

**Minneapolis Community Planning & Economic Development (CPED)  
Department, Planning Division Report**

BZZ-1596  
Rezoning  
Conditional Use Permit  
Variances  
Site Plan Review

**Date:** May 17, 2004

**Applicant:** Velmeir Companies

**Address of Property:**

- 938 37<sup>th</sup> Avenue NE
- 3654 Tyler Street NE
- 3655 and 3665 Central Avenue NE
- 3651 Central Avenue NE (rezoning for this parcel will be done as part of application BZZ-1724, City-County Federal Credit Union)

**Date Application Deemed Complete:** April 5, 2004

**End of 60 Day Decision Period:** June 4, 2004

**End of 120 Day Decision Period:** August 3, 2004

**Contact Person/Phone:** Steve Mangold, 952-883-3242

**CPED Planning Division Staff and Phone:** Jennifer Bever, 612-673-3859

**Ward:** 1      **Neighborhood Organization:** Waite Park Community Council

**Existing Zoning:** C2, C1, OR1, R1

**Proposed Zoning:** C2

**Zoning Plate Number:** 6

**Legal Description:** Lots 1-5, Block 4, Hilo Park; Lot 6, Block 4, Hilo Park; Lots 27-29, Block 4, Hilo Park; Lots 30-33, Block 4, Hilo Park

**Proposed Use:** Neighborhood pharmacy and general retail store with drive-through facility

**Background:** Project consists of five contiguous parcels. The applicant is seeking a rezoning of three parcels zoned C1 – Neighborhood Commercial District, OR1 – Neighborhood Office Residence District, R1 – Single-Family District to C2 – Neighborhood Corridor Commercial District. The City-County Federal Credit Union owns the parcel located at 3651 Central Avenue and is seeking a rezoning from C1 to C2 as part of application BZZ-1724; the City-County Federal Credit Union intends to sell this parcel to the applicant for use in the pharmacy development. The fifth parcel is already zoned C2.

A conditional use permit is required in order to allow 24-hour operation of the retail store.

A variance is required to exceed allowed amount of signage on building frontages.

A variance is required to allow more than one freestanding sign per zoning lot.

A variance is required to exceed maximum square footage of signage allowed on a freestanding sign.

Major site plan review is required.

An alley vacation (VAC-1432) is required in conjunction with this development.

Applicant proposes to construct a 13,013 square foot pharmacy and general retail store with drive-through service. Project provides 57 parking spaces.

The proposed development is directly north of the City-County Federal Credit Union. The City-County Federal Credit Union is in the process of upgrading their facility and has agreed to relocate a portion of their parking lot, located to the north of the Credit Union and to the south of the proposed development, in order to accommodate the pharmacy's parking lot.

The applicant made three presentations to the Waite Park Community Council. On April 7, 2004, the neighborhood voted to support the site plan, alley vacation and 24-hour operation of the proposed development.

Findings of the CPED Planning Division:

**I. REQUIRED FINDINGS FOR REZONING**

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

Central Avenue, from 27<sup>th</sup> Avenue NE to the city boundary, is a designated Community Corridor in *The Minneapolis Plan*. A Community Corridor is a street that is a principal travel route with a mix of uses including housing and commercial. Commercial uses, whether retail or services, are low intensity in these areas and do not create noise, significant traffic or disruption to neighbors by being open to the public for extended hours. Community Corridors support limited commercial uses that are measured against their impacts on surrounding residential uses. Design and development along Community Corridors are oriented towards the pedestrian experience. Community Corridors carry fairly high volumes of traffic but must balance vehicular travel against residential quality of life.

The C1 – Neighborhood Commercial zoning district is typically the most appropriate zoning classification for commercial development along Community Corridors. The C1 district allows small

scale retail sales and commercial services that are compatible with adjacent residential uses. General retail sales and services are a permitted use in the C1 district; drug stores are included under the definition of general retail sales and services. Commercial uses in the C1 district are limited to a maximum gross floor area of 4,000 square feet per use. The more intensive C2 – Neighborhood Corridor Commercial zoning district typically coincides with streets designated as Commercial Corridors. The C2 district provides an environment of retail sales and commercial services that are larger in scale than allowed in the C1 district and to allow a broader range of automobile related uses, including establishments with drive-through windows and auto service uses.

C2 zoning for this site, however, would not be out of character for this portion of Central Avenue because a mixture of commercial uses are already present on the block. 3665 Central is already zoned C2. 3655 is zoned C1. 3651 Central is zoned C1 and is being rezoned as part of the City-County Federal Credit Union’s application BZZ-1724. 938 37<sup>th</sup> Avenue NE is zoned OR1. 3654 Tyler Street NE is zoned R1. Prior to the 1999 zoning code revision, all parcels listed above were zoned B3C-1, a commercial zoning district classification.

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

Currently, the site consists of two dilapidated motel buildings (includes both the main structure at 3665 Central and the second structure at 938 37<sup>th</sup> Avenue NE), a parking lot, and a single-family home. The intersection marks the municipal boundary between the City of Minneapolis and the City of Columbia Heights. The public would benefit from redevelopment of the site as any new commercial development would eliminate existing blight at a very visible gateway into the neighborhood and the city. A rezoning of the site is in the interest of the applicant in order to redevelop the site as a pharmacy with drive-through service.

