sign will be professionally constructed and installed. The sign is made of plastic. While it relates to the function and architectural character of the building, it would do so at a smaller size and height.

SITE PLAN REVIEW (for a new 7,726 square foot building)

Required Findings for 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 DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S)

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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, and active functions:
 - 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.
 - g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.

Minimum window area shall be measured as indicated in section 530.20 of the zoning code.
- Ground floor active functions:

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Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.

- **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. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of chapter 549, Downtown Districts, shall apply.

The proposed building is within eight feet of the front property line or setback lie at various distances ranging from one to two feet (the property line is a slight curve).

There will be landscaping between the building and the property line as an amenity, but because it is in the public right-of-way it may require an encroachment permit from Public Works.

The main entrance faces the parking lot. If the rezoning is approved, staff does not recommend alternative compliance. The applicant has moved the door to the south side of the site and is willing to consider a design that faces West Broadway, if Public Works will allow an encroachment permit for the door to swing out over the property line. Staff recommends that the entrance be relocated to face West Broadway.

The parking area is located to the side of the building.

The exterior materials of the proposed building are durable and are made of brick, concrete masonry units, and glass. The cornice and areas of the southeast corner are EIFS. Future changes in materials may require review and approval by the City Planning Commission.

There are no blank elevations greater than 25 feet in length without a change in material or recesses and projections. The elevations incorporate brick patterns and pilasters. The pilasters are required to have a change of at least six inches to consider a building element a recess or projection.

Non-residential uses are required to provide 30 percent windows on the first floor of elevations facing a public street or on-site parking lot. The proposed building shows 48 percent windows facing West Broadway and 20 percent facing the parking lot. The windows, where provided, are vertical in proportion, but are not distributed in a more or less even manner on both elevations.

If the rezoning is approved, staff does not recommend alternative compliance for the window percentage or for the window distribution for the elevation facing the parking lot. Windows are required to provide “eyes on the street” to allow views into and out of the building to the public street and parking lot, to promote traditional urban design, and an active safe street. While the east elevation has 20 percent windows and the addition of false windows to provide a design that appears even in distribution, this is not an alternative that meets the intent of the ordinance or an amenity that mitigates the negative effect the standards was designed to prevent. Staff recommends that the east elevation facing the parking lot

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provide 30 percent windows with an even distribution and that the false windows be replaced with clear windows with views into and out of the building. If this were done the window percentage would be 35 percent of the elevation.

If the rezoning is approved, staff does recommend alternative compliance for the window distribution facing West Broadway. This elevation exceeds the required 30 percent to 48 percent and this can be a mitigating factor for the uneven distribution.

The applicant is aware that all new windows must have a visible light transmittance ratio of 0.6 or greater.

The entrance is emphasized, however, as noted above, staff does not recommend that it be located facing the parking lot and that it be redesigned to face West Broadway, or both West Broadway and the parking lot.

The building will contain an active use, retail sales and services, on the ground floor, but as noted above, there are only 20 percent windows on the east elevation facing the parking lot.

The roof is flat. The commercial properties in the area have flat roofs.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

The entrance of the building is connected to the public sidewalk on James Avenue North and on West Broadway with clear well-lighted five-foot walkways.

There are no transit stops on the site.

The access will not conflict with residential properties, which are to the north and west, as the access is on the east side of the building to West Broadway.

The alley access to the site has been closed off for the parking and loading areas.

Public Works and the Fire Department reviewed the original site plan for access and circulation and found it generally acceptable with the changes listed in the attached PDR report. The revised plan, which now shows two curb cuts to West Broadway, is under review by Public Works staff. They may not approve two curb cuts. They may not allow a curb cut wider than 25 feet. If the rezoning is approved, staff would not recommend allowing two curb cuts, as Section 530.150(a) encourages consolidation of curb cuts where possible.

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The site exceeds the minimum number of required parking by 22 spaces. The applicant is requesting a variance for parking to encroach into the 15 front yard setback. Staff is not recommending approval of this variance. If this variance is denied and parking is removed from the setback, then the site plan will minimize impervious surfaces with all areas that are not covered by buildings, pedestrian access, and paved areas necessary for parking, loading, and the associated maneuvering are pervious surfaces used for landscaping and stormwater management.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
 - **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

The site plan shows 34 percent landscaping. The lot area is 26,000 square feet and the footprint of the building is 7,726 square feet. This leaves 18,274 square feet, of which 20 percent (3,655 square feet) is required to be landscaped. The applicant is providing approximately 6,819 square feet.

The development is required to provide one canopy tree per 500 square feet and one shrub per 100 square feet of required green space. This translates into a requirement of seven on-site canopy trees and 36 shrubs. The site plan shows two on-site canopy trees and approximately 80 shrubs, with an additional 13 shrubs in front of the building on the public right-of-way. Staff does not recommend alternative compliance and recommends that seven on-site canopy trees be provided.

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The site plan does not show one tree per 25 linear feet of parking lot frontage. If the rezoning is approved, staff does not recommend alternative compliance and recommends that two additional on-site trees be planted along the West Broadway frontage.

The seven foot wide landscaped yard between the parking and the public sidewalk along West Broadway has is provided.

The three foot high 60 percent opaque screening is not provided along the entire frontage facing West Broadway. If the rezoning is approved, staff does not recommend alternative compliance and recommends that the screening be provided.

All parking spaces are not with 50 feet of an on-site deciduous tree. If the rezoning is approved, staff does not recommend alternative compliance and recommends that all parking spaces be within 50 of an on-site deciduous tree (not ornamental or coniferous trees).

