



**Request for City Council Committee Action
From the Department of Community Planning & Economic Development**

Date: September 15, 2005

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

Prepared by: Jim Voll, City Planner, (612) 673-3887

Approved by: Jason Wittenberg, Development Services Supervisor

Subject: Appeal of the decision of the City Planning Commission by Robert Thomas

Previous Directives: None.

Financial Impact: Not applicable

<p>Community Impact:</p>

<p>Ward: 9</p>

<p>Neighborhood Notification: The Corcoran neighborhood was notified of the application and has submitted a letter (please see attached letter).</p>

<p>City Goals: See staff report</p>
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<p>Comprehensive Plan: See staff report</p>
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<p>Zoning Code: See staff report</p>

<p>Living Wage/Job Linkage: Not applicable</p>

<p>End of 60/120 Day Decision Period: On September 2, 2005, staff sent a letter to the applicant extending the 60 day decision period to no later than November 8, 2005.</p>

<p>Other: Not applicable</p>

Background/Supporting Information: Cedar Lake Revival LLC applied for a conditional use permit and a site plan review to allow a shopping center at 1825 East Lake Street and 3005-3001 Cedar Avenue South. The City Planning Commission denied the conditional use permit and approved the site plan review at its meeting of August 15, 2005. Robert Thomas, of Cedar Lake Revival LLC filed an appeal of the Planning Commission's decision (please see attached appeal) on August 25, 2005.

**Department of Community Planning and Economic Development - Planning
Division**

Conditional Use Permit and Site Plan Review
BZZ-2512

Date: August 15, 2005

Applicant: Hamoudi Sabri dba Cedar Lake Revival LLC

Address Of Property: 1825 East Lake Street and 3005-3011 Cedar Avenue South

Contact Person and Phone: Daphne Osiaks – Petra Development 612-722-5932

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

Date Application Deemed Complete: July 11, 2005

End of 60 Day Decision Period: September 9, 2005

Ward: 9 Neighborhood Organization: Corcoran

Existing Zoning: C2 Neighborhood Corridor Commercial District & PO Pedestrian Oriented Overlay District.

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 26

Legal Description: Not applicable for this application.

Proposed Use: Shopping center.

Concurrent Review:

Conditional Use Permit: To allow a shopping center.

Site Plan Review. Site plan review for a shopping center.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits and Chapter 530 Site Plan Review.

Background: A conditional use permit for a shopping center and a parking variance from 58 spaces to zero spaces was denied by the Planning Commission on March 28, 2005, and by the City Council on appeal on May 13, 2005. This site is located at the southeast corner of East Lake Street and Cedar Avenue South and is about ½ mile from the Lake Street LRT station. A building permit was obtained for multi-tenant infill retail buildings on December 12, 2004. Demolition of structures on the infill sites has been completed and excavation and construction is nearly complete on the infill buildings.

The original plans were approved for storefront buildings. The zoning code defines a

storefront building as a mixed use or multiple story building, which may share a common wall with one or more buildings, all of which front within 5 feet of a front lot line or public sidewalk, and where each ground floor use includes a separate principal customer entrance facing the street. The original plans showed the building placement up to the property lines on Lake Street and Cedar Avenue and separate retail tenant spaces individual entrances facing the streets. The original plans were approved administratively because a storefront building is a permitted use in the C2 District, the proposal was not subject to site plan review, and sufficient grandfather rights existed to meet the minimum parking requirement.

The applicant now proposes to increase the number of tenant spaces and to link the individual tenant spaces by a common hallway. Some of the tenant spaces will not open onto the street, but will open onto the common hallways. The zoning code defines any unified development of two or more ground floor commercial uses, excluding offices, operated under common ownership or management, which may be connected by a common wall or may be freestanding, and which may include common parking and signage, but is not a storefront building, as a shopping center. The proposed changes to the development makes the use a shopping center. Shopping centers require a conditional use permit and site plan review in the C2 District. The site is now required to meet the applicable standards of the site plan review chapter and to have a new site plan reviewed and approved by Planning and Public Works staff. The site has an approved Public Works plan (PW#7585), but this was only to allow the demolition and reconstruction of the infill structures. Public Works requires that any development subject to site plan review have a plan approved that meets all applicable requirements. The applicant attended Preliminary Development Review (called Preliminary Site Plan Review at the time) on July 6, 2005, and the meeting notes are attached to this report.

