Department of Community Planning and Economic Development – Planning Division
BZZ-1887 Rezone**,** Conditional Use Permit, Variance, Site Plan Review; Alley vac-1433; Pl-156

Date: August 23, 2004

Applicant: 4th and East Lake Street Development, LLC

Address(es) of Property: Parcel 1-330½ East Lake Street, Parcel 2-334 East Lake Street, Parcel 3 & 4-320 East Lake Street

Project Name: Plaza at Lake

Contact Person and Phone: Stephen Young, (612) 339-0997

Planning Staff and Phone: Lonnie Nichols, (612) 673-5468

Date Application Deemed Complete: August 10, 2004

End of 60-Day Decision Period: October 9, 2004

End of 120-Day Decision Period: December 8, 2004

Ward: 8 **Neighborhood Organization:** Phillips West

Existing Zoning: C2 (Neighborhood Corridor Commercial) and I1 (Light Industrial)

Proposed Zoning: Rezone one parcel (330 ½ East Lake Street) from I-1 to C-2

Zoning Plate Number: 25

Legal Description: Parcel to be rezoned, 330 ½ East Lake Street, P.I.D.- 34-029-24-44-0034
F A Parkers Addn to MPLS, Block 001, South 36 4/10 feet of West 43 feet of LOT 4 and the North 40 75/100 feet of West 43 feet of LOT 5. Legal descriptions for the other parcels in the plat are attached.

Proposed Use: mixed-use commercial development

Concurrent Review: Rezone 330 ½ East Lake Street from I1 to C2**,** Conditional Use Permit for shopping center, Variances for yard setbacks on Clinton Avenue adjacent to residential structure, parking variance, Site Plan Review; Alley vac-1433 and rededication of the alley; Plat-156
BZZ-1887 Rezone**,** Conditional Use Permit, Variance, Site Plan Review; Alley vac-1433; Pl-156

Applicable zoning code provisions: Chapter 520 Introductory Provisions, Chapter 521 Zoning Districts and Maps, Chapter 525 Administration and Enforcement-specifically, Article VII, Conditional Use Permits; Article IX Variances, Section 525.520(1) "to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable

regulations." and Section 525.520(7) "to reduce the applicable off-street parking requirements….", Chapter 530 Site Plan Review, Chapter 535 Regulations of General Applicability, Chapter 536 Specific Development Standards, Chapter 541-Off Street Parking and Loading, Chapter 543 On-premise Signs, Chapter 548 Commercial Districts, Chapter 598-Land Subdivision Regulations.

Background: 4th and Lake Development, LLC has assembled 32,044 sf of contiguous land bound by 4th and Clinton Avenues South that fronts Lake Street. There is a mid-block, North-South alley that will be vacated and rededicated to form an East-West alley connecting 4th Avenue to Clinton Avenue immediately North of and adjacent to the proposed Plaza at Lake Development. The new alley will separate the Plaza at Lake development from an existing Autobody use on 4th Avenue and two residential properties on Clinton Avenue. A plat will be filed that shows the Hayes Tackle Building (330 East Lake) (constructed in 1926 on a 2366 sf lot), which fronts Lake and is under separate ownership, exempted from the plat. The section of vacated alley will be converted to a pedestrian plaza with landscaping and split proportionately to the adjacent properties. The Hayes Tackle building is, however, scheduled to receive exterior improvements as part of the site plan improvements. Immediately North of the Hayes Tackle building is the I-1 parcel (330½ East Lake) that will be rezoned to C-2 to match the rest of the zoning of the development. This parcel is currently vacant. A building constructed in 1926 and formerly used for autobody repair was recently demolished and removed from the site. A new building and loading area will be constructed on this parcel that connects to the former Las Americas building (334 East Lake) (constructed in 1921) to create the Plaza at Lake shopping center. The Las Americas building will be renovated into retail spaces that share a common, enclosed walkway and amenities. The now vacant Hickory Hut restaurant building (320 East Lake) (constructed in 1985) will remain on the site and is proposed as a laundry facility.