All other areas not occupied by buildings, walks, plazas, parking, loading, and associated drives are landscaped.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
 - **Natural surveillance and visibility**
 - **Lighting levels**
 - **Territorial reinforcement and space delineation**
 - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

Curbing is shown around the surface parking area and the site will have a stormwater management plan that will retain water on site, so breaks in the curbing are not necessary.

The building will not block important views of the city or shadow public spaces and adjacent properties. It will not significantly generate wind currents at ground level.

The site plan meets the CPTED guidelines. The site is designed with landscaping and architectural features to delineate space and control access while allowing views into and out of the site. Staff recommends that proper lighting be provided and that the landscaping follow the three-foot seven-foot rule to allow proper views into and out of the site. The building does not meet the CPTED guidelines for the elevation facing the parking lot. If the elevation is modified to provide 30percent windows that allow views into and out of the building, it would conform to CPTED guidelines.

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There are no historic structures on the site.

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: General retail sales and service (an auto parts store) is a permitted use in the C1 Neighborhood Commercial District.

Off-Street Parking and Loading: *Minimum automobile parking requirement:* The zoning code requires a minimum of 1 space per 500 square feet of gross floor area in excess of 4,000 square feet. The gross floor area is 7,726 square feet. This results in a minimum parking requirement of 7 spaces. The site plan shows 29 spaces (the previous plan had 27 spaces) but this could be reduced to 28 if the setback variance is not approved. Two accessible spaces are required and two are provided.

Maximum automobile parking requirement: The zoning code requires a maximum of 1 space per 200 square feet of gross floor area. The gross floor area is approximately 7,726 square feet. This results in a maximum allowed parking of 38 spaces; 29 are shown, but this could be reduced to 28 if the setback variance is not approved.

Bicycle parking requirement: General retail sales and service uses are required to provide 3 bike parking spaces or 1 per every 5,000 square feet of gross floor area, whichever is greater. In this case, at 7,726 square feet of gross floor area a total of 3 spaces required. Not less than 50 percent of these spaces shall meet the standards for short-term bicycle parking, which requires that they are located in a convenient and visible area within 50 feet of a principal entrance and shall permit the of the bicycle frame and one wheel to the rack. The site plan shows a bicycle parking area within 50 feet of the entry. The final plan shall specify the number of parking spaces.

Loading: General retail sales and services uses that are below 20,000 square feet of building area do not require a loading space, but one is provided at the north end of the building.

Maximum Floor Area: The maximum FAR in the C1 District is 1.7. The zoning lot in question is 26,000 square feet in area. The site will contain approximately 7,726 square feet of gross floor area on the lot, an FAR of 0.30. The C1 District limits the maximum floor area of a commercial use to 4,000 square feet. This can be increased to 6,000 square feet if there is no parking between the structure and the public street and to 8,000 square feet if there is no parking between the structure and the street and the building is two stories (occupied with a use). The proposed building qualifies for the bonus to 6,000 square feet as there is no parking between the building and the street. The proposed building is 7,726 square feet. The applicant is requesting a variance of the maximum floor area.

Building Height: Building height in the C1 District is limited to 2.5 stories or 35 feet, whichever is less. The existing building is one floor, but because the height is 21 feet (23 with the parapet) it is classified as two-stories, for height purposes.

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Minimum/Maximum Lot Area: There is no minimum lot size for general retail sales and services in the C1 District. The maximum lot area for commercial uses in the C1 District is 20,000 square feet. The applicant is requesting a variance to 26,000 square feet.

Dwelling Units per Acre: There are no residential units proposed.

Yard Requirements: In general there are no setbacks required for commercial uses in the commercial districts, unless adjacent to residential or office residence zoning. This site is adjacent to an OR2 Office Residence District, to the east, and an OR1 Office Residence District, to the west, so the interior yard is 5 feet plus 2 feet for each floor above the first. This is a one-floor, two-story building. For a two-story building a 7 foot setback is required. The building and parking met these setbacks in the original proposal. The revised proposal shows the northwest corner of the building at 6 feet 3 inches. The public notice did not include a variance for this distance, so the building will have to be moved to meet the 7 foot setback.

The front yard setback of the adjoining district, or the established setback of the adjacent residential structures, whichever is less, is required to be provided for 40 feet from the office residence district boundaries. On this site there are 15 foot front yard setbacks extending from the adjacent office residence districts on the east and west sides for 40 feet. The site plan has been modified to move the building out of this front yard setback. The parking encroaches down to 7 feet in the easterly 15 foot front yard. The applicant has requested variances.

Specific Development Standards: There are no specific development standards for general retail sales and services.

Hours of Open to the Public: In the C1 District, uses may be open to the public during the following hours: Sunday through Thursday from 6:00 a.m. to 10:00 p.m. and Friday and Saturday from 6:00 a.m. to 11:00 p.m. The store will be open from 8:00 a.m. until 9:00 p.m. everyday.

Signs: All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. The proposed wall signs require variances for area and height (please see variance section of this report). A monument is shown on the site plan, but specific area information was not provided. The monument sign is required to be 10 feet from the east property line, is limited to 8 feet in height, and 54 feet in area. The applicant is aware that signs require zoning office approval and permits.

Refuse storage: 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 refuse containers are screened per code.