The site plans show two different parking arrangements. Staff recommends the layout on sheet A210, not the one on sheet A100.

CONDITIONAL USE PERMIT (to allow a shopping center)

Findings as required by the Minneapolis Zoning Code:

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

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

This site is zoned C2 Neighborhood Corridor Commercial District and is on a commercial corridor. The buildings are existing retail structures and the site will meet the parking requirements of the zoning ordinance and the design standards of site plan review. By connecting the tenant spaces of the retail buildings with a interior hallway, the project is defined as a shopping center under the zoning code. This should have little impact on the surrounding area.

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

The use of the site as a shopping center should not be detrimental to the surrounding area. Retail is an appropriate use on a commercial corridor. The buildings have been placed up to the street and have individual entrances onto the street in conformance with the goals of traditional urban design.

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

Utilities and access are existing and adequate. A drainage plan is required by Public Works at the final site plan stage.

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

Parking for the site is based on one space per each 300 square feet of gross floor area, after the first 4,000 square feet, but a minimum of four spaces for each tenant space over 100 square feet. There are 15 retail spaces in the building (over 100 square feet, but under 4,000 square feet) and at four spaces each, this creates a requirement of 60 spaces. There are three apartments on the third floor that require one space per unit for a total of three spaces. The total for these uses is 63 spaces. The site is in the Pedestrian Oriented (PO) Overlay District, which provides that 75 percent of the parking requirement for the commercial uses specified by Chapter 541 of the zoning code be provided. This reduces the required parking to 45 for the commercial and 48 overall (including the three for the residential). There are five spaces provided on site (per sheet A210) The site has grandfather rights to the remaining 43 parking spaces required. The site meets the parking requirements of the zoning ordinance.

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

The Minneapolis Plan designates this portion of Lake Street as a commercial corridor. The plan states that, "Commercial Corridors are streets that are available for development including more intensive commercial and high traffic activities. The buildings and structures on these streets are generally similar to traditional commercial storefronts and the siting and massing of new structures should respect this typology. These corridors must balance both pedestrian and automobile orientation in their design and development. The corridors support all types of commercial uses, with some light industrial and high density residential uses as well. While the character of these streets is commercial, residential areas are nearby and impacts from commercial uses must be mitigated as appropriate."

The site is also in a Transit Station Area (TSA). *The Minneapolis Plan* states the following about TSAs has the following relevant policies:

Transit Station Areas (TSAs) are designated on the Land Use Policy Map. The Minneapolis Plan does not delineate the precise geographic extent of these policy areas. The following

general characteristics should be used to guide policy application and implementation steps in these areas:

- TSAs will be the subject of established master plans that identify and/or prioritize areas for change (and preservation), as well as specific goals and objectives for redevelopment, public infrastructure, density and urban design.
- TSAs are areas approximately one-half mile in radius from transit stations, reflecting an understanding that most walking trips to and from transit stations are ten minutes or less in duration. Density, urban design, and public infrastructure is, therefore, especially critical in these areas. The actual size of this area is influenced by directness of routes, physical barriers, and the potential for those barriers to be bridged.
- Potential TSA densities and/or redevelopment opportunities are generally highest within 1/4 mile of the transit station, but are also dependent upon factors such as existing neighborhood character and land cost and availability.
- TSA development is designed with the pedestrian, bicyclist, and/or transit user in mind.
- TSA development serves individuals who are more likely to use transit (e.g., residents of multi-family housing and office and retail workers)
- TSA development includes small-scale retail services that are neighborhood in scale and from which pedestrians, bicyclists, and/or transit riders are likely to benefit (e.g., coffee shop, day care, dry cleaners, small-scale grocery, flower shop)

4.18 Minneapolis will encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users.

Implementation Steps

Explore and pursue opportunities to integrate development with transit stations.

