

**Department of Community Planning and Economic Development - Planning Division**  
Rezoning, Conditional Use Permit, Variances, and Site Plan Review  
BZZ-3763

**Date:** October 1, 2007

**Applicant:** Darrel LeBarron

**Address of Property:** 2001 University Avenue SE

**Project Name:** Station 19

**Contact Person and Phone:** Tom Peterson – Station Nineteen Architects 612-623-1800

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

**Date Application Deemed Complete:** September 10, 2007

**End of 60 Day Decision Period:** November 9, 2007

**Date Extension Letter Sent:** September 11, 2007

**End of 120 Day Decision Period:** January 8, 2008 (staff sent a letter extending the review period to January 3, 2008)

**Ward: 2 Neighborhood Organization:** PPERRIA

**Existing Zoning:** C1 Neighborhood Commercial and OR2 High Density Office Residence Districts.

**Proposed Zoning:** C1 Neighborhood Commercial District

**Zoning Plate Number:** 22

**Legal Description:** That part of Lots 7, 8 and 14, Block 14, REGENTS' ADDITION, according to the recorded plat thereof, described as commencing at the intersection of the northeasterly line of said Block 14 with the northeasterly line of the Southwesterly 20.0 feet of said Block 14; thence northwesterly along said northeasterly line of Southwesterly 20.0 feet a distance of 467.05 feet to the actual point of beginning; thence northeasterly deflecting to the right 90 degrees 00 minutes 00 seconds 30.39 feet; thence northeasterly and northerly along a tangential curve concave to the northwest having a radius of 261.00 feet to the northwesterly line of said Lot 14; thence southwesterly along the northwesterly lines of said Lots 14 and 8 to the northeasterly line of the Southwesterly 20.0 feet of said Block 14; thence southeasterly along said northeasterly line to the point of beginning.

**Existing/Proposed Use:** Expansion to an existing office building.

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### Concurrent Review:

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

**Variance:** To reduce the required north side yard setback from 5 feet to zero feet to allow parking in the setback.

**Variance:** To increase the maximum allowable gross floor area for a use from 8,000 square feet to approximately 15,600 square feet.

**Variance:** To decrease the minimum drive aisle widths in the parking area.

**Site Plan Review:** For an approximately 2,050 square foot addition to an existing building.

**Applicable zoning code provisions:** Chapter 525, Article VI, Zoning Amendments; Chapter 525, Article IX Variances, specifically Section 525.520(1) “to vary the yard requirements...”, Section 525.520(3) “to vary the gross floor area...”, and Section 525.520(14) “to reduce the minimum required width of parking aisles...”; and Chapter 530, Site Plan Review.

**Background:** Station 19 is a designated historic landmark that was built in 1892 as a fire station that is currently utilized as an office building. The site is surrounded by the University of Minnesota campus and is adjacent to the new stadium site. Recently parts of Oak Street SE and Huron Boulevard SE were vacated and redesigned for the stadium project. Oak Street SE was moved from the west side to the east side of Station 19, the building to the east of Station 19 was demolished, and a remnant parcel was created between the Station 19 parcel and the new Oak Street SE that is owned by the University of Minnesota.

The applicant proposes a two story addition to the east side of the building to add office space, add an elevator to make the building accessible, and to relocate the entrance to the building from the old Oak Street SE to the new Oak Street SE. The applicant has a permanent easement from the University of Minnesota to allow the building onto the University’s property. The applicant is required to rezone this parcel from OR2 to C1 to eliminate the split zoning on the zoning lot. The project also requires setback, floor area, and drive aisle variances. The proposal received Heritage Preservation Commission approval, subject to conditions, on July 24, 2007 (please see attached actions).

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

### **REZONING (from OR2 Residential to C1 Commercial)**

#### **Findings As Required By The Minneapolis Zoning Code:**

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

*The Minneapolis Plan* designates this part of University Avenue SE as a Community Corridor and adjacent to an Activity Center (Stadium Village) and a Growth Center (University of Minnesota).