Lighting: The lighting will comply with Chapters 535 and 541 including the following standards: 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

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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 arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (½) 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 source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of 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 to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH: In addition to the policies listed under finding number 1 of the rezoning section of this report, the *Minneapolis Plan for Sustainable Growth* has the following narratives and polices regarding urban design:

“Commercial buildings and uses provide needed amenities and services to communities. Their design and placement should be strategic so that negative impacts on surrounding uses, especially residential, are mitigated. A new commercial structure will be considered in terms of its size, scale, intensity of uses and relationship to the street, to users and to its neighbors. Consultations with project proponents combined with site plan review and other city regulatory tools help ensure that an intensive commercial development is well designed, attractive and pleasant, and withstands the test of time.

Successful commercial buildings and areas attract pedestrians by bringing their storefronts close to the sidewalk's edge, providing adequate sidewalk space for pedestrian movement and four season amenities, orienting building design to the street, and respecting traditional urban form by keeping building heights to a level that is compatible with the surrounding neighborhood. Auto-oriented uses will successfully manage the interests of vehicles, transit, and pedestrians, with safety and appropriate siting in mind.”

Policy 10.10: Support urban design standards that emphasize a traditional urban form in commercial areas.

10.10.1. Enhance 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 four season public spaces and infrastructure.

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10.10.2. Identify commercial areas in the city that reflect, or used to reflect, traditional urban form and develop appropriate standards and preservation or restoration objectives for these areas.

10.10.3. Enhance pedestrian and transit-oriented commercial districts with street furniture, street plantings, plazas, water features, public art and improved transit and pedestrian and bicycle amenities.

10.10.4. Orient new buildings to the street to foster safe and successful commercial nodes and corridors.

10.10.5. Limit the visual impact of existing billboards in neighborhood commercial areas.

10.10.6. Require storefront window transparency to assure both natural surveillance and an inviting pedestrian experience.

10.10.7. Encourage the renovation of existing commercial buildings.

Policy 10.11: Seek new commercial development that is attractive, functional and adds value to the physical environment.

10.11.1. Require the location of new commercial development (office, research and development, and related light manufacturing) to take advantage of locational amenities and coexist with neighbors in mixed-use environments.

10.11.2. Ensure that new commercial developments maximize compatibility with surrounding neighborhoods.

10.11.3. Continue to curb the inefficient use of land by regulating minimum height, setbacks, build-to lines and parking through master planning methods and zoning code regulations.

10.11.4. Maximize the year round potential for public transit, biking, and walking in new developments.

The proposed building design without windows and an entrance facing West Broadway is not in conformance with the above noted policies of the comprehensive plan.

SMALL AREA PLANS ADOPTED BY COUNCIL: In addition to the policies listed under finding number one under the rezoning section of this report, the *West Broadway Alive* also has design guidelines for new development (page 9). The plan encourages the use of brick for building elevations. The proposed building is in conformance with this guideline. The plan states that buildings should have entrances and large transparent display windows that face the street. The proposed building is not in conformance with these guidelines.

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Alternative Compliance. The Planning Commission 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:

- Principal entrance.

The main entrance faces the parking lot. If the rezoning is approved, staff does not recommend alternative compliance. The applicant has moved the door to the south side of the site and is willing to consider a design that faces West Broadway, if Public Works will allow an encroachment permit for the door to swing out over the property line. Staff recommends that the entrance be relocated to face West Broadway.

- Windows on the first floor of the west and east elevations of the building.

Non-residential uses are required to provide 30 percent windows on the first floor of elevations facing a public street or on-site parking lot. The proposed building shows 48 percent windows facing West Broadway and 20 percent facing the parking lot. The windows, where provided, are vertical in proportion, but are not distributed in a more or less even manner on both elevations.

If the rezoning is approved, staff does not recommend alternative compliance for the window percentage or for the window distribution for the elevation facing the parking lot. Windows are required to provide “eyes on the street” to allow views into and out of the building to the public street and parking lot, to promote traditional urban design, and an active safe street. While the east elevation has 20 percent windows and the addition of false windows to provide a design that appears even in distribution, this is not an alternative that meets the intent of the ordinance or an amenity that mitigates the negative effect the standards was designed to prevent. Staff recommends that the east elevation facing the parking lot provide 30 percent windows with an even distribution and that the false windows be replaced with clear windows with views into and out of the building. If this were done the window percentage would be 35 percent of the elevation.

If the rezoning is approved, staff does recommend alternative compliance for the window distribution facing West Broadway. This elevation exceeds the required 30 percent to 48 percent and this can be a mitigating factor for the uneven distribution.

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The applicant is aware that all new windows must have a visible light transmittance ratio of 0.6 or greater.

- On-site canopy trees.

The development is required to provide one canopy tree per 500 square feet and one shrub per 100 square feet of required green space. This translates into a requirement of eight trees and 40 shrubs. The site plan shows two on-site canopy trees and approximately 80 shrubs, with an additional 13 in front of the building on the public right-of-way. If the rezoning is approved, staff does not recommend alternative compliance and recommends that eight on-site canopy trees be provided.

- One tree per every 25 feet of frontage.

The site plan does not show one tree per 25 linear feet of parking lot frontage. If the rezoning is approved, staff does not recommend alternative compliance and recommends that two additional on-site trees be planted along the West Broadway frontage.

- Three-foot high screening for 60 percent of the street frontage.

The three foot high 60 percent opaque screening is provided along the entire frontage facing West Broadway. If the rezoning is approved, staff does not recommend alternative compliance and recommends that the screening be provided.

- Parking within 50 feet of an on-site deciduous tree.

All parking spaces are not within 50 feet of an on-site deciduous tree. If the rezoning is approved, staff does not recommend alternative compliance and recommends that all parking spaces be within 50 feet of an on-site deciduous tree (not ornamental or coniferous trees).