Concentrate highest densities and mixed-use development nearest the transit station and/or along Commercial Corridors, Community Corridors and/or streets served by local bus transit.

Ensure that new development density is well integrated with existing neighborhood character through transitions in scale and attention to design.

Support the development of new housing types in the TSA, including townhomes, mansion apartments, garden apartments, granny flats/carriage houses, and multi-family residential buildings.

Support and encourage small-scale, pedestrian-oriented services and retail uses to locate near stations and within mixed-use buildings to serve transit riders and the immediate neighborhood (e.g., day care centers, cafés, dry cleaners, convenience grocery, etc.).

Recruit land uses that value convenient access to downtown Minneapolis or other institutional or employment centers that are well served by transit.

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

4.19 Minneapolis will require design standards for TSAs that are oriented to the pedestrian and bicyclist and that enforce traditional urban form.

Implementation Steps

Ensure that TSA building and site design is oriented to the pedestrian (e.g., reinforcing street walls, anchoring street corners, creating semi-public outdoor spaces, creating visual interest, providing adequate fenestration, and ensuring that principal building entrances open onto public sidewalks).

Preserve traditional urban form where it currently exists within TSAs, and encourage new development to relate to this context. (See description of traditional urban form in *Chapter 9, City Form*)

Work in partnership with neighborhoods and businesses to enhance the safety and aesthetics of TSA streets and sidewalks through installation of streetscape elements (e.g., lighting, trees, and street furniture).

Ensure that new development and renovation of existing structures adhere to the principles of Crime Prevention Through Environmental Design (CPTED) (See description of building form and context in *Chapter 9, City Form.*)

Ensure that TSA development is well integrated into the surrounding neighborhoods through attention to building design, landscaping, and transitions in density and land use.

4.20 Minneapolis will provide direct connections to transit stations for pedestrians, bicyclists, and bus riders.

Implementation Steps

Design streets, sidewalks, and other public infrastructure to prioritize pedestrian, bus and bicycle access to transit stations (e.g., create wider sidewalks; construct pedestrian bridges, tunnels, and plazas; add bicycle lanes and parking; create bus lanes, pull-outs, and waiting facilities.)

Work with transit service providers to ensure that bus connections to transit stations are safe, attractive and easy to use (e.g., establish appropriate signage and waiting facilities on important connecting local bus routes)

Enhance pedestrian connections to stations where walking environments are unsafe or uninviting (e.g., buffering pedestrians from traffic, reducing intersection crossing distances, installing traffic control devices, limiting the size and number of curb cuts, improving streetscapes including lighting and landscaping, installing public art, etc.)

Mitigate physical barriers that prevent easy access for pedestrians to the stations (e.g., bridging highways or high-volume roadways, creating safe pedestrian underpasses, acquiring new public rights-of-way and passages, etc.)

Enhance pedestrian connections and wayfinding from neighborhoods with high concentrations of transit users.

Work in partnership with neighborhoods and businesses to ensure that primary pedestrian and bicycle routes are well maintained, free of obstacles, and cleared of snow and litter.

Establish working relationships with institutions, large employers, and/or landowners to encourage transit use and improve wayfinding to/from transit.

4.21 Minneapolis recognizes that parking is a necessary part of the urban environment, but will limit the amount, location, and design of parking in TSAs in order to encourage and support walking, bicycling, and transit use.

Implementation Steps

Establish upper limits on the amount of off-street parking so that walking, bicycling and transit use are not discouraged.

Allow reductions in minimum off-street parking requirements.

Support shared use of parking by commercial uses with different peak periods of parking demand.

Restrict the location of off-street parking for new development to the side or rear of buildings, so that there are direct connections between the public sidewalk and the principal entrances of buildings.

Limit the amount of street frontage for new off-street parking lots and require landscaping between parking lots and public sidewalks.

Provide density bonuses for land uses that provide parking underground or within structures.

Use parking meters and other parking management practices to ensure an adequate supply and turnover of on-street parking for commercial activities.

Discourage long-term on-street parking by non-residents.

Work in partnership with the Metropolitan Council to evaluate and address the impact of automobile traffic and parking generated by the presence of transit stations.