REZONING – of 330 ½ East Lake Street from I1 to C2
Findings As Required By The Minneapolis Zoning Code:

1. **Whether the amendment is consistent with the applicable policies of the comprehensive plan.**
   The subject property is located on the North side of Lake Street in the general vicinity of Interstate 35W. The use of the site for commercial purposes is generally consistent with the following policies and implementation steps of the comprehensive plan. These policies were selected because the site is located on a commercial corridor and the development proposal consists primarily of an adaptive reuse of existing vacant buildings and parking spaces.

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

Implementation Steps

Develop standards based on a recognition of the qualities that make urban corridors desirable, viable and distinctly urban, including; diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety

of uses to encourage walking, and architectural elements which add interest at the scale of the pedestrian.

Designate certain streets as commercial corridors with the adoption of this Plan.

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

Implementation Steps

Designate a network of Commercial Corridors.

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

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

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

Develop parking facilities and management strategies that balance the following goals: improved customer access, protection of sidewalk traffic; reduced visual impacts and shared use of parking facilities.

Develop economic development incentives for the rehabilitation, re-use and revitalization of older or historic commercial buildings and districts.

Ensure that parking structures and surface lots conform with identified design principles.

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

Require that street design for Commercial Corridor streets provide automobile access and parking in keeping with traditional urban form

Require that street designs provide high quality access to Commercial Corridors for pedestrians and cyclists, as well as facilitate transit service and through passage of traffic.

4.4 Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

Implementation Steps

Provide for a range of commercial districts that provide the services required by the residents and businesses.

Plan, implement and monitor projects and programs that encourage and support the city's neighborhood commercial areas.

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

Maximize the effectiveness of city support services and continue to build successful partnerships with the business community, neighborhood groups and other interested parties.

Maintain and strengthen the character and marketability of small-scale commercial areas throughout the city through technical and financial assistance to qualified neighborhood businesses, neighborhood based business associations and local development corporations.

Continue to promote the creation of neighborhood based business associations and local development corporations where they will be most effective in promoting local business interests.

Encourage coordination and communication between business associations and neighboring residents groups.

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

Rezoning one parcel from industrial to commercial to bring consistency to an otherwise commercial district bound by three streets (4th, Lake, Clinton) and a public alley is in the interest of the property owner and general 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.

Rezoning one parcel from industrial to commercial to bring consistency to an otherwise commercial district and site bound by three streets (4th, Lake, Clinton) and a public alley is compatible to the site and within the general area. The general area is a mix of commercial, industrial, and residential uses and zoning districts.

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.

A vacant building formerly used for autobody repair has been demolished and removed from the site. The parcel does not have street frontage and would have limited use and market value as a stand alone zoning lot. The subject parcel will be combined with two adjacent C-2 parcels and replatted for the Plaza at Lake shopping center development.

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.

Several new (construction) developments and renovations of existing buildings have occurred in this area over the past few years. Phase I of the Midtown Greenway bicycle and recreational path stops at 5th Avenue South and the construction of Phase II, eastward to Hiawatha Avenue is scheduled to be completed in 2004. Representatives from Public Works and Hennepin County are holding (ongoing) public meetings for access ramp changes to I35W and the reconstruction of Lake Street. The Lake Street-Midtown Corridor has and continues to experience the renovation, modernization, and sometimes intensification of uses and buildings. The Midtown Exchange building at Chicago and Lake is under development.

CONDITIONAL USE PERMIT – for a shopping center.
Findings as required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. **Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

   The establishment and operation of a shopping center in a renovated building on a commercial street at this location will not be detrimental to or endanger the public health, safety, comfort or general welfare.

2. **Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

   The establishment and operation of a shopping center on this site will provide an opportunity for several small businesses to offer goods and services to consumers. A shopping center will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district. The proposed shopping center structure will be located in a currently vacant building that will be renovated and include a new addition.