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department - Planning Division for the rezoning:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission and City Council adopt the findings above and **deny** the rezoning from the OR2 High Density Office Residential District to the C1 Neighborhood Commercial District for property located at 1512-1524 West Broadway.

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Recommendation of the Community Planning and Economic Development Department - Planning Division for the building setback variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **return** the variance to reduce the required front yard setback from 15 feet to 7 feet for the building for property located at 1512-1524 West Broadway.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the parking setback variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance to reduce the required front yard setback from 15 feet to 7 feet for the parking lot for property located at 1512-1524 West Broadway.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the lot area variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance to increase the maximum allowable lot area in the C1 District from 20,000 square feet to 26,000 square feet for property located at 1512-1524 West Broadway.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the gross floor area variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance to increase the maximum allowable gross floor area in the C1 District from 6,000 square feet to 7,726 square feet for property located at 1512-1524 West Broadway.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the sign area variance for Sign 1:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance to increase the maximum allowable area of a sign from 45 square feet to 48 square feet for Sign 1 for property located at 1512-1524 West Broadway.

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Recommendation of the Community Planning and Economic Development Department - Planning Division for the sign height variance for Sign 1:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance to increase the maximum allowable height of a sign from 14 feet to 18 feet for Sign 1 for property located at 1512-1524 West Broadway.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the sign lighting variance for Sign 1:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **return** the variance to allow a backlit sign for Sign 1 for property located at 1512-1524 West Broadway.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the sign area variance for Sign 2:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance to increase the maximum allowable area of a sign from 45 square feet to 48 square feet for Sign 2 for property located at 1512-1524 West Broadway.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the sign height variance for Sign 2:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance to increase the maximum allowable height of a sign from 14 feet to 18 feet for Sign 2 for property located at 1512-1524 West Broadway.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the sign lighting variance for Sign 2:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **return** the variance to allow a backlit sign for Sign 2 for property located at 1512-1524 West Broadway.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the site plan review for property located 1512-1524 West Broadway.

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Attachments:

1. Zoning matrix.
2. PDR report.
3. Statements from applicants.
4. Letters.
5. Zoning maps.
6. Site plans, floor plans, and elevations.
7. Photos.

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

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MEMORANDUM

DATE: December 15, 2010

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

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

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

SUBJECT: Planning Commission decisions of December 13, 2010

The following actions were taken by the Planning Commission on December 13, 2010. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

Commissioners present: President Motzenbecker, Bates, Carter, Cohen, Gorecki, Huynh, Luepke-Pier, Schiff and Tucker – 9

Not present: Bourn

Committee Clerk: Lisa Baldwin (612) 673-3710

8. Auto Zone (BZZ-4889, Ward: 5), 1512-1524 West Broadway ([Jim Voll](#)). This item was continued from the September 7, 2010 and September 20, 2010 meetings.

A. Rezoning: Application by Auto Zone for a rezoning from the OR2 Office Residence District to the C1 Commercial District for property located at 1512-1524 West Broadway.

Action: Notwithstanding staff recommendation, the City Planning Commission recommended that the City Council **approve** the rezoning from the OR2 High Density Office Residential District to the C1 Neighborhood Commercial District for property located at 1512-1524 West Broadway, based on the following findings:

1. The character of the area is predominantly commercial.
2. Commercial zoning is appropriate on a commercial corridor.
3. It is an appropriate measure to be taken on behalf of the public and not just on behalf of the applicant as the site plan will improve the site.
4. Higher density residential uses that are called for in the adopted small area plan are also allowed in the proposed C1 District.

B. Variance: Application by Auto Zone for a variance to allow the building to encroach into the 15 foot front yard setback at the west for property located at 1512-1524 West Broadway.

Action: The City Planning Commission adopted the findings and **returned** the variance to reduce the required front yard setback from 15 feet to 7 feet for the building for property located at 1512-1524 West Broadway.

C. Variance: Application by Auto Zone for a variance to allow the parking to encroach into the 15 foot front yard setback at the east end for property located at 1512-1524 West Broadway.

Action: The City Planning Commission adopted the findings and **denied** the variance to reduce the required front yard setback from 15 feet to 7 feet for the parking lot for property located at 1512-1524 West Broadway.

D. Variance: Application by Auto Zone for a variance of the maximum allowable lot size in the C1 District from 20,000 square feet to 26,000 square feet for property located at 1512-1524 West Broadway.

Action: Notwithstanding staff recommendation, the City Planning Commission **approved** the variance to increase the maximum allowable lot area in the C1 District from 20,000 square feet to 26,000 square feet for property located at 1512-1524 West Broadway, based on the findings in the staff report.

E. Variance: Application by Auto Zone for a variance of the maximum allowable floor area of the building from 6,000 square feet for property located at 1512-1524 West Broadway.

Action: Notwithstanding staff recommendation, the City Planning Commission **approved** the variance to increase the maximum allowable gross floor area in the C1 District from 6,000 square feet to 7,726 square feet for property located at 1512-1524 West Broadway, based on the findings in the staff report.

F. Variance: Application by Auto Zone for a variance to increase the maximum allowable area of a sign from 45 square feet to 48 square feet for Sign 1 for property located at 1512-1524 West Broadway.

Action: Notwithstanding staff recommendation, the City Planning Commission **approved** the variance to increase the maximum allowable area of a sign from 45 square feet to 48 square feet for Sign 1 for property located at 1512-1524 West Broadway, based on the following finding:

1. The variance will allow a sign at an appropriate size and scale to the building elevation

G. Variance: Application by Auto Zone for a variance to increase the maximum allowable height of a sign from 14 feet to 18 feet for Sign 1 for property located at 1512-1524 West Broadway.