**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.**

Below is a listing of each parcel included in the proposed development and their history of use:

3665 Central Avenue

The corner parcel has been a commercial property since 1932 when it was developed as a gas station. In 1963, the Hilo motel was constructed at the site. Under the 1963 zoning code, the parcel was zoned B3C-1, a commercial district classification. The motel currently operates as Budget Inn and is currently zoned C2.

3655 Central Avenue

This parcel is owned by the City County Federal Credit Union and is currently used as a portion of the Credit Union’s existing parking lot. The parcel will be sold to the applicant for use as a parking lot in the new pharmacy development. The Credit Union will be relocating this portion of their parking lot to the south side of their building as part of their upcoming renovation. Under the 1963 zoning code, the parcel was zoned B3C-1, a commercial district classification. The parcel is currently zoned C1.

938 37<sup>th</sup> Avenue NE

This parcel contains a two-story motel constructed in 1953. Under the 1963 zoning code, the parcel was zoned B3C-1, a commercial district classification. The parcel is currently zoned OR1.

3654 Tyler Street NE

This parcel contains a single family house that was constructed in 1953. Under the 1963 zoning code, the parcel was zoned B3C-1, a commercial district classification. The parcel is currently zoned R1.

With the exception of the parcel containing the single family structure, all other parcels that are part of the proposed development have contained commercial uses since the lots were developed. The pattern of development for the area is commercial uses on Central Avenue with low-density residential on adjacent streets to the east and west of Central Avenue.

The proposed commercial development is oriented to Central Avenue and reinforces the commercial character of the street. The parking area for the proposed development is located along the interior side of the store and along the rear of the site towards Tyler Street NE. A majority of the parking area will replace the second motel structure that faces Tyler Street NE. The parking lot along the interior side of the store will require the applicant to purchase a portion of the City-County Federal Credit Union's parking area. The parcel containing the single family house will be replaced with a new alley that will exit to Tyler Street NE in order to replace the segment that is being vacated by the proposed development. The proposed development of a pharmacy with drive-through service will replace the two motel uses. Because the motel uses have existed adjacent to the residential uses for over forty years, an amendment of the zoning of the proposed parcels to accommodate this new commercial development would be compatible with the surrounding area.

**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.**

C2 zoning is present on the corner parcel and would allow the pharmacy to operate with a drive-through. The applicant is assembling adjacent parcels as part of the development to ensure adequate space for the retail store, drive-through and parking areas. Amending the zoning on the adjacent parcels to C2 is necessary in order to develop the project at the scale proposed.

**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 corner parcel in which the first motel structure sits is currently zoned C2 with the one parcel to the south zoned as C1, the parcel containing the second motel structure to the east is zoned OR1 and the parcel to the southeast containing the single family home is zoned R1. Applicant is proposing a 13,013 square foot store with a drive-through and adjacent parking and needs to assemble the above-described parcels in order to develop their site plan. Applicant has also requested vacation of the existing alley in conjunction with this project and will dedicate a new alley exiting to Tyler.

A rezoning of the property from C1, OR1, and R1 to C2 is required in order for the proposed project to proceed as a pharmacy with drive-through. While the intersection is not a designated Neighborhood

Commercial Node in *The Minneapolis Plan*, the character of development along this length of Central Avenue has been consistently commercial since the 1960's. The corner parcel located at 3665 Central was initially developed as a gas station in the 1930's. Amending the zoning classification to C2 zoning would not be out of character with the block.

## **II. REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT FOR 24-HOUR OPERATION**

**525.300 Purpose of conditional use permits.** A conditional use permit allows the city to review uses, which because of their unique characteristics, cannot be permitted as of right in a particular zoning district, but which may be allowed upon showing that such use in a specified location will comply with all of the conditions and standards of the zoning ordinance.

**548.60 (b) Extension of hours open to the public.** The hours open to the public may be extended by conditional use permit, as provided in Chapter 525. In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the hours open to the public:

1. Proximity to permitted or conditional residential uses.
2. Nature of the business and its impacts of noise, light and traffic.
3. Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.
4. History of complaints related to the use.

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

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

Twenty-four hour operation of a pharmacy with a drive-through may be disruptive to neighboring residential properties. A special meeting was held April 7, 2004 for property owners within 350 feet of the development to discuss 24-hour operation of the use. The property owners present supported 24-hour operation because they feel it will keep the area more active and, in doing so, will help to reduce criminal activity in the area. Staff recommends reviewing the CUP 1 year from date of store opening to evaluate how 24-hour operation has affected the neighborhood.

**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.**

Staff uses the following criteria to determine compatibility of extended hours with the surrounding area:

a) Proximity to permitted or conditional residential uses. The block in which the site is located does contain residential uses. Typically, staff recommends denial of requests for extended hours when there are residential uses present adjacent to the proposed use. Residents of the block in which the development is proposed, however, are supportive of the 24-hour operation because they believe that the customer traffic generated by the store will create more surveillance of the area and assist with reducing criminal activities.

b) Nature of the business and its impacts of noise, light and traffic. The business is described by the applicant as a neighborhood pharmacy and general retail store with drive-through facility. Customers patronize pharmacies on a come-and-go basis. The drive-through, however, will not operate on a 24-hour basis but will be limited to the hours of 6:00a.m.-10:00p.m. Sunday-Thursday and 6:00a.m.-11:00p.m. Friday and Saturday.

c) Conformance of use. The proposed use is a permitted use in the C2 district. The applicant is requesting a rezoning from the C1, OR1, and R1 Districts to the C2 District. If this rezoning is approved the proposed use will be in conformance with the zoning code.

d) Complaints received. The proposed use is new. There have been no complaints received. If the CUP is approved, the 24-hour operation of the use should be reviewed one year after operations begin to evaluate whether it is causing disruption in the neighborhood.