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

   Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided by the applicant. The applicant has proposed an alley vacation

and cross block rededication on the North side of the property, and to close an existing curb cut along Lake Street-the South side of the property.

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

The applicant has applied for a parking variance. They have requested a reduction from 55 required spaces to 40 spaces on the proposed site plan. Improvement plans for the reconstruction of Lake Street have not yet been finalized. During Preliminary plan review, Public Works staff indicated encroachment permits would be needed for any items in the public right of way.

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

MINNEAPOLIS PLAN: *The Minneapolis Plan* designates Lake Street as a commercial corridor. Commercial Corridors are streets that are available for development including more intensive commercial and high traffic activities. However, commercial corridors must also balance both pedestrian and automobile orientation in their design and development. See finding #1 from the Rezoning section of this report.

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

The applicant has applied for setback and parking variances and alternative compliance for landscaping percentage in order for the proposed site plan to conform to the applicable regulations of the zoning district. A shopping center is a conditional use in the C-2 zoning district.

VARIANCE – to reduce the required rear yard setback adjacent to residential from 5 feet to 0 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 applicant is rededicating a sixteen foot wide strip of private property along the Western half of the North side of the lot for a new alley that will extend from Clinton Avenue to align mid-block with the existing alley that extends from 4th Avenue. The new alley will replace the existing rear lot line setback, and there is not enough room left on the site for a two-way drive aisle, parking stalls, and 5 foot landscaped setback. Strict adherence to the regulations of this

setback ordinance would cause undue hardship by limiting the availability of off-street parking stalls and maneuvering area.

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 circumstances are unique to the parcel. The applicant has proposed an alley vacation and rededication as part of this project. See findings under question number one 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 area is currently used for parking and vehicular circulation. The vacation and rededication of the alley and granting of the variance will accommodate the new development. 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.

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 public works department required that in exchange for the alley vacation, space for a new alley would need to be rededicated. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

VARIANCE – to reduce the required side yard setback for the first 40 feet adjacent to residential from 15 feet to 0 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 applicant is rededicating a sixteen foot wide strip of private property along the Western half of the North side of the lot for a new alley that will extend from Clinton Avenue to align mid-block with the existing alley that extends from 4th Avenue. The new alley will replace the existing rear lot line setback, and there is not enough room left on the site for a two-way drive aisle, parking stalls, and 5 foot landscaped setback. There will be a 5 x 18 foot (90 sf) strip of

landscaping in the side yard setback, and the rest of the area will contain drive aisle space and parking stalls, much as it does now. The applicant is providing screening (a fence) along the alley. Strict adherence to the regulations of this setback ordinance could cause undue hardship by limiting the availability of off-street parking stalls and maneuvering area.

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 circumstances are unique to the parcel. The applicant has proposed an alley vacation and rededication as part of this project. See findings under question number one 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 area is currently used for parking and vehicular circulation. The vacation and rededication of the alley and granting of the variance will accommodate the new development. 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.

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 public works department required that in exchange for the alley vacation, space for a new alley would need to be rededicated. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

VARIANCE – to reduce the required parking for one restaurant and the commercial uses at the site from 55 to 40 parking stalls.
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 project proposes to vacate and rededicate an alley, close a curb cut on Lake Street and eliminate a drive thru facility. However, the new plat will show the parking area for the development as substantially similar to the footprint and configuration that exists today. Based

on the proposed uses, the development needs 55 parking stalls and can only provide 40 parking stalls (30 standard, 7 compact, 2 HC, 1 bike rack). In addition, the applicant has not shown a dumpster location in the parking lot. The use of the 320 East Lake will likely require a screened outdoor dumpster which could occupy one to two parking stalls. Strict adherence to the regulations of this zoning ordinance could cause undue hardship.

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 circumstances are unique to the parcel. A part from the Hayes tackle building, the property is currently vacant. See findings under question one 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 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. See findings under question one of this variance. Lake Street has frequent bus service and the area also experiences consistently high-levels of pedestrian traffic.