Action: Notwithstanding staff recommendation, the City Planning Commission **approved** the variance to increase the maximum allowable height of a sign from 14 feet to 18 feet for Sign 1 for property located at 1512-1524 West Broadway, based on the following finding:

1. The variance will allow a sign at an appropriate size and scale to the building elevation.

H. Variance: Application by Auto Zone for a variance to allow a backlit sign for Sign 1 for property located at 1512-1524 West Broadway.

Action: The City Planning Commission adopted the findings and **returned** the variance to allow a backlit sign for Sign 1 for property located at 1512-1524 West Broadway.

I. Variance: Application by Auto Zone for a variance to increase the maximum allowable area of a sign from 45 square feet to 48 square feet for Sign 2 for property located at 1512-1524 West Broadway.

Action: Notwithstanding staff recommendation, the City Planning Commission **approved** the variance to increase the maximum allowable area of a sign from 45 square feet to 48 square feet for Sign 2 for property located at 1512-1524 West Broadway, based on the following finding:

1. The variance will allow a sign at an appropriate size and scale to the building elevation.

J. Variance: Application by Auto Zone for a to increase the maximum allowable height of a sign from 14 feet to 18 feet for Sign 2 for property located at 1512-1524 West Broadway.

Action: Notwithstanding staff recommendation, the City Planning Commission **approved** the variance to increase the maximum allowable height of a sign from 14 feet to 18 feet for Sign 2 for property located at 1512-1524 West Broadway, based on the following finding:

1. The variance will allow a sign at an appropriate size and scale to the building elevation.

K. Variance: Application by Auto Zone for a variance to allow a backlit sign for Sign 2 for property located at 1512-1524 West Broadway.

Action: The City Planning Commission adopted the findings and **returned** the variance to allow a backlit sign for Sign 2 for property located at 1512-1524 West Broadway.

L. Site Plan Review: Application by Auto Zone for a site plan review for property located at 1512-1524 West Broadway.

Action: Notwithstanding staff recommendation, the City Planning Commission **approved** the site plan review for property located 1512-1524 West Broadway, based on the following findings:

1. With the approval of the rezoning the use is permitted and the new building is allowed subject to site plan review

And with the alternative compliance actions:

2. No alternative compliance granted for the door location, with the exception of allowing an angled or "mitered door" facing both West Broadway and the east parking lot.
3. No alternative compliance for any of the landscaping standards.
4. No alternative compliance for the required 30 percent windows. Both the south and east elevations shall provide 30 percent windows.

5. Alternative compliance is granted for to allow an uneven distribution of windows as show on the submitted site plan.

And with the following conditions:

1. Approval of the final site plan, lighting plan, landscaping plan, and building elevations by the Department of Community Planning and Economic Development – Planning Division before permits may be issued.
2. All site improvements shall be completed by January 28, 2012, unless extended by the Zoning Administrator, or the permits may be revoked for non-compliance.
3. The building shall not utilize false windows and shall provide 30 percent windows on the south and east elevations.
4. The Planning Commission recommends that the applicant work with staff to find a durable alternative to EFIS for the building elevations.
5. The entrance door shall be angled or “mitered” to face both West Broadway and the parking lot.
6. The two curb cuts shall be reduced to one curb cut in accordance with the Public Works recommendation and applicable requirements.
7. The applicant shall work with staff to explore the addition of boulevard trees and to verify that the proposed boulevard tress have the required space to grow.

Staff Voll presented the staff report.

President Motzenbecker opened the public hearing.

David Bentley (123 S Front St, Memphis): I work with Auto Zone. It's been some time since the last time we were before you. We've tried to work some internal things out to try to give you some more of what you were looking for and I think we have. We've made substantial changes to what you've seen. We have not changed the building or the layout of our building the way that we have to try to accommodate you. In the past, if we couldn't fit in our prototype as a box, we would go find another site where we could. It's taken a time to get out merchandising group and others to get the layout on the site as we have it. Jim had touched on the major changes and I won't go back into that unless there are some questions about that. What I'd like to do is go through and address each of the items we have requested and give you some background. There are a few changes I think we can comply with as well. A major issue is a rezoning. The last time we were here we made our case. We feel this development is in character with the neighborhood and is not just a retail out on it's own. There is other retail in the area and this is a better use on the site than what could be with office and residential which goes against your claim. With all the crime in the area and the car wash that's not manned right now in lieu of having a business that would be manned to help with the crime and help with neighbors as well. That was item A. With item B, we have made changes in the plan to eliminate that variance so we're not asking for that anymore. Item C, what we're asking for is this parking stall encroaches into this front yard here. We can eliminate that stall to eliminate that variance. Item D, the overall maximum lot size, our lot is odd shaped and we need the area to make the project work. I don't know how else to explain it. It's hard to fit squares and things we need to be able to develop through curves, we need the extra lot size. Item E, the floor area, it would be an increase in floor area. We have made the building larger than our initial application as well and that was the only reason we did it, to get the windows on the parking lot side in order to accommodate the requirement of 30%