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*The Minneapolis Plan* states the following about Community Corridors: “Community Corridors are locations that support new residential development at medium density and increased housing diversity in our neighborhoods. 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. The streets, which form the spine of the community corridors, carry fairly high volumes of traffic, but must balance vehicular travel against residential quality of life. These streets are also important identifiers and travel routes for neighborhood residents and pass-through traffic.” It has the following policies and relevant implementation steps for Community Corridors:

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

#### **Implementation Steps**

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

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

### **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.**

#### **Implementation Steps**

Require that street design for these corridors preserves and enhances the strong residential character and pedestrian orientation of these streets while maintaining the street’s capacity to carry current volumes of traffic.

Discourage the conversion of existing residential uses to commercial uses, but encourage the development of mixed use residential dwelling units in commercial buildings where appropriate.

Support the continued presence of small scale retail sales and commercial services along Community Corridors.

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

Prioritize transit advantages to Community Corridor streets, and encourage the routing of express transit service to these streets wherever possible.

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

#### **Implementation Steps**

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

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

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

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*The Minneapolis Plan* states the following about Activity Centers: “Activity Centers are destinations that attract large numbers of visitors, workers and residents. They support a wide range of commercial, office-residential and residential uses, a busy street life and levels of activity throughout the day and into the evening. They are heavily oriented towards pedestrians, and maintain a traditional urban form and scale. While many commercial uses are permitted in these areas, it is important to note that some commercial uses on these streets will be evaluated on the basis of negative impacts the use generates relative to the location and its surroundings. These impacts may include noise, fumes and negative aesthetics, and will be addressed from the perspective of how nearby residential areas are affected by such impacts.” It has the following policies and relevant implementation steps for Activity Centers:

### **4.7 Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.**

#### **Implementation Steps**

Designate Activity Centers according to criteria outlined above.

Ensure that land use regulations support diverse commercial and residential development types which generate activity all day long and into the evening.

Promote the incorporation of residential uses within the same structure as other commercial uses.

Preserve traditional urban form in buildings where it currently exists, and encourage new development to relate to traditional siting and massing, where it is already established. (See description of traditional urban form in Chapter 9, City Form.)

Discourage automobile services and drive-through facilities from locating in these designated areas.

Develop parking facilities and management strategies that accommodate high customer demand, promote shared facilities and minimize visual impact and adverse effects on pedestrian and sidewalk traffic.

Ensure that regulations balance the transition between high traffic land uses and adjoining residential areas.

Require that buildings in Activity Center districts incorporate a pedestrian orientation at the street edge.

The proposed expansion of C1 zoning onto the remnant parcel created by the Oak Street SE relocation will allow accessibility and access improvements to an existing office use. The C1 District is an appropriate zoning on a corner property surrounded by large institutional uses on a community corridor adjacent to an Activity Center.

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

The rezoning will allow for accessibility and access improvements that are necessitated by changes in the surrounding street rearrangement that will allow the building to interact better with the new development. This is in the public interest.

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- 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.**

There are large institutional university buildings around the entire site zoned OR2 to the east, OR3 to the west, C1 to the south, and I1 to the north. The rezoning would be compatible with the zoning and uses in 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.**

The OR2 High Density Office Residence District allows a range of office, residential, and institutional uses, which would be a reasonable use of the property; however, split zoning is not allowed on a zoning lot, so for any addition to be done, a rezoning is necessary.

- 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.**

This portion of University Avenue SE has undergone substantial change in recent months with the vacation and rerouting of streets and demolition of buildings for the University of Minnesota stadium project.

**VARIANCE (to reduce the required north side interior setback from 5 feet to zero)**

**Findings Required by the Minneapolis Zoning Code:**

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

The applicant plans to configure the parking area with the same number of spaces that the site has had historically. This is necessary because the access has been changed from the west side of the site to the east side of the site. While the site currently has parking in this area, staff could not find any record that it was established legally, so a variance is necessary. The area to the north is parking for the University making the setback less necessary. In addition, the parcel is irregularly shaped making it difficult to meet the setback requirement. Requiring this setback would cause an undue hardship and would be unreasonable.

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- 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 parking lot changes are prompted by the relocation of Oak Street SE from the west side of the site to the east side of the site as a part of the University of Minnesota stadium project. This is a unique circumstance that is not generally applicable to other properties in the city.