**3. Will have adequate utilities, access roads, drainage and necessary facilities.**

Adequate utilities, access road, draining and necessary facilities are not related to twenty-four hour operation of the business.

**4. Will take adequate measures to minimize traffic congestion in the public streets.**

The proposed development exceeds the required amount of parking on-site.

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

Central Avenue is a designated Community Corridor in *The Minneapolis Plan*. Community corridors have commercial uses, whether retail or services, that are low intensity in these areas. They do not create noise, significant traffic, or disruption to neighborhoods by being open to the public for extended hours. They support limited commercial uses, which are measured against their impacts on residential character, such as the production of fumes or noise or negative aesthetics. Design and development along these streets is oriented towards the pedestrian experience.

Twenty-four hour operation of commercial uses is not normally consistent with comprehensive plan policies and implementation steps for Community Corridors as most blocks along these corridors contain a mix of single-family and multi-family residential and commercial. The block in which the proposed development will occur currently has a mix of commercial and residential zoning. Twenty-four hour operation of a pharmacy is not of the same intensity as that of other uses such as convenience/gas stations or fast-food restaurants. The pharmacy drive-through will

not be open twenty-four hours a day. Residents who reside adjacent to the proposed project support twenty-four hour operation of a pharmacy at this location. Twenty-four hour operation of the proposed use at this location is in conformance with the comprehensive plan.

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

**III. REQUIRED FINDINGS FOR VARIANCE TO EXCEED MAXIMUM SQUARE FOOTAGE OF SIGNAGE ALLOWED ON BUILDING FRONTAGES**

**Chapter 543.100 Specific Sign Standards. Table 543-2 Specific Standards for Signs in Commercial Districts.**

**Signs Attached to Buildings.** For all districts except C3S, one square foot of signage per one foot of primary building wall if a freestanding sign is on the same zoning lot.

The Planning Commission shall not vary the regulations of the zoning code, unless it shall make each of the following findings based upon the evidence presented to it in each specific case:

**1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Applicant proposes that more signage be allowed in order to improve directional visibility and to inform the community of the presence of expanded services in the form of a drive-through and food shop.

Zoning district standards for the C2 district allow one square foot of signage per one foot of primary building wall up to 180 square feet if a freestanding sign is on the same zoning lot. Applicant proposes two freestanding signs and building signage on two frontages – Central Avenue (Building Frontage #1) and south-facing interior parking lot (Building Frontage #2).

Building Frontage #1

The primary building wall is 103 feet with the building canopy. The maximum allowable square feet of signage is 103 feet. The proposed signage is 174 square feet.

Building Frontage #2

The primary building wall is 164 feet with the building canopy. The maximum allowable square feet of signage is 164 feet. The proposed signage is 199 square feet.

Adherence to the regulations of the sign ordinance would not prevent the property from being used as a neighborhood pharmacy and general retail use with drive-through facility. Applicant can revise the size of the signage to comply with the ordinance while still allowing for the signage that indicates that a food shop and drive-through service is available at the store.

**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.**

Applicant proposes that the parcel is unique because it is at an intersection and that larger signage is needed so that it will be more visible to customers.

The property is located at the corner of a standard city intersection on a road with high traffic counts. Because the property is located at the corner of a busy intersection, visibility of the site from the street is high. Traveling north along Central Avenue, customers are able to see building signage in the following places: 1.) attached to the building frontage facing the interior parking lot; 2.) attached to the building frontage facing Central Avenue. In addition to this building signage, customers are also able to see a 24-foot high pylon sign at the Central Avenue entrance. Customers traveling south along Central are able to see building signage in only one place: 1.) attached to the building frontage facing Central Avenue. Customers are also able to see the pylon sign at the Central Avenue entrance.

The location of the building on the corner of this intersection allows for signage on three sides. If the applicant wants to increase visibility for customers traveling south on Central Avenue, appropriate building signage could be placed on the building frontage facing 37<sup>th</sup> Avenue NE. It is unnecessary for the applicant to exceed the amount of building signage allowed on the two proposed building frontages when the code allows the applicant to place signage on three building frontages.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

The purpose of the sign ordinance is to ensure effective signage appropriate to the planned character of each zoning district, to promote an attractive environment by minimizing visual clutter and confusion, to minimize adverse effects on nearby property and to protect the public health, safety and welfare.

The zoning district sign standard for building signage is one square foot of signage per one foot of primary building wall up to 180 square feet if a freestanding sign is on the same zoning lot in the C2 district. The proposed signage for Building Frontage #1 is 174 square feet; the allowed amount of signage is 103 feet. The proposed signage proposed for Building Frontage #2 is 199 square feet; the allowed amount of signage is 164.

Granting a variance to exceed the maximum sign area runs counter to the spirit and intent of the ordinance. The site is not unique in that it hinders the applicant from displaying adequate signage. The applicant simply wants more signage on two frontages than is allowed. The zoning code allows the applicant to display building signage on three frontages. The proposed use and its prospective customers can be effectively served by the signage allowed by the ordinance.