windows, we needed some more area to break up our sales floor which is another task that we have not really done in the past. I don't know of other locations that we've done that. I'm not saying we haven't done it, but I worked on hundreds of Auto Zone stores and never had this happen before. The backlit signs, we've accommodated that in regards to our application where we're not asking for that variance on either sign anymore. The area of the two signs, our trademark and the Auto Zone name with the capital A and Z, if we did this the way the ordinance reads, we've got to take the top of the capitals over so our argument is that if we didn't have to count the other space or we had all capital letters then that would be the case in our signs, but since we don't, our actual area is under what the ordinance allows so that would be our comment. To the height of the proposed signs, we feel that trying to make the architecture of the building and trying to make what makes sense to keep the signs up out of the storefront and out of the glass to keep the signs at that height that we requested. We're being classified as a two-story building as well so the height that we have in there makes sense with the proportions and character of the building. Jim had addressed the principal entrance and we could put a door that would face West Broadway around the corner adjacent to...as of now, our door is here. We could leave this door location here and add a door location here. The issue with that being just the lot size has made us pressed up to the front property line and if the doors were to open out they would open out into the right-of-way. There is quite a bit of distance in from the actual street or back of the curb up to where the property line is because of the arch in the road. The Public Works Department is ok with us doing that and we would like to do that. If I didn't have that problem I'd go ahead and put in the doors now. We can just eliminate that. The windows, in the report, we had them on the parking lot side at 20%. We came back, dug deeper than that and came up with 32% openings inside and they look out. I've got revised elevations if you'd like to see them. We are saying that we will comply with the percentage required for the parking lot side of the building. The landscaping is fine, we just need to look at what trees are specifying and we can accommodate landscaping and won't be asking for those additional items. We tried out best, we tried to work with you, we've done things that are unusual and things we haven't done before and we appreciate your time and patience with us. We are trying to work with you and meet your requirements.

President Motzenbecker: Just to clarify the parking lot side windows, what you handed out shows these revised pieces as window spaces. In this elevation, the windows would get wider than just the single pane in the middle of those?

David Bentley: Yes. I have a revised elevation. This would be a false window and this is the real window here and then this is a false window. We're trying to create a look to enhance that side of the building. These are the real windows and the panes on either side would be the false windows. The real windows do comply with the percentages that are required.

Peter Rickmyer (2118 25th Ave N): I support Auto Zone as I noted in the letter to Jim Voll that's in your packet. This location doesn't serve the community in several ways. The first problem is that I believe north Minneapolis only has one self-serve car wash which happens to be at Broadway and James, the business they want to tear down. If someone wants to wash their car at a self-serve place and they live at Broadway and Logan, instead of driving two blocks now they have to drive three miles to use a self-serve car wash. I think that's not correct. The second thing is, I spoke on behalf on Auto Zone and how they were willing to put millions of dollars into the project at Broadway and Penn which was negated by the commission and City Council [tape ended]...on the machines face Broadway and then the gas station that's located...

President Motzenbecker: Let's focus on Auto Zone.

Peter Rickmyer: The aesthetics of West Broadway and how the back of the building faces James and the false wall that faces Broadway is (tape unclear) ...on Emerson and Broadway and the gas station on Knox and Broadway the side wall faces West Broadway. After the last meeting I went and physically stood out and walked both places and went down to James and Broadway to take a look at what Mr. Voll was talking about. I have to agree with Mr. Voll and his staff that aesthetically speaking it's not the right place. With that being said, there's two great locations...one where the gas station burned up on Morgan and Broadway that sits on the southwest corner, I believe that's already zoned for what he needs it for, Auto Zone. There's four vacant lots kitty-corner from Capris on Broadway and Oliver which sits on the northeast corner and that goes a half block in from Broadway and there's two lots going east. All I'm saying to Auto Zone is that we want you to build a very nice building and the other location I just spoke about, you can do what you want to do on Broadway and Penn.

President Motzenbecker: You can have that conversation with them outside. Thank you.

Alan Catchpool (2277 W Hwy 36, Roseville): I'm with CEI Engineering. In regard to the rezoning, last time we heard from one of the neighbors that lived right behind it, they spoke in favor of this. The broker and the seller before we came to the city, had meetings with the West Broadway Alive, the Jordan Area Community Council and they both voted in favor. Please keep that in mind. We have support from the neighborhood and neighbors. They're trying to work with everybody and so far everything has been on a positive note.

Commissioner Cohen: I was watching a program several weeks ago and a representative of Auto Zone came and he was discussing economic trends in the automobile business and he gave me a little background on Auto Zone and I'd like you to correct me if mistaken. My understanding is that the target market for Auto Zone is people driving used cars in need of repairs or maintenance and the cars are at a certain age group where they might have a general identification and Auto Zone is able to identify the neighborhoods in which these cars predominate and attempt to locate its business in these neighborhoods. This is distinguished as a business from those other businesses like auto dealers or Auto Nation which has a different age group of cars they are dealing with and Auto Zone has a particular age group of cars they are dealing with which is predominant in this area. Am I correct about that?

David Bentley: Yes, that'd be a fair statement. We spend a lot of time, money and effort to try to locate our stores.

Commissioner Cohen: I want to try to understand what this business is all about and you have confirmed my understanding of what it's about. It's about the repair and maintenance of older cars in a specific neighborhood where older cars are predominant. Thank you.

President Motzenbecker closed the public hearing.

Commissioner Cohen: I want to move approval of the rezoning despite the recommendation from staff that it not be approved. I would like base that on a finding that the character of this area is predominately commercial and is not residential despite the plan and also that this is an appropriate measure to be taken on behalf of the public and not just simply on behalf of the applicant (Gorecki seconded).

