

Department of Community Planning and Economic Development – Planning Division
Rezoning, Variance & Site Plan Review
BZZ – 4593

Date: November 9, 2009

Applicant: Twin Cities Regional Cable Channel Real Estate Holding Limited LLC

Address of Property: 1229 2nd Street Northeast

Project Name: Metro Cable Network Channel 6

Contact Person and Phone: Michael Rainville, (612) 339-3221

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

Date Application Deemed Complete: October 16, 2009

End of 60-Day Decision Period: December 15, 2009

End of 120-Day Decision Period: On October 22, 2009, staff sent the applicant a letter extending the decision period no later than February 13, 2007.

Ward: 3 **Neighborhood Organization:** Sheridan

Existing Zoning: R3 Multiple-Family Residence District and C1 Neighborhood Commercial District

Proposed Zoning: C1 Neighborhood Commercial District

Zoning Plate Number: 9

Legal Description of Property to be Rezoned: Lot 6, except the South 96 feet thereof, Block 11, Marshalls Addition to the Town of St. Anthony, Hennepin County, Minnesota.

Proposed Use: Office with limited post production

Concurrent Review:

- **Petition to rezone** a part of the site from R3 to C1.
- **Variance** to increase the maximum gross floor area of a commercial use in the C1 district from 6,000 sq. ft. to 9,489 sq. ft.
- **Site plan review.**

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments; Chapter 525, Article IX Variances, Section 525.520 (3) “To vary the gross floor area, floor area ratio and seating requirements of a structure or use.”; and Chapter 530 Site Plan Review.

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Background: Metro Cable Network Channel 6 proposes to utilize the property of 1229 2nd St NE for an office. A one-story building exists on the site. A one-story, 2,542 square foot addition is proposed. Limited post-production would be an accessory use. Television production is a use currently not allowed in the C1 district. Allowing radio and television stations in the C1 district is a text amendment that has been introduced by the city council and referred to the CPED Planning Division for analysis. On-site television production would not occur unless allowed by code.

The site has split zoning. Approximately two-thirds of the site, including the existing building, is zoned C1. The remainder of the site is zoned R3. When a property has split zoning, the most restrictive ordinances apply. An office is not allowed in the R3 district, therefore it would be a nonconforming use. The applicant is requesting to rezone the property to C1, thereby making the proposed use of the property a permitted and conforming use. Consent petitions have been provided to meet the statutory requirement to apply for the rezoning.

The C1 district limits the size of commercial uses to 4,000 square feet. On this site, the parking would not be located between the building and the street. A bonus to increase the floor area to 6,000 square feet is allowed if no parking is located between the structure and the street. The proposed gross floor area for the use is 9,489 square feet. A variance is required.

A site plan review is required for a building addition over 1,000 square feet in area.

Correspondence from the neighborhood group, Sheridan Neighborhood Organization, was received and attached to this report. Staff will forward comments, if any are received, at the City Planning Commission meeting.

REZONING: Petition to rezone a portion of the property of 1229 2nd St NE from R3 to C1.

Findings as required by the Minneapolis Zoning Code:

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

The proposed zoning would be consistent with the applicable policies of the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*. Second Avenue is designated as a community corridor. The site, including the R3 portion, is located in the boundaries of the 13th Ave NE & University Ave NE neighborhood commercial node. The future land use of the site is designated as mixed use. According to the principles and polices outlined in the plan, the following apply to this proposal:

Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

Applicable Implementation Step

1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

Applicable Implementation Steps

- 1.9.1 Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.
- 1.9.2 Support new small-scale retail sales and services, commercial services, and mixed uses where Community Corridors intersect with Neighborhood Commercial Nodes.

Policy 1.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.

Applicable Implementation Steps

- 1.11.1 Discourage the commercial territorial expansion of Neighborhood Commercial Nodes, except to adjacent corners of the node’s main intersection.
- 1.11.2 Support the continued presence of small-scale, neighborhood-serving retail and commercial services in Neighborhood Commercial Nodes

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

The site has split zoning. When a property has split zoning, the most restrictive ordinances of either district apply. The R3 district allows residential uses, but very few nonresidential uses. Because of the property’s location on a community corridor and in a commercial node, small-scale retail sales and services uses would be more appropriate use of the land than the limited uses allowed by the R3 district. The amendment is in the public interest and not solely in the interest of the property owner.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The neighborhood commercial node extends from Main Street to 4th Street (4 blocks). The vast majority of the commercial properties in the node are zoned C1. Housing densities in the immediate area range from low- to high-density. The site is directly adjacent to a mixed use property zoned C1 and two residential properties with single-family dwellings in the R3 district. The site has continually been used for commercial use prior to the establishment of the nearby residential uses. The proposed zoning would be compatible with the surrounding uses and zoning classifications. It would also eliminate split zoning.