**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 variance to exceed the maximum square footage of signage allowed on building frontages will not increase street congestion, increase the danger of fire or be detrimental to the public welfare or 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 sign adjustment increases sign clutter on the two frontages in which the building signage is proposed. Sign clutter would be minimized and the customers would be better served if the applicant proposed signage on the allowable three building frontages within the requirements of the zoning ordinance.

**2. The sign adjustment will allow a sign of exceptional design or style that will enhance the area or that is more consistent with the architecture and design of the site.**

The sign adjustment will not result in a sign of exceptional design or style or serve to enhance the surrounding area. The sign adjustment serves to simply increase the amount of signage of two building frontages.

#### **IV. REQUIRED FINDINGS FOR VARIANCE TO ALLOW TWO FREESTANDING SIGNS ON ONE ZONING LOT**

**Chapter 543.100 Specific Sign Standards. Table 543-2 Specific Standards for Signs in Commercial Districts.**

**Freestanding Signs.** Maximum number of signs is 1 per zoning lot in the C2 district. Maximum area per sign is 80 square feet in the C2 district.

The Planning Commission shall not vary the regulations of the zoning code, unless it shall make each of the following findings based upon the evidence presented to it in each specific case:

**1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Applicant proposes that a second sign should be allowed in order to show customers where the entrance on 37<sup>th</sup> Avenue NE is located.

The applicant proposes two freestanding signs - a 24-foot high, multi-paneled pylon sign totaling 132 square feet sign area located near the Central Avenue entrance and an approximately 6-foot high monument sign totaling 32 square feet sign area located near the 37<sup>th</sup> Avenue NE entrance. In addition to the freestanding signs, the applicant also proposes placing signage on two sides of the building.

**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.**

Applicant proposes that a variance is needed because the property is located at the corner of an intersection, creating a need for two separate entrances with visible identification to allow for efficient entrance to and exit from the property.

As stated above, the applicant proposes two freestanding signs with one located at the Central Avenue entrance and one located at the 37<sup>th</sup> Avenue NE entrance. The sign located at the 37<sup>th</sup> Avenue NE entrance is a 6-foot high illuminated monument sign with the pharmacy name. The sign advertises the business rather than serves to direct customers into the site. The zoning code allows for a directional, auxiliary sign of up to 4 feet in height not containing a logo or commercial message to be placed at the 37<sup>th</sup> Avenue NE entrance. Placement of an auxiliary sign at this location would serve to direct customers into this entrance.

The presence of the one freestanding sign at the Central Avenue entrance, the building signage, and an auxiliary directional sign at the 37<sup>th</sup> Avenue NE entrance allows for the property to be put to a reasonable use. Applicant claims that the purpose of the second freestanding sign is to direct customers into the entrance when, in fact, the second sign does not show direction at all but, rather, the name of the business. Applicant should not be granted a variance to have a second freestanding sign that advertises the name of the business on the basis that it serves to direct customers when the zoning code already allows the applicant to have a directional auxiliary sign for that entrance.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

The purpose of the sign ordinance is to ensure effective signage appropriate to the planned character of each zoning district, to promote an attractive environment by minimizing visual clutter and confusion, to minimize adverse effects on nearby property and to protect the public health, safety and welfare.

The applicant wants two freestanding signs on one zoning lot in order to advertise the business. Adhering to the ordinance allows the applicant to have sufficient signage advertising the business. The placement of a non-advertising, auxiliary directional sign at the second entrance is allowed by the ordinance and would signify to customers that they can enter the property from

37<sup>th</sup> Avenue NE. Granting a variance to allow two freestanding signs on one zoning lot runs counter to the spirit and intent of the ordinance.

**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 variance to allow two freestanding signs on one zoning lot will not increase street congestion, increase the danger of fire or be detrimental to the public welfare or 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 proposed sign adjustment increases the number of freestanding signs and only serves to increase sign clutter in the area.

**2. The sign adjustment will allow a sign of exceptional design or style that will enhance the area or that is more consistent with the architecture and design of the site.**

The sign adjustment would allow the applicant to have two freestanding advertising signs instead of one. The proposed signs consist of a pylon sign and a backlit monument sign and are not of exceptional design or style that would warrant a variance to exceed the number of signs allowed per zoning lot.

**V. REQUIRED FINDINGS FOR VARIANCE TO EXCEED MAXIMUM SQUARE FOOTAGE OF SIGNAGE ALLOWED ON ONE ALLOWABLE FREESTANDING SIGN**

**Chapter 543.100 Specific Sign Standards. Table 543-2 Specific Standards for Signs in Commercial Districts.**

**Freestanding Signs.** Maximum number of signs is 1 per zoning lot in the C2 district. Maximum area per sign is 80 square feet in the C2 district.

The Planning Commission shall not vary the regulations of the zoning code, unless it shall make each of the following findings based upon the evidence presented to it in each specific case:

**1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The applicant proposes a multi-paneled pylon sign totaling 132 square feet located at the southwest corner of the building along Central Avenue. The applicant proposes that a larger

freestanding sign is warranted because they want to make clear to customers that the store offers additional services in the form of a drive-through pharmacy and 24-hour operation.

Applicant is also proposing signage on the building along two frontages, Central Avenue NE and the interior parking lot. The applicant is allowed to have signage on three building frontages, Central Avenue, interior parking lot and 37<sup>th</sup> Avenue NE. Customers traveling north on Central Avenue are able to see the pylon sign and the building signage that is on the building walls that face the interior parking lot and Central Avenue. Customers traveling south on Central Avenue are able to see the pylon sign and the building signage that is on the building wall facing Central Avenue. Given that the applicant has concerns in directing customers into the development, placing signage along the 37<sup>th</sup> Avenue NE frontage would allow customers to more clearly identify the development as a pharmacy.

