

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permits, Variance and Site Plan Review
BZZ-4406

Date: July 13, 2009

Applicant: Lupe Property Company, LLC

Addresses of Property: 129 Plymouth Ave N

Project Name: Shopping Center

Contact Person and Phone: Tanek, Inc. Attn: Jim Lindborg, (612)-879-8225 X24

Planning Staff and Phone: Jessica Thesing, (612) 673-5887 and Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: June 19, 2009

End of 60-Day Decision Period: August 18, 2009

End of 120-Day Decision Period: A 60-day extension letter was sent to the applicant on June 19, 2009, extending the decision period to no later than October 17, 2009.

Ward: 7 **Neighborhood Organization:** North Loop Neighborhood Association

Across Plymouth Ave North from: Ward 5; Near North Neighborhood; Northside Residents Redevelopment Council

Existing Zoning: I1 Light Industrial District
 IL Industrial Living Overlay District
 DP Downtown Parking Overlay District
 MR Mississippi River Critical Area Overlay District

Proposed Zoning: C2 Neighborhood Corridor Commercial District
 DP Downtown Parking Overlay District
 MR Mississippi River Critical Area Overlay District

Zoning Plate Number: 13

Legal Description: THAT PART OF VANDERHORK'S SUBD AND OF LK 10 BASSETT MOORE AND CASES ADDN TO TOWN OF MPLS AND OF VAC STREET AND ALLEY DESC AS BEG AT INTERSEC OF ELY LINE OF 2ND ST N WITH S LINE OF PLYMOUTH AVE N TH ON AN ASSUMED BEARING OF N 88 DEG 32 MIN E ALONG SAID N LINE TO A PT 26 FT E FROM NE COR OF LOT G OF SAID SUBD TH S 1 DEG 24 MN 42 SEC W 18.31 FT TH S 11 DEG 24 MN W 65.4 FT TH SWLY 55.36 FT ALONG A TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 503.34 FT TH W PAR WITH N LINE OF SAID BLK 10 DIS 36.08 FT TO CTR LOME

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Proposed Use: Shopping Center

Concurrent Review:

- Rezoning from the I1 Light Industrial District to the C2 Neighborhood Corridor Commercial District and to remove the Industrial Living Overlay District
- Conditional Use Permit to allow a shopping center within the C2 District
- Conditional Use Permit to allow a fast food restaurant within the C2 District
- Conditional Use Permit to allow an accessory parking lot within the DP Downtown Parking Overlay District
- Variance to exceed 20 surface parking spaces within the DP Downtown Parking Overlay District
- Site Plan Review for a new principal non-residential building

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(20) “to vary the standards of any overlay district, other than the SH Shoreland Overlay District or the FP Floodplain Overlay District”, Chapter 530 Site Plan Review, Chapter 548, Article I, Commercial Districts and Chapter 551, Overlay Districts.

Background: This project was submitted in response to a request for proposal as part of a Minneapolis Community Planning and Economic Development (CPED) Pass-Thru Acquisition. CPED is acting as a conduit to obtain land owned by the Minnesota Department of Transportation (MNDOT) in order to sell the land to Lupe Property Company, LLC. The original Response to the Request for Proposal (RFP) was submitted by the developer to CPED in September of 2008. The CPED Project Coordinator assigned to this land transaction is Kevin Carroll.

Lupe Property Company LLC submitted land use applications for the RFP proposal to the Minneapolis Planning Division on May 7, 2009, to develop the site together with a portion of land owned by the Star Tribune located to the south of the subject property. It was determined by the Planning Division that the applications were incomplete and a letter indicating the deficiencies was sent on May 14, 2009. The applicant then officially withdrew the applications per a May 18, 2009, letter and then resubmitted a slightly different proposal on June 4, 2009, eliminating the additional land owned by the Star Tribune from the proposal. The applicant still wishes to obtain an agreement with the Star Tribune to use a portion of their site for a curb cut, drive aisle, and dog park; however, an agreement has not been obtained thus far. If the applicant obtains an agreement to use a portion of the Star Tribune’s land, they will be submitting the new plans reflecting these changes in the hopes that the plans can be approved administratively. Depending on the extent of the changes, additional Planning Commission approvals may be required. If the applicant decides to purchase a portion of the land owned by the Star Tribune in order to combine it with the 129 Plymouth Avenue North site, a minor subdivision will be required to split the land from the remainder of the Star Tribune site and it is recommended then that the applicant plat the newly acquired land with the development. It would also be required at that time that the newly acquired land be rezoned to the same zoning classification as the development site.

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129 Plymouth Avenue North is located on the southeast corner of Plymouth Avenue North and Second Street North; its primary zoning classification is currently I1 Light Industrial District; however, the site also includes the IL Industrial Living Overlay, the DP Downtown Parking Overlay, and the MR Mississippi River Critical Area Overlay Districts. The site is also located within the Industrial Employment District boundary which was established as part of the adoption of the *Industrial Land Use and Employment Policy Plan* in 2006. With the adoption of the plan, seven industrial employment districts were established to protect prime industrial space, provide an opportunity for the City to support targeted industries and business clusters, and to redevelop underutilized sites for economic development purposes. The designated Industrial Employment Districts preserve properties for the retention, expansion, and attraction of existing and new industrial firms in areas of the city with good transportation access, minimal conflict with nearby land uses, and proximity to recent market investment. This development proposal is not believed to be consistent with the policies of the *Industrial Land Use and Employment Policy Plan*.