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

The site has split zoning. When a property has split zoning, the most restrictive ordinances apply. The R3 district allows residential uses, but very few nonresidential uses. The existing building has been used for nonresidential purposes since 1958. Therefore continued nonresidential use of the property would be nonconforming. Because of the property's location on a community corridor and in a commercial node, small-scale retail sales and services uses would be more appropriate use of the land.

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.

In 1988, the site obtained its split zoning as a result of the Sheridan Neighborhood 40-Acre Rezoning Study. Prior to the rezoning study, the site was zoned B3C Community Commercial District (similar to the C4 district in the current zoning ordinance). After the rezoning study, the site was zoned B2S Neighborhood Service District (similar to, but not as restrictive as the C1 district in the current zoning ordinance) and R3 General Residence District. (The original recommendation in the rezoning study for the subject site was to rezone the entire property B2S. The available records did not indicate why split zoning was adopted instead.) With the adoption of the 1999 zoning code, the split zoning boundary stayed the same, but the districts changed to C1 Neighborhood Commercial District and R3 Multiple-Family Residence District.

In the 13th Ave NE & University Ave NE commercial node, revitalization and continual growth of businesses in the node has occurred since the property was placed in its present zoning classification. Two recent examples include the rehabilitation of the Ritz Theatre and an addition to the Frank Stone Gallery located at 1222 2nd St NE.

VARIANCE: To increase the maximum gross floor area of a commercial use in the C1 Neighborhood Commercial District from 6,000 square feet to 9,489 square feet.

Findings as required by the Minneapolis Zoning Code:

1. The property can not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

The C1 district limits the size of commercial uses to 4,000 square feet. A bonus is allowed if no parking is located between the structure and the street. If this applies, then the floor area can be increased to 6,000 square feet. The site qualifies for this bonus. The applicant is proposing to expand the existing building, increasing the total floor area occupied by the proposed use to 9,489 square feet. The previous use occupied 6,947 square feet, of which 2,863 square feet is located below grade. The proposed addition would add 2,542 square feet resulting in 6,626 square feet of floor area above grade. The applicant indicated that the lower level would primarily be used for storage. The existing building has low ceiling heights that the applicant has indicated is not adequate for some of the functions of the proposed use. The applicant has incorporated architectural features, a pergola, trellises, and masonry tile inserts, into the design

of the building addition to break up the mass of the building. The above grade floor area should fit in with the small retail character of the C1 district. The request is reasonable.

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 existing building has low ceiling heights for a commercial use. Almost one-third of the use's proposed floor area would be located below-grade.

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 C1 district is established to provide a convenient shopping environment of small scale retail sales and commercial uses that are compatible for adjacent residential uses. Residential uses are located to the south and east of the site. Commercial uses are located to the east and west that front both 2nd Avenue and 13th Street. The addition would be adjacent to a mixed use building with one residential unit. Two principal entrances would face 13th Street. The proposed addition would add 2,542 square feet resulting in 6,626 square feet of floor area above grade. The applicant has incorporated architectural features, a pergola, trellises, and masonry tile inserts, into the design of the building addition to break up the mass of the building. The above grade floor area should fit in with the small retail character of the C1 district. The granting of the variance should have little effect on surrounding properties and would be in keeping with the 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 use would comply with the minimum parking requirement and should not increase congestion of the public streets. The granting of the variance would not affect public safety or welfare.

SITE PLAN REVIEW:

Findings as Required by the Minneapolis Zoning Code:

- A. **The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. **The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
 - Residential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent

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grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.

- f. **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

Conformance with above requirements:

The building addition would reinforce the street wall along 2nd Street. Light fixtures would be provided on all sides of the addition to allow for natural surveillance and visibility. Pedestrian walkways would connect the public sidewalks and parking area to the building entrances to facilitate pedestrian access and circulation.