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

The intent of the ordinance is to provide a separation and buffer between residential properties and commercial properties. The area to the north of the site is used as parking. The University will provide a landscaped yard on their property along the site as a buffer. The variance should not circumvent 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 variance will allow an existing parking lot to operate in basically the same configuration that is has historically been used and it will not increase the number of parking spaces, so it will not generate traffic congestion in the public streets. It should not be detrimental to the public welfare or safety or increase the danger of fire.

### **VARIANCE (to increase the maximum floor are per use from 8,000 to 15,600)**

#### **Findings Required by the Minneapolis Zoning Code:**

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

The C1 Neighborhood Commercial District commercial uses are limited to 4,000 square feet of floor area, but if they have no parking between the principal structure and the front lot line and there structure is at least two stories, then individual uses have up 8,000 square feet of floor area. The intent of the provision is to provide for smaller scale commercial storefront uses in the C1 Districts.

In this case the area is surrounded by large scale institutional uses. In addition, the structure already exceeds the 8,000 square foot limit, so any addition would not be allowed without a variance, and finally the proposed addition is intended to improve access and accessibility rather than be a significant expansion or intensification of the use. Without the variance the use would not be able to accomplish these goals and this would be a hardship. The proposed expansion, especially considering the surrounding building sizes, is a reasonable use of the site.

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- 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 building expansion is prompted by the relocation of Oak Street SE from the west side of the site to the east side of the site as a part of the University of Minnesota stadium project. This is a unique circumstance that is not generally applicable to other properties in the city.

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

The intent of the provision is to provide for smaller scale commercial storefront uses in the C1 Districts. In this case the existing building is already larger than the 8,000 square foot maximum and is surrounded by large institution building. A multi-tenant commercial building could be larger than this proposal if each of the existing tenant spaces were 8,000 square feet, so this office use is not necessarily too large for a C1 District. The proposed variance will not circumvent 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 variance will allow for additional floor area, but not a significant amount that would generate traffic congestion in the public streets as a significant amount of space in the addition will be utilized for an elevator and meeting rooms. It should not be detrimental to the public welfare or safety or increase the danger of fire.

### **VARIANCE (to reduce the drive aisle width from 20 feet to 17 feet )**

#### **Findings Required by the Minneapolis Zoning Code:**

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

The applicant plans to reconfigure the parking area with the same number of spaces that the site has had historically. This is necessary because the access has been changed from the west side of the site to the east side of the site. While the site currently has substandard drive aisles, staff could not find any record that it was established legally, so a variance is necessary. In addition, the parcel is irregularly shaped making it difficult to meet the drive aisle requirements without reducing the number of spaces, which would in turn necessitate a variance to reduce the required amount of parking. Requiring the standard drive aisle widths would cause an undue hardship and would be unreasonable.

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- 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 parking lot changes are prompted by the relocation of Oak Street SE from the west side of the site to the east side of the site as a part of the University of Minnesota stadium project. This is a unique circumstance that is not generally applicable to other properties in the city.

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

The intent of the ordinance is to provide adequate maneuvering space for parking areas. While not ideal, the applicant has been able to make this type of parking layout in the past by utilizing compact spaces and managing staff parking without difficulty. In this case, the variance should not circumvent 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 variance will allow an existing parking lot to operate in basically the same configuration that it has historically been used. It will not increase the number of parking spaces, so it will not generate additional traffic congestion in the public streets. It should not be detrimental to the public welfare or safety or increase the danger of fire.

### **SITE PLAN REVIEW**

#### **Required Findings for Site Plan Review**

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

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**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 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

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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 530.20 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.

The existing building is setback 20 feet from the University Avenue SE right-of-way (40 feet from the sidewalk) and 60 up to 75 feet away from the new Oak Street SE right-of-way. The proposed addition will not be up to the University Avenue or Oak Street property lines, but staff recommends alternative compliance, because the addition would have to be much larger to be up to the property lines. There are landscaping, decorative fencing, and a brick patio between the building and the public streets that are amenities.

The entrance of the addition faces to the north, but is connected to Oak Street SE with a brick walkway. There is a principal entrance to the building faces University Avenue SE.

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

The exterior materials of the addition are durable and are made of brick, copper, aluminum, and glass. The new building walls will contain architectural detail including brick and large windows that are designed to complement the existing building. There are no blank facades greater than 25 feet in length. In addition, the exterior has received Heritage Preservation Commission approval with conditions.