The currently vacant site is 33,690 square feet and the applicant wishes to develop it as a single story multiple tenant retail shopping center with a drive through restaurant. The development as proposed includes a 10,153 square foot shopping center fronting Second Street North with one 3,375 square foot fast food restaurant with a drive through, one 1,580 square foot restaurant, and one large 5,198 square foot retail space that could be divided into smaller retail spaces.

A shopping center is defined by the Minneapolis Zoning Code as a 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. A shopping center shall not include a storefront building or group of storefront buildings where each use includes a separate principal customer entrance facing the street. A storefront building is defined as a mixed use or multiple story building, which may share a common wall with one or more buildings, all of which front within five feet of a front lot line or public sidewalk, and where each ground floor use includes a separate principal customer entrance facing the street. Shopping centers are not permitted within the industrial districts and therefore, the applicant is required to apply to rezone the property to a zoning district where a shopping center use is either allowed as of right or with a conditional use permit. Storefront buildings however are allowed within Industrial Districts. The number of commercial uses allowed in the Industrial Districts is limited, but there are a number of additional commercial uses that are allowed in industrial districts that are also in the IL Industrial Living Overlay District. The additional commercial uses that are allowed in the IL Industrial Living Overlay District are required to be located in existing buildings. This standard of the overlay district can be varied. The applicant has chosen to apply to rezone the subject property to the C2 Neighborhood Corridor Commercial District in order to move forward with the development as proposed despite the suggestions of the Planning Division during many discussions regarding current land use policy.

Shopping centers and fast food restaurants are conditional uses within the C2 zoning district and accessory parking facilities are conditional uses within the DP Downtown Parking Overlay District; the applicant is applying for a conditional use permit for each of these uses in addition to a variance to increase the number of surface parking spaces allowed in the DP Downtown Parking Overlay District from the maximum of 20 spaces to 22 spaces. Because this is a new building, site plan review is also required.

Regulations, Applications, and Issues:

- The development as proposed is classified as a shopping center by the Minneapolis Zoning Code because the building is not proposed to front within five feet of a front lot line and therefore cannot be classified as a storefront building. A shopping center is not a permitted use within either the I1 Light Industrial District or the IL Industrial Living Overlay District, so if the developer doesn't alter the location of the building on the site, a rezoning to a zoning district that allows a shopping center use either as of right or with a conditional use permit is required. The applicant has chosen to apply to rezone the site to C2 and apply for a Conditional Use Permit for the shopping center.
- The development proposal indicates an anchor restaurant with a drive through facility. Fast food restaurants are a conditional use within the I1 and C2 zoning districts; the applicant is proposing to rezone the property to C2 and apply for a Conditional Use Permit to allow for the fast food restaurant.
- The development proposes parking between the building and the front lot line. Site plan review regulations however require on-site accessory parking facilities to be located to the rear or interior side of the site, within the principal building served, or entirely below grade. Site plan review regulations also require a building to be located no further than eight feet from a front or corner side lot line. In this case, because this is a corner lot, the building is required to be within eight feet of both Plymouth Avenue North and Second Street North to meet these standards. The applicant has chosen to apply for alternative compliance to both of these standards.
- The site is located within the DP Downtown Parking Overlay District. Accessory surface parking lots are considered a conditional use in the DP Downtown Parking Overlay District where the maximum number of spaces cannot exceed 20. The applicant has chosen to apply for a Conditional Use Permit to allow for the parking as well as a Variance to exceed the regulation maximum.
- Many commercial uses, including general retail sales and services uses, are not permitted in the Industrial Districts and are also only allowed in existing buildings within the Industrial Living Overlay District. It is possible to redesign the building to a storefront building and propose uses that are allowed within both the Industrial Districts and the Industrial Living Overlay District, which is more supportable than proposing to rezone the site to a district that is inconsistent with the Industrial Employment District goals of increasing employment density, the number of living wage jobs, and protecting prime industrial land.
- The main issue is the design of the site and the proposed use which if changed to be classified as a storefront building and to meet general Site Plan Review regulations would most likely eliminate the need for a rezoning. Also, because the developer is proposing to rezone the property to a non-industrial district, a comprehensive plan amendment may be required if the *Minneapolis Plan for Sustainable Growth* is adopted by the Metropolitan Council prior to this proposal being acted on by the City.

Preliminary Development Review: The applicant has chosen to forgo the Preliminary Development Review (PDR) process until after the July 13, 2009, CPC hearing per a June 16, 2009, e-mail. The

applicant is pursuing an agreement with the Star Tribune for an easement to use a portion of vacated Tenth Street North, which is owned by the Star Tribune for a dog park, curb cut, and drive aisle for the 129 Plymouth Avenue North site. The applicant indicates the current proposal doesn't reflect this plan because an agreement isn't in place; however, if/when an agreement is obtained, the new proposal that they will submit to PDR will reflect these changes. The applicant believes that going through the PDR process now will conclude to an incomplete evaluation of the site.