The building addition would be set back 7 feet from 2nd Street except where the entrance is recessed. The entrance would be set back 11 feet. The recession is only a small portion of the entire building façade and provides relief in the length of the building. The alternative meets the intent of the ordinance.

Landscaping and walkways leading to the entrances would be located between the building and the adjacent street.

Existing entrances face 13th Avenue and 2nd Street. The addition will also include an entrance facing 2nd Street.

A surface parking area would be located behind the building.

The addition to the building would make it approximately 125 feet long adjacent to 2nd Street. Recessing a portion of the wall and adding a pergola in front of the addition break the building into smaller identifiable sections.

To avoid blank walls greater than 25 feet in length on the addition, a change in exterior materials with a tile masonry accent and metal panels and cedar frames with metal lattice for growing vines would be provided on the west and south elevations. The east elevation of the addition would include a wall without windows, entries, recesses or projections, or other architectural elements that would exceed 25 feet in width. The blank wall would be 38 feet wide. This side of the building faces a mixed use building with no windows on the first floor facing the interior lot line. It would not be visible from the street or nearby residences. The blank wall is adjacent to the future production studio. The applicant has also indicated that a soundproof, windowless space is needed for the production studio. Staff is recommending that the planning commission grant alternative compliance.

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The proposed exterior materials of the addition would be rock-face concrete masonry units and a tile masonry accent. The applicant has indicated that the tile masonry accent is intended to be a thin clad piece of exterior grade ceramic tile or quarry tile, a thin clad stone, or an architectural grade burnished colored concrete masonry piece. The desired effect is a variegated colored pattern to lend visual interest.

On the existing building, the walls facing 2nd Street (west) and 13th Avenue (north) are clad in brick. A metal fascia wraps the roofline of the west and east elevations. The exterior material of the existing south and east walls is stucco. The primary materials on the addition would be rock-face concrete masonry units with a metal panel and/or screen band along the top of the addition walls. A masonry tile accent would also be incorporated into the west elevation. The horizontal elements of the proposed addition would tie into the horizontal elements of the existing building to make all sides of the building compatible.

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

The new entrance facing 2nd Street would be recessed and would incorporate windows to emphasize its importance. The walkway leading up to the entrance would also be sheltered by a pergola.

The walls on the south and west elevations are subject to the minimum thirty percent window requirements because they would face the street or the parking area.

- Along 2nd Street, 15 square feet of windows would be provided in the addition. The applicant is proposing to install windows in two opening that are currently closed up. The combined amount of windows on the west elevation is approximately 84 square feet, or 8.4 percent, measured between two and ten feet. The window in the addition adjacent to the new entrance would be vertical in proportion and located not more than four feet above the sidewalk grade. The applicant has not identified the visible light transmittance ratio of the proposed or existing windows. All windows are required to have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher. Also, shelving, mechanical equipment or other similar fixtures can not block views into and out of the building in the area between four and seven feet above the sidewalk. Because the production studio would be located at the south end of the building, only one window is proposed on the addition. The applicant has indicated that the use requires a soundproof and windowless space. To address the lack of windows, the applicant has proposed additional architectural features including a metal band, a pergola, and a masonry tile accent on the west façade. To ensure adequate natural surveillance, the windows in the existing building should not be obscured by shelving, equipment or other similar features. For these reasons, staff is recommending that the planning commission grant alternative compliance to the amount of windows required provided the windows are not covered, preventing natural surveillance.
- The south wall facing the parking area would not have any windows. To meet the 30 percent requirement on the new addition, 116.4 square feet of clear or lightly tinted windows allowing views in and out of the building at eye level must be provided. The entire wall would be adjacent to a future production studio. The applicant has indicated that a soundproof and windowless space is required for this use. As an alternative, the applicant is proposing metal panels at the top of the wall and cedar frames with metal lattice for growing vines to break down the scale of the wall and to add

visual interest. Because of the type of use and the alternatives proposed, staff is recommending that the planning commission grant alternative compliance.

A flat roof is proposed. The existing building has a flat roof. Most of the nonresidential buildings in the area also have flat roofs.

ACCESS AND CIRCULATION:

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

Conformance with above requirements:

A well-lit walkway 4.5 feet in width would connect the new entrance to the parking area and public sidewalk. The existing entrances are connected to the public sidewalks by walkways 5 feet in width.