Non residential uses are required to provide 30 percent windows on the first floor and 10 percent windows on the second floor of facades facing a public street or on-site parking lot, for the new construction. The addition provides 100 percent windows on both floors on all sides.

### **ACCESS AND CIRCULATION:**

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

The entrance to the building opens onto University Avenue SE and Oak Street SE. The accesible spaces are connected to the front door by a walkway.

There are no transit shelters on the site.

Vehicular access and circulation has been designed to minimize conflict with pedestrians. There are no adjacent alleys.

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Public Works and the Fire Department have reviewed the site plan for access and circulation and find them acceptable.

The site has been designed to minimize impervious surfaces and all areas that are not covered by buildings, pedestrian access, and paved areas necessary for parking, loading, and the associated maneuvering are pervious surfaces used for landscaping and stormwater management.

**LANDSCAPING AND SCREENING:**

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

The site plan shows 50 percent landscaping. The zoning lot area is 32,319 square feet and the footprint of the building is 5,363 square feet. This leaves 26,956 square feet, of which 20 percent (5,391 square feet) is required to be landscaped. The applicant is providing approximately 10,680 square feet of landscaped area on site.

The development is required to provide 11 trees and 54 shrubs. The site plan shows seven trees on site and does not show the number of shrubs. The final site plan shall show 54 shrubs on site, but staff recommends granting alternative compliance for the number of trees, as an addition 13 trees are planted or will be planted around the perimeter of the site on the University of Minnesota property.

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The seven foot wide landscaped yard between the parking and the sidewalk on Oak Street SE is provided. The three foot high 60 percent opaque screening is shown generally in this area, but the final plan shall show the exact number of plants and their type and location. The seven foot wide buffer along the north side with three foot high 60 percent opaque screening is not provided on site, but staff recommends alternative compliance as it will be provided on the University's property to the north. All parking spaces will be within 50 feet of a deciduous tree.

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

### **ADDITIONAL STANDARDS:**

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

Curbing is shown around the surface parking area, except on the west side where the old curb cuts are located. Curbing shall be added in this area that may be discontinuous to facilitate stormwater management

The building addition has been designed to minimize the impact of blocking important views of the city and shadowing public spaces and adjacent properties. It should not significantly generate wind currents at ground level.

The plan meets the CPTED guidelines. The site is designed with landscaping, fencing, and architectural features to delineate space and control access while allowing views into and out of the site. Staff recommends that proper lighting be provided and that the landscaping follow the three-foot seven-foot rule to allow proper views into and out of the site.

The building is a designated landmark and the proposed addition has received Heritage Preservation Commission review and approval, subject to conditions.

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**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:** An office building is permitted use in the C1 Neighborhood Commercial District.

**Off-Street Parking and Loading:** The zoning code requires 1 space per 300 square feet of gross floor area in excess of 4,000 square feet for offices. The gross floor area is approximately 15,600 square feet. This results in a parking requirement of 39 spaces and 41 are provided, of which 12 are compact spaces. Two handicapped accessible spaces are required and two are provided; of which both are van accessible. One small loading space is required, but the site is grandfathered for this requirement and no loading space is provided.

**Maximum Floor Area:** The maximum FAR in the C2 District is 1.7. The zoning lot in question is 32,319 square feet in area. The site will contain approximately 15,600 square feet of gross floor area on the lot, an FAR of 0.48. While the building does not exceed the maximum allowable FAR, the use exceeds the maximum allowable floor area per use by 7,600 square feet, the applicant has requested a variance and staff is recommending approval. If the variance is granted, the project will comply with the floor area requirement.

**Building Height:** Building height in the C1 District is limited to 2.5 stories or 35 feet, whichever is less. The existing building is 3 stories (two floors and a mezzanine) and 37 feet at its highest point. The second floor of the existing building is 23 feet with a mezzanine, which exceeds the 14 foot maximum for a story, so it is counted as two stories. The new addition is two stories and 23 feet tall.

**Minimum Lot Area:** There is no minimum lot size for offices in the C1 District.

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

**Yard Requirements:** In general there are no setback requirements in C1 District unless adjacent to residential zoning. There is OR2 office Residence zoning to the north of this site so a five foot setback is required along the north property line. the applicant has requested a variance to reduce this setback to zero feet and staff is recommending approval of this variance.