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.

Lake Street has frequent bus service and the area also experiences consistently high-levels of pedestrian traffic. The proposed parking variance should 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.

<u>Required Findings for Major Site Plan Review</u>

A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)

B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)

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

<u>Section A: Conformance with Chapter 530 of Zoning Code</u>

BUILDING PLACEMENT AND FAÇADE:

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**
- **The building shall be oriented so that at least one (1) principal entrance faces the public street.**
- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.**
- **In larger buildings, architectural elements shall be emphasized.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.**
- **Entrances and windows:**
    - **Residential uses shall be subject to section 530.110 (b) (1).**
    - **Nonresidential uses shall be subject to section 530.110 (b) (2).**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

With the exception of the new addition to the Northwest corner of the former Las Americas-Mercado building at 334 East Lake, the buildings are existing and located to reinforce the street. The interior floor plan of this building will be changed to create a shopping center with seven retail tenant spaces and a hallway. The new addition has been proposed as a 3016 sf restaurant space, and common space bathrooms, service area, and loading dock serving the shopping center. An open air courtyard that will serve as a secondary (rear) entrance to the shopping center and front door entrance to the new restaurant is planned on the interior of the lot. The courtyard area will include an HC ramp, planters, and security lighting. The courtyard will be accessed from the pedestrian mall located on the former alley. The parking area is located to the rear and interior of the site. The area between the existing, former Hickory Hut, building in the Southwestern corner of the lot (320 East Lake) and the property line will include landscaping. Principal entrances to the buildings face public streets. Exterior improvements to the Hickory Hut structure have not been clarified by the applicant. Awnings have been removed from the Mercado building and the brick façade and windows will remain. It is staffs' understanding that the Hayes tackle building will receive some exterior improvements through this project to provide a transition to the new building which will be faced with stucco and flush control joint

pattern columns. A painted concrete block wall is proposed for the North façade of the new building that faces the alley and an autobody repair shop building which is also painted concrete block. Staff has estimated the floor area ratio of the new shopping center building to be .87 (12,288/14,170 = .867) based on the original lots (330 ½ and 334 East Lake) and .52 (12,288/23,509 = .5226) for the new parcel A that includes the shopping center, vacated alley area, and 8127 sf of parking area. The maximum floor area ratio allowed in the C2 district is 1.7.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

The applicant has provided clear and well-lighted walkways of at least four (4) feet in width which connect building entrances to the adjacent public sidewalk and to the parking lot on the site. The applicant is rededicating a sixteen foot wide strip of private property along the Western half of the North side of the lot for a new alley that will extend from Clinton Avenue to align mid-block with the existing alley that extends from 4th Avenue. The new alley will replace the existing rear lot line setback, and there is not enough room left on the site for a two-way drive aisle, parking stalls, and 5 foot landscaped setback along the alley. There will be a 5 x 18 foot (90 sf) strip of landscaping in the side yard setback, and the rest of the area will contain drive aisle space and parking stalls, much as it does now. Staff believes the applicant should consider moving the bicycle parking on the plan to a more visible and convenient location for bikers. The applicant has not identified a snow storage area on the site plan, and given the limited availability of space on the lot, snow will need to be removed from the site. The applicants have proposed to close the curb cut on Lake Street and provide an 8 foot wide landscaping strip along the sidewalk. Public Works staff indicated that although the improvement plans are not yet finalized, curb cut closings are generally supported by the Lake Street Reconstruction plan. Based on the proposed uses, the development needs 55 parking stalls and can only provide 40 parking stalls (30 standard, 7 compact, 2 HC, 1 bike rack). In addition, the applicant has not shown a dumpster location in the parking lot. The use of the 320 East Lake building will likely require a screened outdoor dumpster which could occupy one to two parking stalls. Planning staff is supportive of a variance from the required 55 parking stalls to 38 parking stalls.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
  - **A decorative fence.**
  - **A masonry wall.**
  - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).**
- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**
- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**
- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible.**
- **All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.**