Notification: The applicant originally notified Ward 7 Council Member Lisa Goodman and the North Loop Neighborhood Association on May 7, 2009. At that time, the applicant also notified the adjacent Ward 5 Council Member Don Samuels and the Northside Residents Redevelopment Council. Because the applicant withdrew and then resubmitted applications for this project, notification including the applicable land use applications was then resent to all the above recipients on June 4, 2009.

The Planning Division received a letter of support from the North Loop Neighborhood Association on June 25, 2009. The letter from the neighborhood states that their support for this project should not set precedent for future developments in the neighborhood.

REZONING: Rezoning from the I1 Light Industrial District to the C2 Neighborhood Corridor Commercial District and to remove the IL Industrial Living Overlay District

Findings as Required by the Minneapolis Zoning Code:

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

The applicant indicates that this development proposal is consistent with the following City goals and policies of *The Minneapolis Plan*:

- Market downtown as a place to live, work, play and do business (City Goal 7).
- 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 (Policy 4.4).
- Minneapolis will develop and support a system of urban parks and “greenway” connections throughout the City (Policy 6.2).
- Minneapolis will continue to build and maintain road infrastructure in order to make transit a better choice for a range of transportation needs (Policy 8.4).
- Minneapolis will support continued growth in designated commercial areas, while allowing for market conditions to significantly influence the viability of a commercial presence in undesignated areas of the city (Policy 9.24).

The developer indicates that the development will offer shopping opportunities within walking distance to downtown residents of the North Loop Neighborhood and Warehouse District as well as service retail for nearby industrial and light industrial properties in the North Washington Jobs Park.

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The Planning Division believes that amending the zoning from industrial to commercial is not consistent with the following policies of *The Minneapolis Plan*:

- Minneapolis will increase its share of economic prosperity in the region (Policy 2.1).
- Support efforts that build skills and connect residents to living-wage jobs (Implementation Step for Policy 2.1).
- Minneapolis will support the existing economic base by providing adequate land and infrastructure to make city sites attractive to businesses willing to invest in high job density and low impact, light industrial activity (Policy 2.2).
- Promote light industrial uses as the preferred use of industrial land, but discourage warehouse or distribution uses in areas where truck traffic will negatively impact residential neighborhoods (Implementation Step for Policy 2.2).
- Minneapolis will focus resources and efforts on building a skilled and employable work force in livable wage occupations (Policy 2.5).
- Promote the work readiness of city residents and the development of skills that respond to emerging opportunities in advanced technological firms that pay livable wages (Implementation Step for Policy 2.5).
- Minneapolis will continue to pursue the removal of barriers that prevent residents from holding living wage jobs (Policy 2.6).
- Promote efforts at coordinating development for new business sites and housing construction within the city (Implementation Step for Policy 2.6).

The site is also located within the Industrial Employment District boundary which was established as part of the adoption of the *Industrial Land Use and Employment Policy Plan* in 2006. The designated Industrial Employment Districts preserve properties for the retention, expansion, and attraction of existing and new industrial firms in areas of the city with good transportation access, minimal conflict with nearby land uses, and proximity to recent market investment. The Planning Division believes that amending the zoning from industrial to commercial is not consistent with the policies of the *Industrial Land Use and Employment Policy Plan*.

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

The amendment is clearly in the interest of the property owner and is not being proposed to serve the public interest. The location of the site is located within an industrial area and the current primary and overlay zoning of the site does allow for some retail development that can serve the neighboring industrial uses and nearby residents. The applicant has chosen to propose a shopping center development with surface parking in between the front lot line and the building. The Planning Division believes that if the applicant moved the building up to the corner, not only would the proposal comply with building placement requirements, it would also most likely meet the definition of a storefront building which would be compatible with the primary and overlay zoning and would not require a rezoning to C2.

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

The subject property is located just north of the Star Tribune site which also has an I1 Light Industrial primary zoning classification. Most of the uses nearby are industrial and most of the zoning nearby is I1 and I2 with the Industrial Living Overlay. The nearest commercial zoning is C3A located southeast of Eighth Street and the nearest residential zoning is R6 located to the east of the site along the Mississippi River. The Planning Division believes that the existing I1 Light Industrial zoning classification with the Industrial Living Overlay is compatible with the zoning in the general area and therefore, rezoning the property to commercial would not be appropriate for the site.

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.

There are a number of reasonable commercial, office, and industrial uses allowed as of right or by conditional use permit under the existing zoning including general retail sales and services and some food and beverage uses. The subject parcel is not located on a commercial corridor and the Planning Division believes that because reasonable uses are allowed as of right or with a conditional use permit within the existing zoning classifications; the amendment to change the zoning is inappropriate for this site.

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.

Property in the area has been primarily zoned industrial and has been used for industrial land uses since before the adoption of the first zoning code in 1924. Over time, some of the industrial uses have become less intense and the property in the area has been zoned accordingly. The subject site is now zoned I1 Light Industrial and like many of the properties in the area, it has the Industrial Living Overlay District to encourage the rehabilitation and reuse of existing industrial structures and to provide for limited residential and retail uses where such uses are compatible with other uses in the area. While there has been significant change in the area, the Planning Division does not believe that there has been a fundamental change in the industrial character in the area that warrants a change in zoning to commercial. In addition, the area was recently placed in an Industrial Employment District as part of the adoption of the *Industrial Land Use and Employment Policy Plan*. Industrial Employment Districts are areas prioritized for industrial uses. There are many permitted and conditional uses supported with the current zoning of the property.