It is not reasonable that the applicant exceed the signage on the freestanding sign when the site allows signage on three frontages of the building. This signage combined with one freestanding sign at a maximum of 80 square feet sign area enables the property to be put to reasonable use.

**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 applicant proposes that more signage is needed because the property is located at the corner of an intersection and visibility from multiple directions is necessary.

The property is located at a busy intersection with good visibility from both lanes of traffic along Central Avenue. Due to location of the site, the applicant is allowed to have building signage on three frontages of the building. Allowable building signage combined with one freestanding sign at a maximum of 80 square feet sign area enables the property to be put to reasonable use.

**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.**

Applicant proposes that granting a variance to allow more signage does not alter the spirit or intent of the ordinance.

The purpose of the sign ordinance is to ensure effective signage appropriate to the planned character of each zoning district, to promote an attractive environment by minimizing visual clutter and confusion, to minimize adverse effects on nearby property and to protect the public health, safety and welfare. The zoning district sign standard for a freestanding sign in the C2 district is 80 square feet maximum area per sign. The proposed signage is 65% more than what the zoning district sign standard allows and is excessive given that the zoning code allows the applicant to place signage on three sides of the building. Granting a variance to exceed the maximum sign area at that level runs counter to the spirit and intent of the ordinance.

**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 variance to exceed the maximum square footage allowed on one freestanding sign will not increase street congestion, increase the danger of fire or be detrimental to the public welfare or 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 proposed sign adjustment increases the allowed signage per one freestanding sign from 80 square feet to 132 square feet and significantly increases sign clutter in the area.

**2. The sign adjustment will allow a sign of exceptional design or style that will enhance the area or that is more consistent with the architecture and design of the site.**

The proposed sign adjustment simply increases the size of the freestanding signage and does not substitute a sign of exceptional design or style.

## **VI. REQUIRED FINDINGS FOR MAJOR SITE PLAN REVIEW**

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

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

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

## Section A: Conformance with Chapter 530 of Zoning Code

### **BUILDING PLACEMENT AND FAÇADE:**

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

The proposed development is a new, one-story construction, replacing two existing commercial uses. The zoning code requires that buildings shall be located not more than 8 feet from the front lot line. If located on a corner lot, the building wall abutting each street shall be subject to this requirement. The building is oriented to the corner of Central Avenue and 37<sup>th</sup> Avenue NE with the principal entrance located on the southwest corner of the building on Central Avenue. For the Central Avenue frontage, the building is setback approximately 16 feet from the front lot line; the building contains a masonry canopy extends from the primary building wall and that is setback approximately 8 feet from the front lot line. The building setback of 16 feet from Central Avenue is consistent with that of the adjacent City-County Federal Credit Union building. For the 37<sup>th</sup> Avenue NE frontage, the building is setback approximately 10 feet from the lot line. The building placement does not comply with setback requirements; however, the applicant has agreed to place the building at the same setback distance as the adjacent City-County Federal Credit Union building and add additional landscaping, decorative pavers and bike racks in order to alternatively comply with the spirit and intent of the ordinance.

The proposed development includes 57 parking spaces and the parking area is located to the interior and rear of the site. The building façade is a combination of EFIS and brick masonry and includes windows and adequate architectural detail. Section 530.110 requires that at least 30% of the first floor façade that faces a public street, sidewalk or parking lot shall be windows or doors of clear glass that allow views into and out of the building at eye level. The interior parking lot building frontage contains 26% windows. The Central Avenue building frontage contains 41% windows. The 37<sup>th</sup> Avenue NE building frontage contains 8% windows. The applicant has agreed to increase the amount of windows for the interior parking lot building frontage up to the 30% requirement. The applicant will increase the amount of windows for the 37<sup>th</sup> Avenue NE frontage to 20% but will not meet the 30% window requirement for this frontage and will add decorative fencing to the property in order to alternatively comply with the spirit and intent of the ordinance.

## 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 principal entrance is located at the southwest corner of the building on Central Avenue. Walkways of at least 4 feet in width are required to connect building entrances to adjacent public sidewalks and to any parking on-site parking facilities. The proposed development contains walkways connecting the parking area to the entrance but connection from Central Avenue to the entrance to the public sidewalk is absent. The applicant needs to provide a walkway from the entrance to the sidewalk on Central Avenue.

The use is required to have 36 parking spaces and 57 spaces are provided. Three of the 57 spaces are handicapped accessible. The parking area is located along the interior side of the development and along the rear of the site.

The drive-through facility is located on the east side of the building. Customers can enter the drive-through from the entrances on either Central Avenue or 37<sup>th</sup> Avenue NE. Entrances are located on Central Avenue and 37<sup>th</sup> Avenue NE to minimize conflicts with the neighboring residential uses to the east. Chapter 541.240, Specific District Regulations For Access to Parking and Loading, states that no driveway or curb cut in a district other than a residence or office residence district shall exceed a width of 25 feet except as determined necessary by the City Engineer. The Central Avenue driveway entrance is 24 feet wide and complies with the ordinance. The driveway for the 37<sup>th</sup> Avenue NE entrance is 28 feet wide and does not comply with the ordinance. The applicant needs to reduce the width of the 37<sup>th</sup> Avenue NE driveway entrance to 25 feet.