Limit parking facilities in neighborhoods that are exclusively for the use of transit riders.

Work in partnership with other entities to identify opportunities for shared parking facilities to strategically support the development within TSAs.

The use of the site for a shopping center as proposed is in conformance with the above noted goals of the comprehensive plan, as it has a mix of uses and the buildings are designed with principals of traditional urban design.

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

The proposed development will conform with all other regulations of the zoning code if the conditional use permit and site plan review are approved.

SITE PLAN REVIEW

Required Findings for Major Site Plan Review

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

B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan 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 FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. 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 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.

Some of the buildings are existing and there are infill buildings proposed along the entire Lake Street frontage and between existing buildings on Cedar Avenue. The buildings are located up to the front property lines. The parking area is at the interior of the site. The principal entrances open onto Lake Street and Cedar Avenue. The buildings are up to the sidewalks and property lines on Lake and Cedar. The exterior of the buildings are brick. The east façade is blank for more than 25 feet, but is existing.

The existing and proposed windows on Lake Street and Cedar Avenue meet the required 40 percent windows for first floor facades in the PO overlay District. The Cedar frontage has 59 percent windows on the first floor and the Lake Street frontage has 71 percent windows on the first floor. The west side of the southerly infill building does not meet the required 30 percent windows facing a parking area. This shall be increased to 30 percent. The windows on the second floor meet the required 10 percent for facades facing a public street or parking lot. The Cedar Avenue and Lake Street frontages have 15 percent windows and the east side facing the parking area has 12 percent windows. All proposed windows are vertical in proportion and distributed evenly and the bottom of the ground floor windows are within four feet of grade.

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 main entrances of the buildings open onto the public sidewalk. There are no transit shelter proposed as a part of the development. Public Works has reviewed the parking lot for access and circulation and finds the design acceptable. There is very little room for snow storage so a snow removal plan is required at the final site plan stage. One handicapped (one van) accessible space is required and one is provided. Section 530.150 prohibits alley access for any non-residential uses over 4,000 square feet. Planning and Public Works recommend that the Planning Commission allow alley access in this case as it is the only way to access the rear of the site and because the parking area is so small it should have very little impact on the alley. There are commercial uses to the east of the lot as well.

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.

No landscaping is provided at the rear of the site. There is very little room at the rear of the site available for landscaping as it is almost entirely covered by buildings. The remainder of the site is almost entirely utilized for parking and loading. Staff recommends alternative compliance to eliminate the landscaping and tree requirement due to the site conditions that make it impractical to install landscaping.

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.**
- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- 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 provided in the parking area.

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.

There are no adjacent residential uses that need to be screened from vehicular headlights.

The buildings are two stories, so they will not block important views of the city, shadow public spaces or adjacent properties, or generate significant wind currents at ground level.

The City's crime prevention through environmental design (CPTED) standards recommend that all vegetation should follow the 3 foot - 7 foot rule, which states that plantings should not exceed three feet in height and that the canopies of trees should be over seven feet in height allowing a window of visibility into the site.

The site and buildings are not historically designated.

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 proposed use is a conditional use in the C2 district.

Pedestrian Oriented Overlay District: The proposed site plan is in conformance with the requirements of the PO Overlay District. The PO Overlay encourages the use of awnings and canopies to provide protection for pedestrians and shall be placed to emphasize individual uses and entrances. Staff recommends that awnings be added to the Lake Street and Cedar Avenue facades, subject to Public Works approval of the encroachment into the public right-of-way. The entire facades do not have to have awnings.

Off-Street Parking and Loading: Parking for the site is based on one space per each 300 square feet of gross floor area, after the first 4,000 square feet, but a minimum of four spaces for each tenant space over 100 square feet. There are 15 retail spaces in the building (over 100 square feet, but under 4,000 square feet) and at four spaces each, this creates a requirement of 60 spaces. There are three apartments on the third floor that require one space each unit for a total of three spaces. The total for these uses is 63 spaces. The site is in the Pedestrian Oriented (PO) Overlay District, which provides that 75 percent of the parking requirement for the commercial uses specified by Chapter 541 of the zoning code be provided. This reduces the required parking to 45 for the commercial and 48 overall (including the three for the residential). The site has grandfather rights to 51 parking spaces and there are four spaces provided on site. The site meets the parking requirements of the zoning ordinance.