The total lot area is 32,044 sf and the proposed new building coverage is 15,088 sf (shopping center building on parcel A - 12,288 sf and existing building on parcel C - 2,800 sf). Section 530.150 of the zoning code requires that not less than twenty (20) percent of the site not occupied by buildings shall be landscaped. Calculations: (32,044 – 15,088 = 16,956 x 20% = 3391 sf). The applicant is providing 2240 sf or 13.2 percent (2240/16,956 = .1321) landscaping. Section 530.150 of the code also requires not less than one (1) canopy tree for each one thousand (1000) sf and not less than one (1) shrub per each two-hundred (200) sf of the site not occupied by buildings. In order to be in full compliance, the required plant count for this site is seventeen (17) trees and eighty-five (85) shrubs. The applicant has proposed four (20) trees (Honeylocust, Maple Norway, and Gingko) and fifty-four (54) shrubs (Spirea, Rhododendron, and Barberry). Staff feels additional shrubs can be added to the landscaping plan, particularly along Lake Street,

but that it may be difficult to make the required count. Planning staff is requesting the applicant provide a three foot tall (or maximum 4 foot tall) fence (wooden or masonry preferred) along the North lot line to block headlights from shining across the new alley to the adjacent residential property. The parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb. Staff is recommending the commission grant the applicants alternative compliance on landscaping area and shrub count.

ADDITIONAL STANDARDS:

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260.**
- **Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

The CPTED officer encouraged the applicants to provide security lighting, security guards and surveillance cameras. The CPTED officer was concerned about the site plan configuration, particularly the exterior courtyard and loading dock areas because there design blocks visual surveillance opportunities from Lake Street and 4th Avenue for patrol cars on duty. The applicants have provided a lighting plan. Planning staff is requesting the applicant provide a three foot tall (or maximum 4 foot tall) fence (wooden or masonry preferred) along the North lot line to block headlights from shining across the new alley to the adjacent residential property. The proposed site plan does not block views of important elements of the city, generate wind currents at ground level, or shadow adjacent properties.

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

ZONING CODE:

Specific Development Standards:

Section 536, Specific Development Standards for a shopping center require: (a) only uses allowed in the zoning district in which the shopping center is located shall be allowed in the shopping center, (b) uses which require a conditional use permit, site plan review or other land use approval shall comply with all review and approval requirements of this zoning ordinance, (c) the premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

Hours of Operation:
Hours of operation allowed under the C2 zoning are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday.

Dumpster screening:
Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The applicant has not shown a dumpster location in the parking lot. The use of the 320 East Lake building will likely require a screened outdoor dumpster which could occupy one to two parking stalls. The dumpsters for the shopping center building are shown in the service area.

Window obstructions:

543.350. Window signs. Window signs shall be allowed, provided that such signage shall not exceed thirty (30) percent of the window area, whether attached to the window or not, and shall not block views into and out of the building at eye level. Window signs shall be included in the calculation of the total permitted building sign area, except as provided for temporary signs in section 543.330.

Signage:

The applicants have not submitted a sign plan and inventory at this time. Signage is subject to Sections 531 and 543 of the Zoning Code. All new signage is required to meet the requirements of the code. Staff has determined the stucco sign wall proposed on the plans is a roof sign and therefore not allowed by the code. The stucco sign wall will need to be removed from the final site and construction plans.

MINNEAPOLIS PLAN:

See finding number one in the rezoning section of this report. The Plaza at Lake Development appears to be in conformance with the Minneapolis Comprehensive Plan.