The proposed drive-through meets the requirements of 3 minimum stacking spaces. The applicant's site plan shows room for about 4 stacking spaces for each drive through aisle. Public Works received traffic study data from the applicant with regards to the customer frequency for the pharmacy drive through and confirmed that the minimum of 3 stacking spaces is adequate for the development. A loading berth is required; one loading berth is provided at the rear of the building. Snow storage will be trucked off the site within 24-hours of snowfall. The site plan minimizes the use of impervious surfaces by providing landscaped medians within the parking lot and to delineate the drive lanes for the drive-through.

## 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. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.

The development site area is 56,238 square feet and the building is 13,013 square feet. The development proposes that 9,788 square feet or 23% of the site will contain landscaping. The zoning code requires that the location and composition of landscaped areas complement the scale of the development and its surroundings. A landscaped yard is required for this development and can be satisfied by one (1) of the following:

- (1) Trees and shrubs consisting of all of the following:
  - a. Not less than one (1) canopy tree for each five hundred (500) square feet, or fraction thereof.
  - b. Not less than one (1) shrub for each one hundred (100) square feet, or fraction thereof
  - c. The remainder of the landscaped area shall be covered with turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees.
- (2) Shrubs consisting of all of the following:
  - a. Not less than one (1) shrub for each fifty (50) square feet, or fraction thereof.
  - b. The remainder of the landscaped area shall be covered with turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees
- (3) Trees consisting of all of the following:
  - a. Not less than one (1) canopy tree for each two hundred (200) square feet, or fraction thereof.
  - b. The remainder of the landscaped area shall be covered with turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees

For this site, the proposed landscape plan consists of 26 new trees, 132 shrubs, 160 daylillies and sod. The proposed landscape plan meets the requirements for Option #1 as specified in section 530.150(b). Applicant will also add natural grasses and perennials in addition to the proposed landscaping as part of alternative compliance requirements.

Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160(b). Parking and loading fronting along a public street, public sidewalk or public pathway. Parking and loading facilities and all other areas upon which motor vehicles may be located fronting along a public street, public sidewalk or public pathway shall comply with the following standards:

- (1) A landscaped yard at least five (5) feet wide shall be provided along the public street, sidewalk or pathway, except where a greater yard is required.
- (2) Screening consisting of either a masonry wall, fence, berm or hedge or combination thereof that forms a screen three (3) feet in height and not less than sixty (60) percent opaque shall be provided, except that where areas are devoted principally to the parking or loading of trucks or commercial vehicles of more than fifteen thousand (15,000) pounds screening six (6) feet in height and not less than sixty (60) percent opaque shall be required.
- (3) One tree shall be provided for each twenty-five (25) linear feet or fraction thereof of parking or loading area lot frontage.

The proposed landscape plan meets the five-foot yard width requirements for #1, #2 and #3.

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 storm water. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock.

#### **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 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 otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.

- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

Parking facilities must meet requirements for adequate plant material screening to prevent headlights shining onto residential properties; loading facilities are located at the rear of the building and must meet requirements for adequate screening. The site plan minimizes the blocking of views of important elements of the city. The building does not shadow public spaces or adjacent properties and does not generate wind currents at ground level.

With regards to crime prevention through environmental design standards,

**1) Natural surveillance and visibility.** The building placement in the proposed site plan does promote natural observation and maximize the opportunities for people to observe adjacent spaces. The building is setback approximately 16 feet from Central Avenue and 10 feet from 37<sup>th</sup> Avenue NE with the building entrance located at the southwest corner of the building on Central Avenue. The building placement is acceptable to improve safety and surveillance for pedestrians walking on the sidewalks on Central Avenue and 37<sup>th</sup> Avenue NE as well as for those accessing the store. The building contains sufficient windows along the Central Avenue building frontage for natural surveillance looking in and out of the store. The building does not contain sufficient windows along the interior parking lot and 37<sup>th</sup> Avenue NE building frontages. More windows need to be added to these two sides of the building in order to increase safety and security. Applicant has agreed to increase the amount of windows on the interior parking lot frontage to meet the 30% requirement. The applicant will increase the amount of windows for the 37<sup>th</sup> Avenue NE frontage to 20% but will not meet the 30% window requirement for this frontage and will add decorative fencing to the property in order to alternatively comply with the spirit and intent of the ordinance.

The neighborhood has requested that the applicant install video cameras in the parking lot in order to increase surveillance of this area.

**2) Minimum lighting levels.** The lighting level at the building entrance and throughout the parking area maintains a minimum level of security.

**3) Territorial reinforcement and space delineation.** A walkway from the sidewalk adjacent to Central Avenue to the building entrance is needed to clearly delineate where pedestrians may access the site.

The site does not include any structures that have been determined to be eligible for local historic designation.

## **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.

The proposed development will alternatively comply with the building setback requirements and the 30% window requirement for the 37<sup>th</sup> Avenue NE frontage by adding the following elements:

- increasing landscaping along the Central Avenue and 37<sup>th</sup> Avenue NE frontages to include a mix of native perennials and natural grasses
- adding decorative pavers to the walkway linking the entrance to the public sidewalk along Central Avenue
- adding a bike rack to be placed along the primary building wall on either the Central Avenue frontage or interior parking lot frontage
- placement of 3 foot high decorative wrought iron fencing at the corners of the site twenty feet in each direction (Central & 37<sup>th</sup> Avenue NE, 37<sup>th</sup> Avenue NE & Tyler Street NE, and Tyler Street NE & the alley)

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

### **ZONING CODE:**

**535.80. Screening of refuse storage containers.** 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 site plan identifies an enclosed dumpster and trash compactor at the northeast corner of the building. The enclosure consists of the building on one side and brick and EFIS on the other two sides with 10 foot high gates.