Minimum Floor Area: Please see the PO District commentary above. The maximum FAR in the C2 District is 1.7. the lot in question is 22,917 square feet in area. The applicant proposes 22,917 square feet of gross floor area, an FAR of 1.0.

Building Height: Building height in the C2 District is limited to four stories or 56 feet, whichever is less. The buildings are one and two stories.

Minimum Lot Area: The C2 District requires not less than 900 square feet of lot area per dwelling unit. With three dwelling units on a lot of 22,917 square feet, the applicant proposes 7,639 square feet of lot area per dwelling unit.

Yard requirements: This site has no yard requirements.

Specific Development Standards (Section 536) for a shopping center:

- (1) Only uses allowed in the zoning district in which the shopping center is located shall be allowed in the shopping center.
- (2) Uses which require a conditional use permit, site plan review or other land use approval shall comply with all review and approval requirements of this zoning ordinance.
- (3) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

Hours of Operation: Hours of operation allowed under the C2 Neighborhood Corridor Commercial District are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday. The applicant proposes to be open from 7:00 a.m. to 10:00 p.m. everyday.

Signage: Signage plans are not finalized at this time. All new signage will require Zoning Office review and approval and permits.

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

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

MINNEAPOLIS PLAN: Please see finding number 5 under the conditional use permit section of this report.

SMALL AREA PLANS ADOPTED BY THE CITY COUNCIL:

There are several plans adopted for this area. They include:

The *Lake Street at the Crossroads* (1996) plan has the goals of supporting business development, employment and training, and improving the streetscape along this portion of Lake Street. It encourages shared parking and utilization of mass transit. It shows multistory buildings up to the street on the conceptual response map on page 81 of the plan. In general, the building and site improvements are in conformance with these goals of the plan; however, they are not multi-story buildings as shown in the plan.

The *Lake Street/Midtown Greenway Corridor Framework Plan* (2000) envisions mixed use development and streetscape improvements along this part of Lake Street. The buildings are in conformance with the façade and other design guidelines of this plan, but they do not provide the second story for the entire Lake Street frontage as envisioned by the plan (p20).

The *Hiawatha/Lake Station Area Master Plan* (2000) indicates that multi-story mixed use buildings are appropriate for this area. While the proposed building meets many of the design guidelines of the plan it does not provide the multi-level structures with higher density residential above the first floor retail.

The *Corcoran Midtown Revival Plan* (2002) indicates that multi-story mixed use buildings are appropriate for this area. While the proposed building meets many of the design guidelines of the plan it does not provide the multi-level structures with higher density residential above the first floor retail.

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

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

Alternative compliance is necessary to allow less than 20 percent landscaping of the site minus the buildings. Staff recommends that alternative compliance be granted recognizing that the physical constraints of the site make it very difficult to provide any significant landscaping. The plan shall provide landscaping in those areas not covered by the building, parking and loading.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division for the conditional use permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for a shopping center for property located at 1825 East Lake Street and 3005-3011 Cedar Avenue South.

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 site plan review application for a shopping center located at 1825 East Lake Street and 3005-3011 Cedar Avenue South subject the following conditions:

- 1) Staff review and approval of the building elevations, final site, landscaping, and snow removal plans. All site improvements shall be completed by August 15, 2006 (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 2) The site is subject to the applicable development standards for shopping centers found in Chapter 536 of the Zoning Ordinance.

- 3) Provision of a landscaping plan for those areas at the rear of the site that do not contain buildings, parking, or loading.
- 4) Addition of awnings to the first floor along the Lake Street and Cedar Avenue facades for at least 50 percent of the windows.
- 5) Provision of 30 percent windows along the west façade of the new infill building where it faces the parking area as required by Section 530.120 of the zoning code.
- 6) Each nonresidential use shall provide a minimum of two (2) bicycle parking spaces or one (1) space for each ten (10) accessory automobile parking spaces, whichever is greater as required by Section 551.175(6) of the zoning code.