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

Staff is not aware of any applicable development plans or objectives approved by the City Council for this specific area beyond the Comprehensive Plan that would be in direct conflict with the proposed development. The Lake Street-Midtown Greenway Corridor Framework Plan (2000) calls for streetscape improvements, and a stronger pedestrian and bicycle connection between Lake Street and the Midtown Greenway on 4th and 5th Avenues. The Framework plan also calls for business development and infill in the area. Lake Street at the Crossroads (1996) states opportunities to support the emerging core of ethnic businesses and local neighborhood retailers and restaurants should be encouraged in the area bounded by I-35W, 28th Street, 5th Avenue, and

31st Street. Besides providing goods and services desired by residents and employees, mixed-use developments can create a sense of place that helps define a neighborhood.

Alternative Compliance. The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**

- **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.**

Staff is recommending the commission grant the applicants alternative compliance on landscaping area and shrub count in exchange for the provision of bicycle parking at the site and the addition of more shrubs and a section of decorative, wrought iron type fencing located along Lake Street between the Hayes Tackle building and former Hickory Hut building.

VACATION (Vac1433) – part of a 12' wide alley in Block 1, F.A. Parkers Addition to Mpls.

Development Plan: The site plan for the development is attached.

Responses from Utilities and Affected Property Owners: Of the utilities that have responded, Qwest and Xcel Energy have requested easements, the fire department requested a detailed final site plan to ensure compliance with the fire code, and Public Works requested a formal deed dedicating an easement for the alley opening to Clinton Avenue.
Specific comments from the utilities is as follows:

Qwest: Qwest, Inc. maintains a buried cable extending north to south in the proposed vacated alley. A granted easement would be needed to agree to the vacation of the described area at the petitioner's expense. In addition, if the telephone facilities need to be relocated it would be at the petitioner's expense.

Xcel: Xcel Energy has no objection to said vacation, provided an easement be reserved for in favor of NSP/Xcel Energy to be described as: The east 5.00 feet and the west 5.00 feet of that part of the north south alley in Block 1, F.A. Parkers' Addition to Minneapolis, accrding to the recorded plat thereof on file and of record in the Office of the County Recorder in and for Hennepin County, Minnesota, which part is the subject of the referenced vacation.
Fire Department: The new development is in compliance with the fire code.
Public Works: a formal deed dedicating an easement for the alley opening to Clinton Avenue.

Findings: Given that the alley section is located at the end of the block for the entire development site and that the applicant controls most of the property adjacent to the existing alley and has a letter of support from the only other property owner, the Public Works Department and the Community Planning and Economic Development Department – Planning Division find that the area proposed for the vacation is not needed for any public purpose and it is not part of a public transportation corridor, and that it can be vacated if any easements requested above are granted by the petitioner.

PLAT 156-proposed as Plaza on Lake 1st Addition
Required Findings:

1. **Subdivision is in conformance with the land subdivision regulations including the requirements of section 598.80 relating to protection of natural resources, applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.**

   The preliminary plat will conform to the requirements of section 598.80 of the code with approval of the land use applications. The final plat will need to ensure conformance with the regulations of Chapter 598 and all other applicable regulations of the City. Conformance with the comprehensive plan is covered in Finding #1 of the Rezoning section of this report.

2. **Subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

   The subdivision is a reassignment of existing lots owned by the developer. It will facilitate the use of currently vacant land and buildings. The development will supply the majority of parking stalls required by the proposed uses and should not add substantially to congestion in the public streets.

3. **All land intended for building sites can be used safely without endangering the residents or uses of the subdivision and the surrounding area by peril from floods, erosion, high water table, severe soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.**

The land intended for building sites is relatively level and can be used safely without endangering the residents or uses of the subdivision and the surrounding area by peril from floods, erosion, high water table, severe soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazards. The applicant has stated the subdivision will not create any hazards or unsafe conditions to the present properties or to surrounding uses.

4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.

The lot is suitable in its current condition for the proposed commercial development. The grade is essentially level, with spot elevations showing a maximum difference in grade of 3.7 degrees (865.05 to 861.32) over a 130 feet distance from South to North. The applicants have proposed to vacate and rededicate an alley as part of this project. The applicants have also proposed to close a parking lot access curb cut on Lake Street and redirect all vehicular traffic to enter the site from Clinton Avenue. If building and parcel C are sold, access easement agreements will need to be secured for the parking lot for the shopping center building. The applicant has indicated the platting will eliminate a currently landlocked property at 330½ East Lake Street.