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

The applicant is proposing to eliminate one of two curb cuts and provide one curb cut 18 feet in width the parking area. The site is not adjacent to an alley. The parking area is at a grade lower than the adjacent residential properties. The proposed vehicular access and circulation should have minimal impacts on pedestrians and surrounding residential properties.

The site plan reduces the use of impervious surfaces. Landscaping would be installed between the parking area and the street and between the parking area and the residential property to the south where currently no landscaping is provided.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
 - **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**

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- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.
- All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

Conformance with above requirements:

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 15,444 square feet. The building footprint would be approximately 6,626 square feet. The lot area minus the building footprint therefore consists of approximately 8,818 square feet. At least 20 percent of the net site area (1,763.6 square feet) must be landscaped. Approximately 1,901 square feet of the site would be landscaped. That is equal to 21.6 percent of the net lot area.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 4 and 18 respectively. On-site, the applicant is proposing 3 ornamental trees and 20 shrubs. Four of the on-site shrubs are existing. Three ornamental trees and three shrubs exist in the right-of-way and the applicant is proposing to plant two new shrubs in the right-of-way. There are no boulevard canopy trees adjacent to this site. Although the applicant is proposing to provide ornamental trees and shrubs in excess of the minimum requirement, providing canopy trees would provide more shade for the parking area and sidewalk, reduce the heat island effect, and not impede views into and out of the parking area. Staff is recommending that the planning commission not grant alternative compliance and require the applicant to provide 4 canopy trees.

The parking area would be adjacent to 2nd Street. A 7 foot wide landscaped yard is required. A 4 foot wide yard is proposed. The parking area currently extends into the public right-of-way. The applicant is proposing to establish landscaping in the right-of-way between the lot line and the sidewalk resulting in an 8 foot wide landscaped area. If a larger yard is required, a row of parking would be eliminated or landscaping adjacent to the residential property would be eliminated. The parking may be needed to meet the minimum parking requirement for the future use of the production studio. The amount of landscaping proposed on the site exceeds the 20 percent requirement. For these reasons, staff is recommending that the planning commission grant alternative compliance.

The parking area is adjacent to two residential properties. A 7 foot wide landscaped yard is required between the parking area and the adjacent residential properties. A 3 foot wide yard exists along the east property line. Currently the parking area extends up to the south lot line. The applicant is proposing a 4 foot wide yard adjacent to the south lot line. The grade of the parking area is

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approximately 3 feet lower than the grade of the adjacent residential properties and the residential structures are approximately 30 feet from the parking area. If larger yards are required, a row of parking would be eliminated. The parking may be needed to meet the minimum parking requirement for the future use of the production studio. The narrower yards should have little effect on the residential properties. For these reasons, staff is recommending that the planning commission grant alternative compliance and allow narrower yards on the east and south sides.

Screening of the parking area from the street is required to be 3 feet in height and 60 percent opaque. The applicant is proposing to screen the parking lot with landscaping. However, the shrubs that are proposed would exceed three feet in height at maturity. Taller shrubs would not allow views into and out of the parking lot at eye level, which could create safety issues. Staff is recommending that the applicant provide an alternative shrub type that will meet the screening requirements.

Screening of the parking area from the adjacent residential uses is required to be 6 feet in height and not less than 95 percent opaque. The parking area is at a grade three feet lower than the adjacent residential uses. A chain link fence is located on the subject property above the retaining wall adjacent to the east property line. The applicant is proposing to grow vines on the fence to provide screening. The residence to the south has a solid, 6 foot high fence above the retaining wall. If the fence is ever removed, the applicant will need to provide adequate screening as required by section 530.170 of the zoning code.

Three trees are required between the parking area and the street. Three trees would be provided.

All areas unavailable for parking or needed for access would be landscaped.

All parking spaces would be within 50 feet of an on-site deciduous tree.

All other areas that are not already covered by the landscaping requirements, the building or parking areas must be covered by other plants such as grass and perennials. The applicant is proposing to plant native grasses and perennials. The applicant has proposed rock mulch in some of the landscape areas. In most installations of rock mulch, the rock migrates into the public right-of-way causing hazards, such as tripping, for pedestrians. Staff is recommending that only wood mulch be used.

Installation and maintenance of all landscape materials are required to comply with the standards outlined in section 530.210.