Attachments:

- 1) Statement from applicant.
- 2) PDR notes.
- 3) Site and zoning map.
- 4) Site plan and elevations
- 5) Photos.

**Excerpt from the
CITY PLANNING COMMISSION
MINUTES**

**Minneapolis Community Planning & Economic Development (CPED)
Planning Division**

350 South Fifth Street, Room 210
Minneapolis, MN 55415-1385
(612) 673-2597 Phone
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MEMORANDUM

DATE: August 16, 2005

TO: Steve Poor, Manager, Community Planning & Economic Development - Planning Division; Phil Schliesman, Licenses

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

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

SUBJECT: Planning Commission decisions of August 15, 2005

The following actions were taken by the Planning Commission on August 15, 2005. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners Present: President Martin, El-Hindi, Krause, Krueger, Kummer, LaShomb, Motzenbecker, Schiff and Tucker – 9

Absent: Henry-Blythe

7. Cedar Lake Revival (BZZ-2512, Ward 9, adjacent to Ward 6), 1825 East Lake Street and 3005-3011 Cedar Avenue South (Jim Voll).

A. Conditional Use Permit: Application by Cedar Lake Revival LLC for a conditional use permit for a shopping center for properties located at 1825 East Lake Street and 3005-3011 Cedar Avenue South.

Action: Notwithstanding staff recommendation, the City Planning Commission **denied** the conditional use permit application for a shopping center for property

located at 1825 East Lake Street and 3005-3011 Cedar Avenue South based on the following findings:

1. Congestion and lack of parking in the area will spill into adjacent residential properties;
2. The applicant has the option of having individual entrances out to the street.

B. Site Plan Review: Application by Cedar Lake Revival LLC for site plan review for properties located at 1825 East Lake Street and 3005-3011 Cedar Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for 1825 East Lake Street and 3005-3011 Cedar Avenue South subject the following conditions:

1. Staff review and approval of the building elevations, final site, landscaping, and snow removal plans. All site improvements shall be completed by August 15, 2006 (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
2. Provision of a landscaping plan for those areas at the rear of the site that do not contain buildings, parking, or loading.
3. Addition of awnings to the first floor along the Lake Street and Cedar Avenue facades for at least 50 percent of the windows.
4. Provision of 30 percent windows along the west façade of the new infill building where it faces the parking area as required by Section 530.120 of the zoning code.
5. Each nonresidential use shall provide a minimum of two (2) bicycle parking spaces or one (1) space for each ten (10) accessory automobile parking spaces, whichever is greater as required by Section 551.175(6) of the zoning code.

Staff Jim Voll presented the staff report. He noted an incorrect number in the staff report denoting 3 apartments rather than the actual 4 in the plan. He also noted in the site plan with the two different parking layouts, but that the site plan with 5 parking spaces is the one that staff was recommending adoption for. He also responded to a letter from a neighborhood organization regarding the exterior materials of the building, referring to pictures he had taken of the site prior to exterior materials installation, and stated the developer could explain why they chose to use different materials other than what was shown on the site plan in the packet.

Commissioner Schiff: Jim, on the site plan, are we just looking at the exterior elevations or is there a floor plan also a component of the site plan application?

Staff Voll: We typically don't look at the floor plan. It's usually just the things listed in site plan review, so windows, materials, a parking layout, access and so forth.

Commissioner Schiff: So windows that aren't yet in the in the building that are part of the proposal would have to be added for it to be in compliance.

Staff Voll: Well, it's a little tricky. Typically what we've said on existing construction is that we don't make people add windows. In this case the building is being built, so I'm not sure how we proceed on that. But yes, you would look at the facades for the amount of windows and then require additional windows if necessary.

Commissioner Schiff: OK. Because when did you take that photo?

Staff Voll: Maybe a month ago.

Commissioner Schiff: So maybe they're in there already. I just noticed discrepancies between the elevations.