**Specific Development Standards:** There are no Specific Development Standards for an office in the C1 District.

**Hours of Open to the Public:** In the C1 District, uses may be open to the public during the following hours: Sunday through Thursday from 6:00 a.m. to 10:00 p.m. and Friday and Saturday from 6:00 a.m. to 11:00 p.m. The office will be open 8:00 a.m. to 5:00 p.m. everyday.

**Signs:** Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. While the sign plan has not yet been finalized, the preliminary sign plan meets the standards of the zoning code, with the exception of lighting. In addition, all new signage will require Heritage Preservation Commission review and approval. The applicant is aware of these requirements.

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**Refuse storage:** Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The refuse containers shall be screened per code.

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

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

**MINNEAPOLIS PLAN:** In addition to those policies listed under finding number one in the rezoning section of the staff report the comprehensive plan has the following relevant policy and implementation steps regarding urban design:

### **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.

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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.

With the conditions of approval the site plan and building design are in conformance with these policies of the comprehensive plan.

### **SMALL AREA PLANS ADOPTED BY COUNCIL:**

The Southeast Minneapolis Industrial (SEMI) Alternative Urban Areawide Review (AUAR) was adopted by the Minneapolis City Council on July 31, 2001. In general, it states that land use in the south redevelopment area should change from one dominated by heavy manufacturing to one of balanced mixed uses, including offices, and should consist of three to five-story buildings (page 16). The existing building and proposed addition are in conformance with these goals.

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

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

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

- Building placement within eight feet of the front lot line.

The existing building is setback 20 feet from the University Avenue SE right-of-way (40 feet from the sidewalk) and 60 up to 75 feet away from the new Oak Street SE right-of-way. The proposed addition will not be up to the University Avenue or Oak Street property lines, but staff recommends alternative compliance, because the addition would have to be much larger to be up to the property lines. There are landscaping, decorative fencing, and a brick patio between the building and the public streets that are amenities.

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- Number of trees on site.

The development is required to provide 11 trees. The site plan shows seven trees on site. Staff recommends granting alternative compliance for the number of trees, as an addition 13 trees are planted or will be planted around the perimeter of the site on the University of Minnesota property.

- Three foot high 60 percent opaque screening of parking area along the north property line.

The seven foot wide buffer along the north side with three foot high 60 percent opaque screening is not provided on site, but staff recommends alternative compliance as it will be provided on the University's property to the north.

### **RECOMMENDATIONS:**

#### **Recommendation of the Community Planning and Economic Development Department - Planning Division for conditional use permit for the rezoning :**

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission and City Council adopt the findings above and **approve** the rezoning from the OR2 High Density Office Residence District to the C1 Neighborhood Commercial District for property located at 2001 University Avenue SE.

#### **Recommendation of the Community Planning and Economic Development Department - Planning Division for the north side interior yard setback variance:**

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the required north yard interior setback 5 feet to zero for property located at 2001 University Avenue SE.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to increase the maximum allowable gross floor area for a use from 8,000 square feet to approximately 15,600 square feet for property located at 2001 University Avenue SE.

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### **Recommendation of the Community Planning and Economic Development Department - Planning Division for the parking drive aisle width variance:**

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to decrease the minimum allowable drive aisle width to 17 feet for property located at 2001 University Avenue SE.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the site plan review for property located at 2001 University Avenue SE subject to the following conditions:

- 1) CPED Planning staff review and approve the site plan, lighting plan, landscaping plan, and elevations before permits may be issued.
- 2) All site improvements shall be completed by October 1, 2008, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 3) Compliance with the Heritage Preservation Commission approvals.
- 4) Provision of the required screening of the refuse and recycling contains as specified by Section 535.80 of the zoning code.
- 5) The final landscaping plan shall show the exact location, type, and number of shrubs and trees on the final site plan and shall have no less than 54 on-site shrubs.
- 6) Provision of curbing and landscaping in the old west side curb cuts to match the adjacent curbing and landscaping. The curbing may be discontinuous to allow for stormwater management.

### **Attachments:**

1. Statements from applicant.
2. PDR report.
3. Zoning maps.
4. Site plans, floor plans, and elevations.
5. Photos.