CONDITIONAL USE PERMIT: to allow for a shopping center within the C2 Neighborhood Corridor Commercial District, a fast food restaurant within the C2 Neighborhood Corridor Commercial District, and an accessory parking facility within the DP Downtown Parking Overlay District

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

1. May be detrimental to or endanger the public health, safety, comfort or general welfare.

Shopping Center:

The applicant proposes to develop the site as a suburban type shopping center with a fast food restaurant and an accessory parking lot fronting Second Street North. The proposal does not meet the site plan review regulations, nor is it consistent with the current zoning classification. The Planning Division believes that the developer could redesign the project in a manner that could eliminate the need to rezone the property and be consistent with current adopted policy. The Planning Division believes that the building placement component of this project as proposed will likely be detrimental to the comfort and general welfare of those that work and/or live nearby. Setting the building back from Plymouth Avenue North does not reinforce the street wall, diminishes natural surveillance of the surrounding area and does not facilitate pedestrian access to the building or through the site.

Fast Food Restaurant:

A redesign of the building could include a storefront building facing Second Street North and/or Plymouth Ave North with a separate or attached building for the proposed fast food restaurant and drive through facility. The Planning Division believes that the building placement component of this project as well as the location of the restaurant with the drive through as proposed will likely be detrimental to the comfort and general welfare of those that work and/or live nearby. The placement of the building on the site and the inclusion of a fast food restaurant with a drive through requires a second curb cut along Plymouth Avenue North. The curb cut associated with the drive through is located very close to the railroad bridge that crosses over Plymouth Avenue North. Because of the grade changes along Plymouth Avenue North cars existing the drive through will have to encroach into the sidewalk in order to be able to see up and down the street before turning into the street.

Accessory Surface Parking Lot:

A conditional use permit for an accessory parking lot would likely be more supportable if the development could comply with general zoning code standards and district regulations and redesign the site to locate the accessory parking to the rear or interior side of the site. The location of the parking as proposed in front of the building is contradictory to general regulations and therefore will endanger the public health, safety, comfort or general welfare of the public.

2. May be injurious to the use and enjoyment of other property in the vicinity and may impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

Shopping Center:

Developing the site as proposed is not compatible with the other types of development in the area and supporting it as proposed would most likely impede the normal or orderly development and improvement of industrial zoned property nearby. The development as proposed requires commercial zoning on the property and this would not be needed with a redesign of the project. The zoning code allows many of the uses that are being proposed as of right, with a conditional use permit and/or variance if the developer would propose a storefront building instead of a shopping center. Rezoning

the property to allow the developer to apply for a conditional use permit for a shopping center will likely be injurious to the use and enjoyment of other property in the vicinity.

Fast Food Restaurant:

A conditional use permit for a fast food restaurant could be supported with the existing zoning with a redesign of the site that would comply with current zoning regulations. Because the applicant does not wish to comply with current regulations, the Planning Division believes that the use as proposed will be injurious to the use and enjoyment of other property in the vicinity.

Accessory Surface Parking Lot:

The Planning Division believes that allowing an accessory parking facility that does not meet location standards will impede normal development in the area.

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

Shopping Center, Fast Food Restaurant, and Accessory Surface Parking lot:

The applicant is not proposing to go through the Preliminary Development Review (PDR) process prior to asking for Planning Commission approvals and therefore, the Planning Division does not have the necessary information to determine if the proposed utilities, access roads, drainage, and other necessary facilities and measures are adequate for the new development.

4. Adequate measures may not have been or have not yet been provided to minimize traffic congestion in the public streets.

Shopping Center, Fast Food Restaurant, and Accessory Surface Parking lot:

The applicant is proposing 22 surface parking spaces including two handicap accessible spaces and one small loading space. The parking requirement for uses located in the DP Downtown Parking Overlay District is one space per every 4,000 square feet of gross floor area in excess of 4,000 square feet. In the DP Downtown Parking Overlay District the four space minimum parking requirement does not apply. The maximum accessory surface parking spaces allowed in the DP Downtown Parking Overlay District is 20. The building is 10,153 square feet so the minimum parking requirement is two spaces. A variance to the standards of the Overlay District is necessary to increase the maximum parking from 20 to 22.

The minimum loading area for the site is one small (10 feet by 25 feet) loading space; the applicant has proposed one small loading space meeting this requirement in front of the building. Because the proposed parking and loading spaces are located between the building and the street, alternative compliance is required to meet site plan review regulations.

The applicant is also proposing a curb cut along Second Street North and two along Plymouth Avenue North. Because the applicant has opted not to go through Preliminary Development Review at this time, the Planning Division is not able to determine whether these access points to the site are adequate to minimize traffic congestion in the public street.

5. May not be consistent with the applicable policies of the comprehensive plan.

Shopping Center, Fast Food Restaurant, and Accessory Surface Parking lot:

The Planning Division does not believe that supporting the conditional use permits for a shopping center, a fast food restaurant and an accessory parking facility for a development proposal that does not comply with any district regulations or site plan review standards is consistent with the policies of *The Minneapolis Plan* or the *Industrial Land Use and Employment Plan*.