### **MINNEAPOLIS PLAN:**

The proposed development is located at the corner of Central Avenue and 37<sup>th</sup> Avenue NE. Central Avenue is a designated Community Corridor in *The Minneapolis Plan*. The Central Avenue corridor exhibits different levels of land use intensity. Between 18<sup>th</sup> Avenue NE to 29<sup>th</sup> Avenue NE, Central Avenue is a Commercial Corridor. Central Avenue is a less-intensive Community Corridor along these stretches - 29<sup>th</sup> Avenue NE to 37<sup>th</sup> Avenue NE and 18<sup>th</sup> Avenue NE to the River. Community Corridors support a mix of residential and commercial uses but typically are predominantly residential. Commercial uses, whether retail or services, are low intensity in these areas. They do not create noise

or significant traffic. They do not cause disruption to neighbors by being open to the public for extended hours. They support limited commercial uses, which are measured against their impacts on residential character, such as the production of fumes or noise or negative aesthetics. Design and development along these streets is oriented towards the pedestrian experience.

#### **Chapter 4 – Marketplaces: Neighborhoods**

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

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

**9.10 Minneapolis will support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character.**

#### **Implementation Steps**

Require site plan review of new development or major additions to new structures (other than single family homes) on corner properties.

#### **Chapter 9 – City Form**

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

#### **Implementation Steps**

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

Enhance pedestrian and transit-oriented commercial districts with street furniture, tree planting, and improved transit amenities.

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

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

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

#### **Implementation Steps**

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

Use the site plan review process to ensure that lighting and signage associated with non-residential uses do not create negative impacts for residentially zoned property.

Central Avenue functions as Northeast Minneapolis' primary North-South street. The street is a major transportation corridor for both car and bus and provides a direct route to downtown Minneapolis to the south and I-694 to the north. Furthermore, the street functions as the primary street for the purchase of retail goods and services for the area. As stated earlier, the intersection at Central Avenue and 37<sup>th</sup> Avenue NE is not a designated Neighborhood Commercial Node in *The Minneapolis Plan* but has long functioned as an informal commercial node for the adjacent neighborhoods. Given the presence of commercial uses at this intersection for a significant amount of time and the nature of the development proposed, the proposed use is consistent with the comprehensive plan.

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

There are no formally city council-adopted development plans or objectives for the area.

An advisory plan for the Central Avenue corridor was developed in September 1997. Making Central Avenue Great - Northeast Minneapolis Central Avenue Plan applies to Central Avenue from 7<sup>th</sup> Avenue NE to 37<sup>th</sup> Avenue NE. The plan's design guidelines call for sustainable design through transit-oriented mixed land-use and ecological design. The proposed development is consistent with the plan's design objectives.

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**Objective One: Develop a distinctive neighborhood image consistent with the historical aspects of the architecture and character still present in the area through control of various design elements, including:**

- Appropriate building materials
- Height, scale, and rhythm of buildings
- Relationship of the building to the street
- Location and design of off-street parking
- Size, style, and location of commercial signage
- Landscaping on private property to define street edges
- Furnishings, street lighting, planting and other elements within the public right-of-way

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**Objective Two: Enhance the importance of Central Avenue as the neighborhood Main Street by:**

- Using landscaping to define street character and edge
- Requiring that building entries occur on or near Central
- Encouraging a continuous block structure along Central Avenue
- Encouraging support retail/commercial development
- Unifying the street through special street tree planting, sidewalks, and other public improvements

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**Objective Three: Emphasize the value of outdoor places for people by:**

- Implementing standards for safe and convenient access to buildings
- Establishing appropriate standards for pedestrian area lighting
- Providing bicycle access and parking

Recommendations of the CPED Planning Division:

**STAFF RECOMMENDATION ON REZONING:**

The Community Planning & Economic Development Department, Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application

for rezoning from C1, OR1, R1 to C2 for property located at 3651 Central Avenue, 3655 Central Avenue, 3654 Tyler Street NE and 938 37<sup>th</sup> Avenue NE.

**STAFF RECOMMENDATION ON CONDITIONAL USE PERMIT FOR 24-HOUR OPERATION:**

The Community Planning & Economic Development Department, Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit for 24-hour operation of a neighborhood pharmacy and general retail store subject to the following conditions:

1. The conditional use permit be reviewed after one-year from the date of the store commences operation to measure the effects of 24-hour operation on the neighborhood.

**STAFF RECOMMENDATION ON VARIANCE TO EXCEED MAXIMUM SQUARE FOOTAGE OF SIGNAGE ALLOWED ON BUILDING FRONTAGES:**

The Community Planning & Economic Development Department, Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to exceed maximum square footage signage allowed on Building Frontage #1 from 103 square feet to 174 square feet, **deny** the application for a variance to exceed maximum square footage signage allowed on Building Frontage #2 from 164 square feet to 199 square feet.

**STAFF RECOMMENDATION ON VARIANCE TO ALLOW TWO FREESTANDING SIGNS ON ONE ZONING LOT:**

The Community Planning & Economic Development Department, Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to allow two freestanding signs on one zoning lot.