Commissioner Luepke-Pier: I oppose the motion, not because I have anything against Auto Zone because actually I think north Minneapolis could use an Auto Zone and I am glad to see there are steps being taken in the right direction to kind of get the building to have less of a suburban feel. I still have issues with the rezoning because we just got this zoned with the West Broadway Alive plan. For the engineer who said it was approved, West Broadway Alive didn't meet and approve the Auto Zone plan, it was a planning process that took two years and was quite heavy in community involvement and input. If we go ahead and just spot rezone this for this, it opens a whole new can of worms and allows...every project that comes before us is going to say "you rezoned for Auto Zone, why not rezone this one story building for us?" It may work for you guys and you guys may be the greatest guys in the world but if we do it for you it's a precedent that we have to do it for everybody. We put too much effort and work into this planning process to throw it all away for this. In my opinion, it's a Pandora's box that I don't want to even go down because north Minneapolis can't settle for good enough, we have to get to great and rezoning this is not ever going to get us there.

Commissioner Tucker: I agree with Commissioner Luepke-Pier that we should not approve this rezoning. There's a reason that we created this Broadway Alive plan and that's to get ahead of things so we don't have to go issue by issue on the different parcels that come up. This happens to be a parcel with a current use that the neighborhood doesn't like very much, but we have to look at it the other way which is that rezonings are forever. Where Auto Zone may be pretty good, the next use may revert to the use we didn't like and we're trying to replace with this rezoning to get the Auto Zone. I think, in previous discussions with proposals for Broadway Alive, we worked very hard to insist that the developer, despite their assertions that they couldn't work with the plan, that the plan be implemented, that's the whole point. I think it's very important with this proposal that we stick with our plan. I will second the notion that we do appreciate what Auto Zone has done, they've responded to many of our comments. It's unfortunate that at the September 7th meeting, most of the discussion didn't even get to the zoning part and dealt with site plan issues where we really should have been talking about if we went to implement this plan or not, I think that is the main issue and that's why I proposed the motion.

Commissioner Schiff: I'm listening closely to the arguments against the rezoning and trying to understand how this sets back the plan. As I understand, the plan calls for future high density residential on this site perhaps with mixed use and some commercial on the first floor. Whether you do that today from the existing use which is commercial on the site or in the future, you're still looking at somebody who's going to come in, buy basically a one story commercial building and convert it to residential. I don't see that happening in this housing market and I don't see that much of a difference between buying out the car wash that's there today or buying out Auto Zone for future residential. It's pretty much a wash as far as I can see for accomplishing the goals of the plan. You're buying a one story building, you're tearing it down and then you're going to build multi-story housing in the future. Our commercial district is a mixed use district and would allow for multi-story residential with commercial on the first floor as would an OR1. I don't really see this as a set back and don't see it as doing long-term damage.

Commissioner Luepke-Pier: To Commissioner Schiff, can you allay my concerns regarding setting precedent for spot zoning everywhere along West Broadway? That's my biggest concern is that all of the sudden we've opened the floodgate and we're going to be inundated with people coming along saying they deserve special zoning too.

Commissioner Schiff: I think commercial zoning is appropriate on a commercial corridor and with that understood, I don't think is spot zoning. I think this is appropriate. The use is commercial and has been commercial for the last several decades. I don't see this as spot zoning. If we were putting commercial in the middle of a residential block I would see that as spot zoning. I just think we have to look at the plan and look at the long-term goals and ask ourselves if what we're building here really is a permanent roadblock to that and I don't see it as such.

Commissioner Gorecki: I support the amendment. I want to thank Auto Zone. I think you made great strides and really met the spirit of what Commissioner Schiff asked for at our last meeting and that was to work with us and give us something we can work with and I think you've done that. To Commissioner Luepke-Pier, in regards to the plan, I do understand your concerns but at the same time, I think this particular project embraces West Broadway. I think it takes a very difficult and troubled site and turns it into a very positive business along West Broadway that's not asking for any additional city money and they're coming in, knocking it down and building it on their own. I think that momentum that West Broadway needs more than anything is a Minneapolis public school, an Auto Zone and five or six other businesses over the course of the next 12 to 24 months that are relocating on to West Broadway and giving it that economic commercial kind of surge that it needs. Those are the reasons why I'm going to be supporting this.

President Motzenbecker: I understand both sides of the coin. I get a little frustrated with...I'm just as guilty as everyone else for us putting a plan out there and then kind of reversing ourselves on it. The same plan has been done on Broadway for years, the city keeps redoing it and redoing it and nothing seems to change. Finally, they have a plan that seemed to have a really detailed, in-depth process with a lot of buy in. Who knows if it will be the same as all the other ones that have been done in the past, but it seemed to be a little different and I understand that the neighbors and the neighborhood think this is a good thing. I think the business would be good for the neighborhood but I also think that it's a short-term solution where it could have a little more foresight to go with what the plans recommendation is and what the majority of the neighbors were wanting. The neighbors come in and change their mind and say they agree with the plan but want something else. I think you have to embrace the hypocrisy a little bit. I applaud Auto Zone. Thank you for coming back and working with us. I still there are a few things that need some tweaking if this is going to go forward. I could see it either way right now. I'm a little frustrated with the throwing the plans under the bus at the moment. I'll see what commissioners have to say.

Commissioner Luepke-Pier: West Broadway is a commercial corridor but the whole point was that we build density at certain nodes of commercial businesses so we can have a successful commercial corridor. If we keep spreading it out and any open and available pocket, I think that we're ruining the effectiveness of the plan. There's plenty of other room on West Broadway. I know we're saying we're getting rid of a crime ridden lot, we could hear that story about lots of lots on West Broadway. It seems most of the testimony we heard at the last public hearing was not so much pro-Auto Zone as much as it was anti-car wash. If the car wash was torn down it seems that would make the neighbors happy. There's not even enough criminal activity to shut it down so I don't know. We need to focus on committing to the plans that we made. We have to look long term. I'm going to vote with what I think West Broadway needs to make it survive to be what it once was back in the day.