5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The storm water drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.

The applicant has indicated the subdivision creates no additional storm water runoff, and all proposed project development conditions regarding utilities are provided as part of the project plan review application. Downspouts will be designed to direct roof drainage to landscaped areas, thereby minimizing any potential storm water runoff.

RECOMMENDATIONS of The Department of Community Planning and Economic Development Planning Division

Recommendation of the Community Planning and Economic Development Planning Division:
The Community Planning and Economic Development Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application to rezone 330 ½ East Lake Street (P.I.D.- 34-029-24-44-0034) from I1 to C2.

Recommendation of the Community Planning and Economic Development Planning Division:
The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit for a shopping center located at 334 East Lake Street in the C-2 district subject to the following conditions: 1) The approval of the rezoning amendment from I1 to C-2 for 330 ½ East Lake Street, and; 2) the applicant will conform with Chapter 536.20 of the zoning code, specific development standards for a shopping center; (a) only uses allowed in the zoning district in which the shopping center is located shall be allowed in the shopping center, (b) uses which require a conditional use permit, site plan review or other land use approval shall comply with all review and approval requirements of this zoning ordinance, (c) the premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

Recommendation of the Community Planning and Economic Development Planning Division:
The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the application for a variance to reduce the required rear yard setback adjacent to residential from 5 feet to 0 feet, subject to the approval of alley vacation 1433, plat 156, and a site plan showing a three foot tall (or maximum 4 foot tall) fence (wooden or masonry preferred) along the North lot line to block headlights.

Recommendation of the Community Planning and Economic Development Planning Division:
The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the application for a variance to reduce the required side yard setback for the first 40 feet adjacent to residential from 15 feet to 0 feet, subject to the approval of alley vacation 1433, plat 156, and a site plan showing a three foot tall (or maximum 4 foot tall) fence (wooden or masonry preferred) along the North lot line to block headlights.

Recommendation of the Community Planning and Economic Development Planning Division:
The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the application for a variance to reduce the required parking for one restaurant and the commercial uses at the site from 55 to 38 parking stalls, subject to the approval of alley vacation 1433, plat 156, and a site plan showing a three foot tall (or maximum 4 foot tall) fence (wooden or masonry preferred) along the North lot line to block headlights.

Recommendation of the Community Planning and Economic Development Planning Division:
The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan application for the Plaza at development; subject to the following conditions:

1) The approval of rezoning petition, alley vacation 1433 and plat 156.

2) The Community Planning and Economic Development Planning Division shall review and approve the final plat, site and landscaping plans.

3) The final site plan shall show bicycle parking at the site and the addition of more shrubs and a section of decorative, wrought iron type fencing located along Lake Street between the Hayes Tackle building and former Hickory Hut building, and fencing along the North property line.

4) The stucco sign wall proposed for the rooftop of the former Mercado building will be removed from the final site and construction plans.

5) The shopping center shall comply with the applicable specific development standards from Chapter 536 of the zoning code.

6) The applicant shall provide a performance bond in and amount equal to 125% of the cost of site improvements or the permit may be revoked for noncompliance.

7) All site improvements shall be completed by September 1, 2005, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

Recommendation of the Community Planning and Economic Development Planning Division:
The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** alley vacation 1433; subject to retention of easements by Qwest and Xcel Energy, and compliance with fire code and public works rededication for the alley opening to Clinton Avenue.

Recommendation of the Community Planning and Economic Development Planning Division:
The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the application for preliminary plat 156 for the Plaza at Lake development; subject to the approval of alley vacation 1433.

Attachments:
1. Staff report including zoning code information
2. Statement of use
3. Findings and legal documents
4. Correspondence
5. Zoning maps
6. Plans and site maps
7. Photographs