6. And, may not in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this conditional use permit.

Shopping Center, Fast Food Restaurant, and Accessory Surface Parking lot:

In addition to the conditional use permits; a zoning amendment from I1/IL to C2, a variance to exceed the maximum number of surface parking spaces within the DP Downtown Parking Overlay District and a site plan review application are required to develop the subject site as a shopping center with a fast food restaurant and accessory surface parking. The applicant has submitted a preliminary master sign plan and it will be required to meet the requirements as set forth in Chapter 543 of the Minneapolis Zoning Code.

In addition, the proposed use is also subject to the following Specific Development Standards, addressed in Chapter 536:

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.*

VARIANCE: to exceed the district allowed maximum of 20 surface parking spaces within the DP Downtown Parking Overlay District to 22

Findings as Required by the Minneapolis Zoning Code:

1. The property can be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

The applicant is seeking a variance to exceed the maximum surface parking requirement from 20 to 22. In addition, the applicant as mentioned in the introduction section of this report has the intention to gain administrative approvals to use a portion of land owned by the Star Tribune for a dog park, curb cut, and drive aisle if agreements can be solidified. The applicant submitted a preliminary proposal for this scenario and according to the plan, the applicant has proposed an additional four parking spaces. This will require an additional variance and can not be approved administratively. The Planning Division

believes that the applicant is creating his own hardship and that redesigning the project to meet current zoning regulations is reasonable and therefore, strict adherence to the official controls in this case will not cause an undue hardship to the applicant.

2. The circumstances are not unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

The circumstances upon which the variance is requested are not unique to the parcel. The applicant has shown no reason that the additional parking is needed; in addition, the proposal does not meet the 20 percent landscaping requirement. It would be appropriate for the applicant to decrease the number of parking spaces and increase the amount of landscaping to move towards compliance with the site plan review, parking, and landscaping regulations.

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

The purpose of the DP Downtown Parking Overlay District is to protect the unique character of the downtown area by restricting the establishment or expansion of surface parking lots. The Planning Division believes that new developments have the ability to propose parking either within enclosed structures, completely below grade, or in manner that meets the conditional use findings for accessory parking facilities within the district. The DP Downtown Parking Overlay District has set a standard for no more than 20 surface spaces of accessory parking and while there may be circumstances that support a variance to increase the maximum amount of spaces allowed, it should not be at the expense of meeting other site plan review requirements. The site plan review standards require that parking spaces be located to the rear or interior side of the site and that 20 percent of the site is landscaped. The applicant has not proposed to meet either of these regulations and therefore, the Planning Division believes that granting the variance will not be consistent with the intent of the ordinance, will most likely alter the essential character of the locality, and will be injurious to the use or enjoyment of other property in the vicinity. The development as proposed could be redesigned easily to meet the current regulations.

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.

Granting of the requested variance would likely have no impact on the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety because the variance would increase parking on the site.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
 - Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.

b. Windows shall be distributed in a more or less even manner.

• Nonresidential uses:

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

a. Windows shall be vertical in proportion.

b. Windows shall be distributed in a more or less even manner.

c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.

d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.

e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.

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

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

• The form and pitch of roof lines shall be similar to surrounding buildings.

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

PLANNING DEPARTMENT RESPONSE:

• The building reinforces the street wall along Plymouth Avenue North as it is located between one and a half and three feet from the property line, but it does not along Second Street North as it is located between 56 and 74 feet from the property line. The design of the building facilitates pedestrian access as each tenant has an entrance that is accessible from a common walkway on the site. The building does maximize natural surveillance of the surrounding area as there are windows on the north, west and south walls of the building; however, there are no windows on the east side of the building so natural surveillance along this side of the site is minimized.

• The first floor of the building is required to be located within eight feet of the front and corner side property lines. The building is located between one and a half and three feet from the property line along Plymouth Avenue North and between 56 and 74 feet from the property line along Second Street North. The applicant is proposing alternative compliance in lieu of this requirement.

• In addition to the parking lot, the applicant is proposing to have a seating area, bicycle parking and landscaping located in between the building and the front property line.

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- Each of the tenant spaces within the building has a principal entrance. Two of the entrances face Second Street North and the third entrance faces the interior of the site.
- The overall size of the building has been minimized through the use of recesses and projections, windows and a mixture of exterior building materials.
- The on-site parking area is proposed to be located between the building and the property line along Second Street North. This is not in compliance with the site plan review standards of locating the parking to the rear or interior side of the site. The applicant is proposing alternative compliance in lieu of this requirement.
- The exterior materials of the building include brick, stucco or rockface block, stone veneer, burnished concrete and metal. All sides of the building are similar to and compatible with the front of the building.
- The majority of the building does not contain areas that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. However, the east wall of the building contains areas that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements.
- At least 30 percent of the first floor building wall that faces a public street, public sidewalk, public pathway, or on-site parking lot is required to be windows. The window requirement pertains to the Plymouth Avenue North and Second Street North sides of the building. The analysis of the project's compliance with these requirements follows:
 - Plymouth Avenue North: the percentage of windows on the first floor is 52 percent.
 - Second Street North: the percentage of windows on the first floor is 31 percent.
- The windows in the new building are vertical in nature and are evenly distributed along the building walls.
- The roof line of the building will be flat which is similar to the majority of the buildings in the area.