ADDITIONAL STANDARDS:

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
 - Natural surveillance and visibility

- **Lighting levels**
- **Territorial reinforcement and space delineation**
- **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

Conformance with above requirements:

Wheel stops are proposed for the parking spaces in order to allow infiltration of stormwater into a rain garden between the parking area and the sidewalk.

The building should not impede any views of important elements of the city.

The shadowing affects should not be significant.

Wind currents should not be major concern.

The site design provides controls and guides to movement on the site, and distinguishes between public and non-public spaces with landscaping, fencing and clearly defined walkways. To ensure adequate surveillance, staff is recommending that the applicant not block the windows with obstructions. The applicant is proposing lighting on all sides of the addition. To ensure the lighting will not have adverse affects on surrounding properties and vehicles and pedestrians, lighting shall comply with section 535.590 of the zoning code. To allow views into and out of the parking area from the street, landscaping should not obstruct views between 3 and 7 feet above grade. Staff is recommending that the applicant provide shrubs that grow to three feet at maturity and canopy trees in the landscaped area between the parking and the street. Graffiti is a problem in the area. The proposed materials of the addition should discourage graffiti. Additional graffiti prevention methods, such as a coating on the walls for easy removal of graffiti, should be used on the building as well.

Although the existing building is not historic, the applicant is proposing exterior improvements, such as restoring the brick façade and installing new windows.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE: The site is proposed to be zoned C1. In the C1 district, an office is a permitted use.

Parking and Loading:

Minimum automobile parking requirement: The minimum parking requirement for an office is one space per 500 square feet in excess of 4,000 square feet of gross floor area, or four spaces, whichever is greater. Basement storage area is not subject to the parking requirement, therefore the floor area used to calculate the parking requirement is 6,626 square feet. Therefore, a minimum of 5 spaces are required. At least one of those spaces must be accessible. Twenty-three spaces are proposed, one of which is accessible.

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Maximum automobile parking requirement: The maximum parking requirement for an office is one space per 200 square feet of gross floor area, or 33 spaces for the proposed use.

Bicycle parking requirement: The minimum bicycle parking requirement is 3 spaces or one space per 15,000 square feet, whichever is greater. Of the 3 spaces required, at least 50 percent must meet the standards for long term bicycle parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, required long-term bicycle parking spaces must be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. The applicant has indicated 3 spaces will be located in the storage room in the addition to meet these requirements.

Loading: The minimum loading requirement for an office less than 10,000 square feet is an adequate shipping and receiving facility, accessible by motor vehicle off any adjacent alley, service drive or open space on the same zoning lot. Parking in excess of the minimum requirement is available to meet the loading requirement.

Maximum Floor Area: The maximum FAR allowed in the C1 District is 1.7. The lot area is 15,444 square feet. The building would have a total of 6,626 square feet subject to the maximum FAR requirement, which is an FAR of 0.43.

In addition to the general floor area maximum, individual commercial uses are restricted in size. Commercial uses are limited to a maximum gross floor area of 4,000 square feet unless no parking is located between the principal structure and the street, then the maximum floor area of a commercial use can be increased to 6,000 square feet. No parking would be located between the building and the street. The proposed floor area is more than 6,000 square feet. The applicant is requesting a variance.

Building Height: The maximum height allowed in the C1 district is 2.5 stories or 35 feet, whichever is less. The building addition would be one story and 19 feet in height.

Yard Requirements: In the C1 district, yards are not required unless adjacent to a residence district or permitted or conditional residential use. A residential structure in a residential district is located south of the site adjacent to the rear lot line and a residential structure in a residential district is located adjacent to a portion of the east lot line. The interior side and rear yard requirement is equal to $5 + 2x$, where x is equal to the number of stories above the first floor. A one story building is proposed, therefore the minimum setback required is 5 feet. The building addition would be located well over 5 feet from the rear lot line and would not be located adjacent to the residential property to the east. The parking lot is also subject to the yard requirements; however, it was established before the yard requirements applied. The existing parking lot has no setback adjacent to the south lot line and a 3 foot setback adjacent to the east lot line. The applicant is proposing to maintain the 3 foot setback on the east side and establish a 4 foot setback on the south side.

Specific Development Standards: Not applicable.