Staff Voll: The review I did is exactly what was in the packet here. So if there are differences out on the site from what's in the packet, I didn't consider that because I didn't go out there in the last few days.

Commissioner Schiff: OK. Thanks.

President Martin: OK. Thanks, Jim. I'll open the public hearing and ask if there's anyone who wishes to speak to item number 7.

Eric Gustafson (Staff representing the Corcoran Neighborhood Organization, 3304 22nd Ave. S.): The letter in your materials outlines our reasons for opposing the application for conditional use permit and explains how the application fails to meet the Minneapolis zoning codes required findings for conditional use permits. The residents that comprise Corcoran Neighborhood Organization do not support this development for the same reason they did not support it five months ago at the public hearing, for the same reason they have never supported the development. And that is because the development does not meet residents' goals which were developed through years of neighborhood discussion, debate, fact finding, imagination and consensus building and are well articulated in the Corcoran Midtown Revival Plan – a plan that was amended to the City's comprehensive plan in 2002. In the past, Corcoran Neighborhood Organization has been willing and eager to work with developers in achieving the vision laid out in the Midtown Revival Plan. As a matter of record, a previous and unbuilt proposal by the same applicant for his property on Lake Street between 19th and 20th Avenues, envisioning a mixed-use development with grade-level retail, 4 stories of housing and 2 levels of below-grade parking, was supported by our land use and transportation committee in 2002, largely because it fit the goals of the Midtown Revival Plan. Even if this proposed development did not fail to meet the requirements and goals of the City's Comprehensive plan for density and massing, creation of housing, and other criteria, and if it were more than a mediocre building clad in cheap, square tile, it does not even attempt to address its own parking needs or the unfair traffic and parking burden it will place on neighbors. Apparently in perpetuity thanks to a city loophole called grandfathered rights. Competing for the five provided parking spaces will apparently be four apartments and the employees and customers of 15 businesses. Granted, some of

these employees and customers will arrive by public transit, but where will the rest park? I challenge the applicant to offer a solution for the real cars his development will draw and show us real parking spaces available for these cars, or else point out which residential streets will be clogged each day, in which residents will be forced to endure the increased traffic and parking. Thank you.

Hamoudi Sabri (Owner/Applicant): I brought you today some latest pictures if you would like to see of where we are at with the project today. And I understand with respect to the elevation with the façade we have experience with 27th and Lake for graffiti purposes that we could just use a goop off to wipe off all the graffiti off our slate.

President Martin: Mr. Sabri, why don't you put it on...

Hamoudi Sabri: I actually have copies if you'd like.

President Martin: Well, so everyone can see it, why don't you just put it on the projector?

Hamoudi Sabri: That's the Lake Street side. That's currently what it looks like today on the Lake Street side. That's the Cedar Avenue side, so with respect to windows, we have a lot of windows – it's all window façade in the front. Along with that, we have also in the back, façade as well. And we just got graffiti's here with our building which is a brick building – I was showing an example here. And with slate, it's really easy to work with – when you get graffiti on brick or stucco, it's really... even if you use this protection material, it's still very hard to clean it – you have to grout it or to paint it, so that's why we... And we have been working on this project for the last four or five years to meet the neighborhood satisfaction of development but this is a private-owned, 3-corners... Our vision is to go through the whole [of] Lake Street and find more parking. Indeed, there might be an issue of parking. But we are really working hard to achieve that with the Council if we could and trying to make it less hassle for the neighborhood. But we have tried to work with the neighborhood for 4 years and that's what we could come up with right now is rebuilding the site and make it the way it looks versus what it was before. I'm sure some of you are aware of it. That's pretty much...if you have any questions for me.

President Martin: OK, it doesn't look like it. Anyone else? Thank you. Anyone else wishing to speak to item number 7? OK, I'll close the public hearing. Commissioner Schiff.