**STAFF RECOMMENDATION ON VARIANCE TO EXCEED MAXIMUM SQUARE FOOTAGE OF SIGNAGE ALLOWED ON ONE ALLOWABLE FREESTANDING SIGN:**

The Community Planning & Economic Development Department, Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to exceed maximum square footage allowed on one freestanding sign from 80 square feet to 132 square feet.

**STAFF RECOMMENDATION ON SITE PLAN REVIEW:**

The Community Planning & Economic Development Department, Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review for a neighborhood pharmacy and general retail store with the following conditions:

1. Applicant shall implement the following items as part of alternative compliance:
  - increasing landscaping along the Central Avenue and 37<sup>th</sup> Avenue NE frontages to include a mix of native perennials and natural grasses

- adding decorative pavers to the walkway linking the entrance to the public sidewalk along Central Avenue
  - adding a bike rack to be placed along the primary building wall on either the Central Avenue frontage or interior parking lot frontage
  - placement of 3 foot high decorative wrought iron fencing at the corners of the site twenty feet in each direction (Central & 37<sup>th</sup> Avenue NE, 37<sup>th</sup> Avenue NE & Tyler Street NE, and Tyler Street NE & the alley)
2. Applicant shall increase the percentage of windows on the interior parking lot frontage to comply with the 30% requirement.
  3. At the request of the neighborhood, the applicant shall install video cameras in the parking area for increased surveillance.
  4. Applicant shall reduce the width of the 37<sup>th</sup> Avenue NE driveway entrance from 28 feet to 25 feet.
  5. The lighting plan shall comply with Chapters 535 and 541.
  6. Staff review and approval of the final site plan, landscape plan, and building elevations. All improvements shall be completed by May 17, 2005 (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance. The permits will expire if construction does not commence within one year.
  7. Applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before building permits can be issued.

Attachments:

- Applicant Narrative
- Zoning Map
- Site Plan & Elevations
- Site Photos
- Citizen Comment

**Minneapolis Community Planning & Economic Development (CPED)  
Department, Planning Division Report**

VAC-1432

**Date:** May 17, 2004

**Applicant:** Velmeir Companies

**60-Day Review Decision Date:** Not applicable.

**Address of Property:** Part of a 14' wide Alley in Block 4, Hilo Park Addition

**Contact Person and Phone:** Steve Mangold, 952-883-3240

**Planning Staff and Phone:** Jennifer Bever, 612-673-3859

**Ward: 1      Neighborhood Organization:** Waite Park Community Council

**Existing Zoning:** C2, C1, OR1, R1

**Comprehensive Plan:** The comprehensive plan shows Central Avenue as a Community Corridor.

**Proposed Use:** Neighborhood pharmacy and general retail store with drive-through facility

**Development Plan:** Site plan for the pharmacy with L-shaped alley is attached.

**Other Zoning Applications Required:** Applicant is seeking rezoning of all parcels to C2 as part of BZZ-1596

**Responses from Utilities and Affected Property Owners:** Minneapolis Public Works recommends approval withheld until subject to the dedication of a new legal easement for a new L-shaped alley segment connecting to the existing alley and exiting to Tyler Street NE. The applicant has indicated that they will grant the easement after they purchase the properties in June 2004 and will start construction of the new alley section shortly thereafter.

Public Works also notes that there is an existing sanitary sewer within the proposed vacation area that will need to be re-routed. If it is not re-routed, the sewer will need to be re-permitted as a private sewer with a new manhole construction in the alley south of the described vacation.

Xcel Energy, Qwest, and CenterPoint Energy all request an easement for their facilities in the vacated right-of-way.

**Findings:** The Public Works Department and the CPED - Planning Division find that the area proposed for vacation may be vacated provided the applicant deeds a legal easement for a new L-shaped alley

segment by June 18, 2004, constructs the new alley segment, and if any easements requested above are granted by the petitioner.

**Recommendation of the CPED Planning Division:**

The CPED Planning Division recommends that the City Planning Commission and the City Council accept the above findings and **approve** the vacation to subject to the applicant dedicating a legal easement for a new L-shaped alley segment connecting the existing alley and exiting on Tyler Street NE by June 18, 2004, construction of the new alley segment, and provision of easements to Xcel, Qwest, and CenterPoint Energy.

Attachments:

- Application for Vacation of Public Right-Of-Way
- Letter – Minneapolis Public Works
- Letter – Xcel Energy
- Comment – Center Point Energy/Minnegasco
- Letter – MCI
- Letter – Minnesota Department of Transportation
- Letter – Qwest
- Letter – Hennepin County Transportation Department

Schiff

**Vacating that part of the alley dedicated in Block 4, Hilo Park Addition to Minneapolis, lying 239.88 feet north of the westerly extension of the south line of Lot 6, in said block. (Vacation File No. 1432).**

Resolved by The City Council of The City of Minneapolis:

That part of the alley dedicated in Block 4, Hilo Park Addition to Minneapolis lying 239.88 feet north of the westerly extension of the south line of Lot 6, in said block is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel, Qwest, and CenterPoint Energy, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporation(s) as follows, to wit:

**As to Xcel, Qwest, and CenterPoint Energy:** The easterly 10.00 feet of that part of a 40 foot wide north-south alley lying within Block 4, Hilo Park Addition.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said alley upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.