Hours of Operation: In the C1 District, uses may be open to the public during the following hours:

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Sunday through Thursday from 6:00 a.m. to 10:00 p.m.; Friday and Saturday from 6:00 a.m. to 11:00 p.m. The applicant has indicated that the proposed hours of operation would be 8:00 a.m. to 5:00 p.m.

Signs: The applicant is proposing a wall sign on the west side of the building. In the C1 district, a wall sign up to 45 square feet in area that may be placed up to 14 feet above grade is allowed. The sign shown on the plans would exceed the allowed area for a wall sign. The applicant has indicated that the sign will be reduced in size to comply with the district requirements. All signage will require Zoning Office review, approval, and permits.

Refuse screening: Refuse storage containers are required to be effectively screened from the street and residences by screening compatible with the principal structure and not less than two feet higher than the refuse container. Refuse would be stored on the east side of the addition and would be screened by a composite gate from the street and nearby residential uses.

Screening of mechanical equipment: Mechanical equipment must be screened as required by section 535.70:

535.70. Screening of mechanical equipment. (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

- (1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
 - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
 - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
 - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

(b) *Exceptions.* The following mechanical equipment shall be exempt from the screening requirements of this section:

- (1) Minor equipment not exceeding one (1) foot in height.
- (2) Mechanical equipment accessory to a single or two-family dwelling.

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- (3) Mechanical equipment located in an I2 or I3 District not less than three hundred (300) feet from a residence or office residence district.

Lighting: Existing and proposed lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

535.590. Lighting. (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively arranged so as not to 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 source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

MINNEAPOLIS PLAN: In addition to the principles and policies discussed in the rezoning section of this staff report, the following apply:

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

Applicable Implementation Steps

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

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

10.10.7 Encourage the renovation of existing commercial buildings.

Policy 10.18: Reduce the visual impact of automobile parking facilities.

Applicable Implementation Steps

- 10.18.1 Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses.
- 10.18.2 Parking lots should maintain the existing street face in developed areas and establish them in undeveloped areas through the use of fencing, walls, landscaping or a combination thereof along property lines.
- 10.18.3 Locate parking lots to the rear or interior of the site.
- 10.18.4 Provide walkways within parking lots in order to guide pedestrians through the site.

Staff comment: With the adoption of the staff recommendation, the site plan will be consistent with these policies of the comprehensive plan.

ALTERNATIVE COMPLIANCE:

The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Alternative compliance is requested by the applicant to meet the following standards:

- Building wall within 8 feet of a street

The building addition would be set back 7 feet from 2nd Street except where the entrance is recessed. The entrance would be set back 11 feet. The recession is only a small portion of the entire building façade and provides relief in the length of the building. The alternative meets the intent of the ordinance.

- Blank wall exceeding 25 feet in width

The east elevation of the addition would include a wall without windows, entries, recesses or projections, or other architectural elements that would exceed 25 feet in width. The blank wall would be 38 feet wide. This side of the building faces a mixed use building with no windows on the first floor facing the interior lot line. It would not be visible from the street or nearby residences. The blank wall is adjacent to the future production studio. The applicant has also indicated that a soundproof, windowless space is needed for the production studio. Staff is recommending that the planning commission grant alternative compliance.

- Minimum window requirements

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The walls on the south and west elevations are subject to the minimum thirty percent window requirements because they would face the street or the parking area.

Along 2nd Street, 15 square feet of windows would be provided in the addition. The applicant is proposing to install windows in two opening that are currently closed up. The combined amount of windows on the west elevation is approximately 84 square feet, or 8.4 percent, measured between two and ten feet. The window in the addition adjacent to the new entrance would be vertical in proportion and located not more than four feet above the sidewalk grade. The applicant has not identified the visible light transmittance ratio of the proposed or existing windows. All windows are required to have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher. Also, shelving, mechanical equipment or other similar fixtures can not block views into and out of the building in the area between four and seven feet above the sidewalk. Because the production studio would be located at the south end of the building, only one window is proposed on the addition. The applicant has indicated that the use requires a soundproof and windowless space. To address the lack of windows, the applicant has proposed additional architectural features including a metal band, a pergola, and a masonry tile accent on the west façade. To ensure adequate natural surveillance, the windows in the existing building should not be obscured by shelving, equipment or other similar features. For these reasons, staff is recommending that the planning commission grant alternative compliance to the amount of windows required provided the windows are not covered, preventing natural surveillance.