Commissioner Schiff: Madame Chair, this is the second time we've seen the conditional use permit. I appreciate the applicant's attempt to reduce the amount of square footage of retail space here so that a variance is not needed. Certainly that variance, I don't think should have been entertained because it certainly doesn't meet the hardship finding that we usually require for a variance. We don't have the variance application in front of us today, but we still have a conditional use permit. I think the comments of the Corcoran Neighborhood Association are on point. What happened with the history of this building was it was torn down to just the foundations of the basement and then rebuilt, so the grandfather rights are maintained and thus these mysterious 51 parking spaces are allowed in perpetuity. But what the decision before us is whether or not to

allow the interior courtyard space at a further maximization of the retail capacity for this site. That's going to bring... our decision today is a decision whether or not to allow more intensity on this site and to allow even more retail activity with no adequate parking provided. I'd rather see entrances out to the street and an engagement with the sidewalk rather than this mall-shopping center kind of environment which you just pack it full of micro tenants and you jam in as many people as you can – it's a good economic model for you as the landlord, but not particularly a good model for livability with surrounding properties. Very, very concerned about what's going to happen here with congestion and lack of parking...How it's going to spill into adjacent residential properties. I'd rather see the tone of the retail just taken down a notch to something reasonable that the neighborhood could absorb and I think that's going to start with agreeing with the neighborhood on the finding number 2 of the conditional use permit that we're going to have an unfortunate impact on the surrounding properties. I'm going to move a denial of the CUP because I don't think it meets our requirements for a conditional use permit and the applicant clearly has the other option of just having individual entrances out to the street (Krause seconded).

President Martin: OK, further discussion? Doesn't look like it. All those in favor of the motion to deny the CUP, please signify by saying aye.

The motion carried 6 – 0 (Tucker and Kummer not present for the vote).

President Martin: OK, that carries. Commissioner Schiff's comments sufficient for your findings?

Staff Hilary Watson (off microphone): Yes.

President Martin: OK, site plan review?

Commissioner Schiff: I'll move approval since there seems not to be any correlation with the interior layout of the building and just note that I would hope... Again, some of the scaffolding is covered in these photos that are submitted so I can't tell if all the windows are there, but hope by approving the site plan that staff will go out there and make sure that all the windows that have been planned have been put in place (Krueger seconded).

President Martin: OK, discussion. Commissioner Krause.

Commissioner Krause: Madame Chair, Commissioner Schiff, when I read the conditions for the site plan, it talks about... it references it as a shopping center and that, I think, suggests that the interior courtyard issue would stay, so I'm not really comfortable approving this because I think it's going to end up being a different site plan. I don't think you can get this site plan to work if they don't have the conditional use permit for the shopping center.

Commissioner Schiff: It's an interesting point. I guess I'll ask staff, maybe Mr. Voll or Ms. Watson to clarify.

Staff Voll: Well, I don't think the site plan review would be a problem because we're not really approving the floor plan. But I think you're right – you would want to take out the condition number 2: The site is subject to the applicable development standards for shopping centers; because it would no longer be subject to that. You could put in a condition that made it clear that the floor plan would have to reflect a retail layout rather than a shopping center layout. But I think the actual site plan, the stuff that we're going to look at - access and circulation in the exterior of the building - wouldn't change whether this is a shopping center or a retail building.

Commissioner Krause: So I guess then, is it a friendly amendment to approve it with the omission of condition number 2?

Commissioner Schiff: Absolutely.

Commissioner Krause: OK.

Commissioner Schiff: Yeah.

President Martin: Ms. Watson?

Staff Watson: Mr. Voll, would you also then, in the motion, remove the word shopping center then also?

President Martin: Just take out...

Staff Voll: I don't know what you're talking about.

President Martin: In the recommended motion.

Staff Watson: In the motion it says...

President Martin: Approve the site plan review...

Staff Watson: ... For a shopping center. Would you insert anything else there, or just remove 'shopping center'? Which I think would be fine.

Staff Voll: I think just remove 'shopping center' would work.

President Martin: Just take 'for a shopping center' out. OK, does that make sense?

Commissioner Schiff: Mmm-hmm.

President Martin: OK, all those in favor of the motion to approve the site plan review removing the reference to a 'shopping center' in the motion and eliminating condition number 2, please signify by saying aye.

The motion carried 6 – 0 (Tucker and Kummer not present for the vote).

President Martin: OK, that carries. Thank you.