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.**

PLANNING DEPARTMENT RESPONSE:

- A four-foot walkway connects each of the building entrances to the public sidewalk along Plymouth Avenue North. The walkway pavement continues across the drive-through lane on the south side of the property and out to Second Street North. As shown, there are areas of the walkway that are less than four feet in width because of where the movable planters have been located on the site.
- No transit shelters are proposed as part of this development.
- There will be a total of three curb cuts leading to and from the site. Two of the curb cuts are proposed to be located along Plymouth Avenue North: one will accommodate two-way traffic and the other will accommodate one-way traffic exiting the drive through. The applicant has indicated

that customers using the drive through will have to turn right onto Plymouth Avenue North when leaving the site. Please note that the curb cut has not been designed to require this maneuver. The third curb cut is proposed to be located along Second Street North and will accommodate two-way traffic. There is also an alternative proposal for the curb cut along Second Street North to be moved if the applicant is able to obtain an easement from the Star Tribune to use their land for a curb cut, drive aisle, and dog park.

- There is no alley associated with this site.
- There are currently no buildings on the site and the applicant is proposing a new shopping center. The overall site area is 33,690 square feet and the total proposed building area is 10,153 square feet. The applicant is supplying 3,501 square feet of green space and therefore, the total impervious surface coverage including buildings is proposed to be 30,129 square feet or approximately 90% of the site.

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.**

PLANNING DEPARTMENT RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 33,690 square feet. The footprint of the building is 10,153 square feet. When you subtract the footprint from the lot size the resulting number is 23,537 square feet. Twenty percent of this number is 4,707 square feet. According to the applicant's landscaping plan there is 3,501 square feet of landscaping on the site or approximately 15 percent of the site not occupied by the building. The applicant is proposing alternative compliance in lieu of this requirement.
- The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is nine and 47 respectfully. The applicant has shown nine canopy trees (eight Sugar Maples and one Northern Acclaim Honeylocust) and 62 shrubs (57 Spirea and five Cranberry Bushes).
- Not less than one tree shall be provided for each 25 linear feet, or fraction thereof, of parking or loading area lot frontage. The parking and loading area has 42 feet of frontage along Plymouth Avenue North and 248 feet of frontage along Second Street North. These dimensions require that two canopy trees be planted along Plymouth Avenue North and that ten canopy trees be planted along Second Street North. The applicant is proposing to have one tree planted along Plymouth Avenue North and eight trees planted along Second Street North. The applicant is required to provide one additional canopy tree along Plymouth Avenue North and two additional canopy trees along Second Street North in order to comply with this requirement.
- A seven-foot landscaped yard is required by the zoning code on two sides of the property, the north and west sides, due to adjacency to two public streets. The applicant is providing approximately four feet of landscaping along the west property line (Second Street North) and seven feet of landscaping along the north property line (Plymouth Avenue North). Although the applicant has proposed additional landscaping at the corner of Plymouth Avenue North and Second Street North, the overall frontage amount required along Second Street North is not meeting regulation standards. The applicant is proposing alternative compliance in lieu of this requirement.
- Screening, not less than three feet in height and not less than 60 percent opaque is required along the north and west property lines that front the parking area. The applicant is proposing to install a combination of a 48-inch high aluminum fence with trees and shrubs along both frontages.
- Turf, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees shall cover all areas that are not paved or landscaped. The applicant has proposed rain gardens, 332 perennials, and rock mulch throughout the remainder of the landscaped areas.

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.**

PLANNING DEPARTMENT RESPONSE:

- The proposed curbing will be provided along the parking areas and drive aisles. With the recommend landscaping, the property should be able to support a fair amount of on-site filtration.
- The building should not impede any views of important elements of the city.
- The building should not significantly shadow the adjacent streets or properties.
- Wind currents should not be a major concern.
- The site plan complies with crime prevention design elements as there is a walkway that connects the public sidewalk to the building entrances, there are windows located along three sides of the building that allow people to see in and out of the building and there are lights located throughout the parking lot. There are no windows or lights proposed along the east side of the site which is problematic since the area is isolated given the adjacent railroad tracks. It is recommended that the applicant provide additional lighting in this area as well as windows for visability and safety.
- This site is neither historically designated nor located in a historic district.

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

Use: With the approval of this application, the site will be zoned C2. Shopping centers and fast food restaurants are a conditional use permit in the C2 zoning district. In addition, accessory parking lots with up to 20 spaces in the DP Downtown Parking Overlay District require a conditional use permit.

Off-Street Parking and Loading: The required number of parking stalls is two. The proposed parking area shows 22 stalls, two of which are van accessible handicapped stalls. Because the site is located within the DP Downtown Parking Overlay District, a variance is required to exceed the 20 surface space maximum. The applicant is applying for this variance concurrently with this application.

Minimum automobile parking requirement: The minimum parking requirement for this development is one parking space for each 4,000 square feet of gross floor area in excess of 4,000 square feet. The four space minimum parking requirement in Chapter 541, Off-Street Parking and Loading, shall not apply. Off-site parking up to 500 feet away shall be permitted, subject to the off-site parking provisions of Chapter 541, Off-Street Parking and Loading. The building is 10,153 square feet so the minimum parking requirement is two spaces.