The south wall facing the parking area would not have any windows. To meet the 30 percent requirement on the new addition, 116.4 square feet of clear or lightly tinted windows allowing views in and out of the building at eye level must be provided. The entire wall would be adjacent to a future production studio. The applicant has indicated that a soundproof and windowless space is required for this use. As an alternative, the applicant is proposing metal panels at the top of the wall and cedar frames with metal lattice for growing vines to break down the scale of the wall and to add visual interest. Because of the type of use and the alternatives proposed, staff is recommending that the planning commission grant alternative compliance.

- Minimum number of trees required

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 4 and 18 respectively. On-site, the applicant is proposing 3 ornamental trees and 20 shrubs. Four of the on-site shrubs are existing. Three ornamental trees and three shrubs exist in the right-of-way and the applicant is proposing to plant two new shrubs in the right-of-way. There are no boulevard canopy trees adjacent to this site. Although the applicant is proposing to provide ornamental trees and shrubs in excess of the minimum requirement, providing canopy trees would provide more shade for the parking area and sidewalk, reduce the heat island effect, and not impede views into and out of the parking area. Staff is recommending that the planning commission not grant alternative compliance and require the applicant to provide 4 canopy trees.

- Landscaped yard between the parking area and the street and adjacent residential properties

The parking area would be adjacent to 2nd Street. A 7 foot wide landscaped yard is required. A 4 foot wide yard is proposed. The parking area currently extends into the public right-of-way. The applicant is proposing to establish landscaping in the right-of-way between the lot line and the

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sidewalk resulting in an 8 foot wide landscaped area. If a larger yard is required, a row of parking would be eliminated or landscaping adjacent to the residential property would be eliminated. The parking may be needed to meet the minimum parking requirement for the future use of the production studio. The amount of landscaping proposed on the site exceeds the 20 percent requirement. For these reasons, staff is recommending that the planning commission grant alternative compliance.

The parking area is adjacent to two residential properties. A 7 foot wide landscaped yard is required between the parking area and the adjacent residential properties. A 3 foot wide yard exists along the east property line. Currently the parking area extends up to the south lot line. The applicant is proposing a 4 foot wide yard adjacent to the south lot line. The grade of the parking area is approximately 3 feet lower than the grade of the adjacent residential properties and the residential structures are approximately 30 feet from the parking area. If larger yards are required, a row of parking would be eliminated. The parking may be needed to meet the minimum parking requirement for the future use of the production studio. The narrower yards should have little effect on the residential properties. For these reasons, staff is recommending that the planning commission grant alternative compliance and allow narrower yards on the east and south sides.

- Parking lot screening requirements

Screening of the parking area from the street is required to be 3 feet in height and 60 percent opaque. The applicant is proposing to screen the parking lot with landscaping. However, the shrubs that are proposed would exceed three feet in height at maturity. Taller shrubs would not allow views into and out of the parking lot at eye level, which could create safety issues. Staff is recommending that the applicant provide an alternative shrub type that will meet the screening requirements.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the petition to rezone the property of 1229 2nd St NE from the R3 district to the C1 district.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to increase the maximum gross floor area of a commercial use in the C1 district from 6,000 sq. ft. to 9,489 sq. ft. for the property located at 1229 2nd St NE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Site Plan Review:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a site plan review for the property located at 1229 2nd St NE, subject to the following conditions:

1. CPED Planning staff review and approval of the final site, landscaping, floor and building elevation plans.
2. All site improvements shall be completed by November 9, 2010, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.
3. All new windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the windows as required by section 530.120 of the zoning code.
4. At least 4 canopy trees shall be provided on-site as required by section 530.160 of the zoning code.
5. Shrubs that comply with the screening requirements for a parking area adjacent to a street shall comply with section 530.170 of the zoning code.
6. Only wood mulch shall be used in the landscaped areas as required by section 530.180 of the zoning code.
7. At least 3 bicycle parking spaces meeting the zoning code requirements of section 541.180 shall be provided and shown on the final plans.
8. Signage shall comply with the C1 district requirements of Table 543-2 of the zoning code.

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9. Mechanical equipment shall be screened as required by section 535.70 of the zoning code.
10. Lighting shall comply with the standards of section 535.590 of the zoning code.

Attachments:

1. Statement of use
2. Findings
3. Zoning map
4. Plans
5. Photos