President Motzenbecker: This kind of business is the reason why the plan was done in the first place. Not to disparage Auto Zone at all. I'm speaking more of the one story commercial retail piece that kind of took over West Broadway and caused people to want to change it in the first place. With that, the motion is to approve the rezoning from OR2 to C1, all those in favor? Opposed?

The motion carried 5-3.

Commissioner Schiff: I move the return of variance B (Gorecki seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 7-1.

Commissioner Schiff: I'd like to move denial of variance C (Luepke-Pier seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 8-0.

Commissioner Schiff: I will move approval of item D (Gorecki seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 5-3.

Commissioner Schiff: I will move approval of item E (Gorecki seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 8-0.

Commissioner Schiff: I will move denial of the variance F (Gorecki seconded).

Commissioner Luepke-Pier: For this building, it does seem in scale and proportion with the dynamic one story we just approved so I will be in favor of allowing them to have that extra three square feet of signage. It seems reasonable and aesthetically more pleasing.

Commissioner Schiff: Staff said when explaining this one that it depended on how you measured it. Can you explain that? We should have standard ways of measuring signs.

Staff Voll: If the code says you measure it as a box around signs, there's no debate about that. What the folks from Auto Zone were saying that if they didn't have capital letters in there that the box would be smaller. If you strictly measured the letters it probably would be 45 square feet, but doing it the way the code says...I think it's reasonable to allow a sign of that size.

Commissioner Schiff: I applaud the capitalization and withdraw my motion. I will move approval (Huynh seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 8-0.

Commissioner Luepke-Pier: I will move approval of G, I and J for the reason that it's more in proportion with the building and the scale and location (Huynh seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 8-0.

Commissioner Schiff: I'd like to return variance H as it is no longer needed (Bates seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 8-0.

Commissioner Schiff: I'd like to return variance K as well (Bates seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 8-0.

Staff Wittenberg: As you're away we have sort of standard conditions on site plan review with compliance deadlines, I believe there are six issues open for discussion related to alternative compliance and we may need staff to walk us through.

Commissioner Schiff: I will move approval of the site plan review with no alternative compliance as to the door location, granting alternative compliance to the windows on the West Broadway side, denying alternative compliance on the East Broadway façade and no alternative compliance for landscaping and requiring compliance with Public Works standards for one curb cut only (Bates seconded).

Commissioner Huynh: My question is regarding the alternative compliance for the door relocation. I think that I'm not sure Public Works and building code would allow it to swing over the public right-of-way so in that instance would you then request the applicant move the building façade back to accommodate the door swing?

Commissioner Schiff: Recess the entrance enough to accommodate the door swing.

President Motzenbecker: I think it was mentioned a possible mitered or angled corner so you could still probably get that door swing and then you're getting from the street and parking lot.

Commissioner Luepke-Pier: Regarding the windows facing the parking lot, on the new plan that was submitted today, the measurement of the middle actual window was five and a half feet, but I'm wondering if there could be something that seems less like a suburban living room and more like a business?

Staff Voll: I haven't seen that revised drawing. If you could be very specific about what you want. We measure windows between two and ten feet so if it's 30% windows with no fake windows, even distributed with the exception of the south side where it's differently distributed then that's what I'll have them do, but if you want something different than that, then please be clear.

Commissioner Luepke-Pier: With the revisions that we saw today, what is the percentage we're at?

Staff Voll: I haven't seen the one that they handed out. I don't know if they measured it between two and ten.

David Bentley: The percentage was on the plan that I handed out. It was handwritten on the side.

President Motzenbecker: The 32.3% provided, the front window by the door is 23 feet and one inch plus two five and a half foot windows is 34 feet one inch of glass which is 105.8 which gives you 32.3%. The requirement is 30.

Staff Voll: Are you suggesting that you'd allow the false windows then?

President Motzenbecker: I'm not. I will let Commissioner Luepke-Pier finish her thoughts.

Commissioner Luepke-Pier: Are they including that in their calculations or not?

President Motzenbecker: It's not included in the calculations but they're placing them there.

Commissioner Luepke-Pier: I think the false windows are pointless and I would forego them. They look weird and don't benefit anything.

President Motzenbecker: I would also forego the false windows. You're expanding a window, you either make that whole space a window, which I would still like racks or without racks, or the windows are foregone. I have a concern with EIFS as a durable material and it's used here. I would recommend that the applicant work with staff to find a durable alternative to that. I would also recommend for the front door, that it does take up that angled miter so that it embraces Broadway and it embraces the parking lot and the applicant can work with staff to finalize that. I would also agree with what Commissioner Schiff was saying about the Public Works decision on the one curb cut which will reduce some of the parking spots but I think that'd be fine.

Commissioner Schiff: I really appreciate the relocation of the sidewalk. I think the boulevard trees need to be looked at with that realigned sidewalk so I guess I'd just make this a direction for staff to look into. I don't know what we ended up with for sidewalk widths and boulevard widths but if you could just see if there's enough space there for boulevard trees to be added.

Staff Wittenberg: Can I recommend a compliance deadline of one year from the date of City Council action on the rezoning, subject to extension by the Zoning Administrator?

Commissioner Luepke-Pier: I would second that idea.

Commissioner Schiff: Any other standard language that we need to add for approvals on the site plan?

Staff Wittenberg: CPED Planning staff final approval of site landscape elevation and lighting plans.

President Motzenbecker: All those in favor of the site plan review as outlined? Opposed?

The motion carried 8-0.