Maximum automobile parking requirement: The maximum parking requirement is one space per every 200 square feet of gross floor area for general retail sales and services uses and one space per every 75 square feet of gross floor area for restaurants. There is 4,955 square feet of restaurant space and 5,198 square feet of general retail sales and services space within the building so the maximum parking requirement is 92 spaces. However, since the site is located within the DP Downtown Parking Overlay District the number of accessory parking spaces that can be provide on the site is limited to 20 spaces. The applicant is applying for a variance to increase the number of spaces provided on the site concurrently with this application.

Bicycle parking requirement: The bicycle parking requirement is three spaces or one space per every 5,000 square feet of gross floor area, whichever is greater, for the general retail sales and services uses and three spaces for restaurants. There are two restaurant spaces within the building and 5,198 square feet of general retail sales and services space within the building so the maximum parking requirement is nine. The applicant is providing a total of 9 bicycle parking spaces on the site.

Loading: One small (10 feet by 25 feet) loading space is required. The applicant is proposing to have one small loading space located in front of the building.

Maximum Floor Area: The maximum floor area ratio in the C2 zoning district is 1.7. The lot area is 33,690 square feet. The proposed structure is 10,153 square feet. The floor area ratio is 0.30.

Height and Bulk: The maximum building height in the C2 zoning district is limited to four stories or 56 feet, whichever is less. By zoning code definition the building is two stories in height, but it is only one floor.

Minimum Lot Area and width: There is not a minimum lot area or lot width requirement for this use.

Dwelling Units per Acre: Not applicable for this development.

Yard Requirements: There are no yard requirements for this development.

Hours of Operation: The permitted hours of operation in both the C2 District and the I1 District are 6:00 am – 10:00 pm Sunday through Thursday and 6:00 am – 11:00pm Friday and Saturday. The applicant has not proposed to extend these hours at this time.

Signs: Signs are subject to the requirements of Chapter 543, On-premise Signs. In the C2 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall. However, if there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 180 square feet in size. Projecting signs are limited to 16 square feet in size. The height limitation for both wall signs and projecting signs is 24 feet and neither are permitted to extend above the roofline of the building. Freestanding signs are limited to 80 square feet and can be no taller than 25 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one.

The applicant is proposing to locate a freestanding monument sign on the corner of Plymouth Avenue North and Second Street North. The freestanding sign is 60 square feet in size and eight feet in height. Since there is a freestanding sign proposed on the site there can only be one square foot of signage for every one foot of primary building wall. The Plymouth Avenue North side of the building is 88 feet in length and the Second Street North side of the building is 179 feet in length. The plans show a total of 46 square feet of signage on the Plymouth Avenue North side of the building and 157 square feet of signage on the Second Street North side of the building. The plans also show a 52 square foot sign on the south building wall. Since this is not a primary building wall signs cannot be placed on this side of the building without a variance. The applicant did not apply for this variance.

Menu boards for fast food restaurants are considered a sign. Their size is included in the overall amount of signage allowed on the site. Menu boards are required to be less than six feet in height. Menu boards are exempt from the restriction on the maximum number of freestanding signs on a site, provided there are no more than two menu boards on a lot. In addition, menu boards may only have writing or graphics on one side.

Refuse screening: Refuse and recycling storage containers will be located in an enclosure adjacent to the drive through lane. The enclosure will be eight feet in height and made out of burnished concrete and wood.

Lighting: A lighting plan showing footcandles was submitted as part of the application materials. The lighting plan is in compliance with the standards of Chapter 535, Regulations of General Applicability.

MINNEAPOLIS PLAN AND RELEVANT SMALL AREA PLANS:

The Planning Division does not believe that approving the site plan review application for a shopping center that does not comply with any district regulations or site plan review standards is consistent with the policies of *The Minneapolis Plan* or the *Industrial Land Use and Employment Plan*.

ALTERNATIVE COMPLIANCE:

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

PLANNING DEPARTMENT RESPONSE:

- **The first floor of the building shall be located not more than eight feet from the front lot line. If located on corner lot, the building wall abutting each street shall be subject to this requirement.** The site is a corner property. The building is located between one and a half and three feet from the property line along Plymouth Avenue North and between 56 and 74 feet from the property line along Second Street North.

The applicant has indicated that the site is physically constrained by its shape and size, the steeply sloping grade to the east, the location of the railroad embankment to the east and the physical limitations of Plymouth Avenue North and Second Street North. For these reasons the applicant has decided to locate the building between 56 and 74 feet from Second Street North. The applicant has indicated that the alternatives that are being providing in lieu of locating the building up to Second Street North include adequate screening of the parking lot through the use of trees, vegetation and decorative fencing. The Planning Division does not believe that the City Planning Commission should grant alternative compliance for building placement. The Planning Division believes that it is possible to design the site to accommodate a storefront building, a fast food restaurant with a drive through and adequate parking located to the rear or interior side of the site.

- **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.** The on-site parking area is proposed to be located between the building and the property line along Second Street North. This is not in compliance with the building standards of locating the parking to the rear or interior side of the site.

The applicant has indicated that the site is physically constrained by its shape and size, the steeply sloping grade to the east, the location of the railroad embankment to the east and the physical limitations of Plymouth Avenue North and Second Street North. For these reasons the applicant has decided to locate the on-site parking area between the building and the front lot line along Second Street North. The applicant has indicated that the alternatives that are being providing in lieu of locating the parking to the rear or interior side of the site, within the principal building served, or entirely below grade include adequate screening of the parking lot through the use of trees, vegetation and decorative fencing. The Planning Division does not believe that the City Planning Commission should grant alternative compliance for the location of the on-site parking area. The Planning Division believes that it is possible to design the site to accommodate a storefront building, a fast food restaurant with a drive through and adequate parking located to the rear or interior side of the site.

- **Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed 25 feet in length.** The majority of the building does not contain areas that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. However, the east wall of the building contains areas that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements.

The applicant did not address this site plan review requirement in their request for alternative compliance. The Planning Division does not believe that the City Planning Commission should

grant alternative compliance to allow a wall that is over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. The Planning Division believes that new buildings can be designed to incorporate windows, entries, recesses or projections, or other architectural elements.

- **Not less than 20 percent of the site not occupied by buildings shall be landscaped.** The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 33,690 square feet. The footprint of the building is 10,153 square feet. When you subtract the footprint from the lot size the resulting number is 23,537 square feet. Twenty percent of this number is 4,707 square feet. According to the applicant's landscaping plan there is 3,501 square feet of landscaping on the site or approximately 15 percent of the site not occupied by the building.

The applicant has indicated that the site's shape and size, the steeply sloping grade to the east, the location of the railroad embankment to the east and the physical limitations of Plymouth Avenue North and Second Street North severely limit how parking and access can be accommodated. For these reasons the applicant has indicated that little of the site remains to accommodate the minimum amount of required landscaping. The applicant has indicated that the alternatives that are being providing in lieu of the minimum amount of required landscaping include an outdoor patio area and two rain gardens. The Planning Division does not believe that the City Planning Commission should grant alternative compliance to allow less than the minimum amount of required landscaping. The Planning Division believes that the minimum amount of landscaping could be provided on the site. The drive aisle on the site is two feet wider than what is required by the zoning code and the applicant is provided 20 more parking spaces than what is required by the zoning code and two more parking spaces than what is allowed without a variance in the DP Downtown Parking Overlay District.

- **The zoning code requires that a seven-foot wide landscaped yard be provided along parking and loading facilities where fronting along a public street, public sidewalk or public pathway.** A seven-foot landscaped yard is required by the zoning code on two sides of the property, the north and west sides, due to adjacency to two public streets. The applicant is providing approximately four feet of landscaping along the west property line (Second Street North) and seven feet of landscaping along the north property line (Plymouth Avenue North). Although the applicant has proposed additional landscaping at the corner of Plymouth Avenue North and Second Street North, the overall frontage amount required along Second Street North is not meeting regulation standards.

The applicant has indicated that the site's shape and size, the steeply sloping grade to the east, the location of the railroad embankment to the east and the physical limitations of Plymouth Avenue North and Second Street North severely limit how parking and access can be accommodated. For these reasons the applicant has indicated that little of the site remains to accommodate the minimum amount of required landscaping. The applicant has indicated that the alternatives that are being providing in lieu of a seven-foot wide landscaped yard include adequate screening of the parking lot through the use of trees, vegetation and decorative fencing and two rain gardens. The Planning Division does not believe that the City Planning Commission should grant alternative compliance to allow less than the minimum width of landscaped yard along Second Street North. The Planning Division believes that the minimum width of landscaped yard could be provided along Second Street North. The drive aisle on the site is two feet wider than what is required by the zoning code and the

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applicant is provided 20 more parking spaces than what is required by the zoning code and two more parking spaces than what is allowed without a variance in the DP Downtown Parking Overlay District.

RECOMMENDATIONS:

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and the Minneapolis City Council adopt the above findings and **deny** the application to rezone the property located at 129 Plymouth Avenue North from the I1 Light Industrial District to the C2 Neighborhood Corridor Commercial District and to remove the IL Industrial Living Overlay District.

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 findings above and **deny** the conditional use permit to allow a shopping center within the C2 District located at 129 Plymouth Avenue North.

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 findings above and **deny** the conditional use permit to allow a fast food restaurant within the C2 District located at 129 Plymouth Avenue North.

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 findings above and **deny** the conditional use permit to allow an accessory parking lot within the DP Downtown Parking Overlay District located at 129 Plymouth Avenue North.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to exceed 20 surface parking spaces within the DP Downtown Parking Overlay District to 22 surface parking spaces located at 129 Plymouth Avenue North.

Recommendation of the Department of Community Planning and Economic Development – 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 deny the site plan review for a new principal non-residential building located at 129 Plymouth Avenue North.

Attachments:

1. Statement of proposed use and description of project
2. Responses to the rezoning, conditional use permit and variance findings
3. MCDA report
4. Industrial Employment District map
5. May 7, 2009, and June 4, 2009, letters to Council Members Goodman and Samuels, the North Loop Neighborhood Association and the Northside Residents Redevelopment Council
6. June 12, 2009, memo to the North Loop Neighborhood Association with alternative site plans
7. June 25, 2009, letter from the North Loop Neighborhood Association
8. Zoning map
9. Site, civil and landscaping plans
10. Aerial photos