

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

BZZ-1781
Rezoning
Conditional Use Permit
Variances
Site Plan Review

Date: July 12, 2004

Applicant: Bear Creek Capital

Address of Property: 2500 University Avenue SE

Date Application Deemed Complete: June 2, 2004

End of 60 Day Decision Period: August 1, 2004

End of 120 Day Decision Period: September 30, 2004

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

Ward: 2 Neighborhood Organization: Prospect Park East River Road Improvement Association

Existing Zoning: C3A

Proposed Zoning: C2

Zoning Plate Number: 22

Legal Description: Addition Name - Affinity Subdivision, Lot 1, Block 1

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

Background: Project consists of one parcel. The applicant is seeking a rezoning of the parcel zoned C3A – Community Activity Center District to C2 – Neighborhood Corridor Commercial District.

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

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

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

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

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A variance requested by the applicant to allow the site to be landscaped at less than the 20% landscape requirement is covered under the landscape requirements of Chapter 530, Site Plan Review. This variance application will need to be returned to the applicant.

Major site plan review is required.

Applicant proposes to construct a 13,013 square foot pharmacy and general retail store with drive-through service. Project provides 65 parking spaces, including 3 handicap-accessible spaces.

The applicant made one presentation to the Prospect Park East River Road Improvement Association (PPERIA) Zoning Committee on April 20, 2004. The neighborhood does not support the project for the following reasons: the development proposes a drive-thru which is not permitted in the C3A district; rezoning the property to C2 to allow the drive-thru is not consistent with the Comprehensive Plan; and the building is suburban in design and scale. On June 28, 2004, following the neighborhood's Zoning Committee, PPERRIA voted to recommend denial of all of the land use applications for this project.

Findings of the CPED Planning Division:

I. REQUIRED FINDINGS FOR REZONING

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

The parcel is located in the middle of an area along University Avenue SE from roughly 24th Avenue SE to mid-block of 26th Avenue SE that is currently zoned C3A - Community Activity Center zoning district.

This parcel is located along the eastern edge of the Stadium Village area; Stadium Village is designated in *The Minneapolis Plan* as an Activity Center. Activity Centers generally have a diversity of uses that draw traffic from citywide and regional destinations but do not generally support automobile uses. They are complimented by medium and high density, residential uses and also accommodate retail and commercial services, entertainment uses, educational campuses or other large scale cultural or public facilities. Buildings within Activity Centers have traditional urban form in terms of building massing with uses that are active all day long and into the evening. There is a mix of uses within the buildings in addition to the mix of uses within the Activity Center area. The C3A – Community Activity Center zoning district is most compatible with areas designated as Activity Centers and is established to provide for the development of major urban activity and entertainment centers with residential and neighborhood scale retail sales and services. The current C3A zoning corresponds to the comprehensive plan designation of the Stadium Village area as an Activity Center. The C3A district allows small scale retail sales and commercial services. Drugstores are included under the definition of general retail sales and services but are limited to a maximum gross floor area of 4,000 square feet. An increase of up to 6,000 square feet is allowed if the use does not allow parking between the principal structure and the street. An increase of up to 8,000 square feet is allowed if the use does not allow parking between the principal structure and the street and is located in a multi-story building.

University Avenue is a designated Community Corridor in *The Minneapolis Plan*. A Community Corridor is a street that is a principal travel route with a mix of uses including housing and commercial. Design and development along Community Corridors are oriented towards the pedestrian experience. Community Corridors carry fairly high volumes of traffic but must balance vehicular travel against

residential quality of life. The C1 – Neighborhood Commercial zoning district is typically the most appropriate zoning classification for commercial development along Community Corridors. The C1 district allows small scale retail sales and commercial services that are compatible with adjacent residential uses. General retail sales and services are a permitted use in the C1 district; drug stores are included under the definition of general retail sales and services. Commercial uses in the C1 district are limited to a maximum gross floor area of 4,000 square feet per use. The C1 and C3A zoning districts are similar in that both limit the maximum gross floor area of commercial uses as a means for limiting auto-oriented, big-box retail uses and encouraging pedestrian-oriented, smaller-scale retail and service uses.

The more intensive C2 – Neighborhood Corridor Commercial zoning district typically coincides with streets designated as Commercial Corridors. The C2 district provides an environment of retail sales and commercial services that are larger in scale than allowed in the C1 and C3A districts and allows a broader range of automobile related uses, including establishments with drive-through facilities and auto related service uses.

The applicant proposes to amend the zoning for the parcel from the C3A district to the C2 district in order to allow for two things: a larger store and a drive-through. The Stadium Village area is zoned C3A to create a future land use pattern that is decidedly more urban and pedestrian-oriented than it has been in the past. Development patterns are supporting this direction. The Stadium Village area is in close proximity to the University of Minnesota/Southeast Minneapolis Industrial (SEMI) area, a designated Growth Center in *The Minneapolis Plan*. The University of Minnesota continues to shift from a commuter institution to one in which students reside on or near campus. The SEMI area to the north of University Avenue SE is being converted into a high tech research business park and calls for the creation of additional housing units along the University Avenue corridor to support new workers. The planned Central Corridor LRT will run through the area along portions of University Avenue SE and the University transitway to connect the downtowns of Minneapolis and St. Paul. Compact transit-oriented development along the future LRT line and the existing University transitway will use land more efficiently and strengthen consumer demand for transit service.

The parcel is located in the Prospect Park East River Road neighborhood which is primarily single-family residential south of University Avenue SE and one of the oldest neighborhoods in Minneapolis. South of University Avenue SE, the neighborhood is an affluent residential area with a mix of many historic homes and hilly, winding streets. Development along University Avenue SE should buffer and preserve this existing single-family area as well as provide an appropriate transition to the commercial and mixed-uses along University Avenue SE.

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

Currently, the site consists of an Econo Lodge motel. The C3A zoning district does not permit drive-through service and limits the gross floor area for commercial uses. A rezoning of the site is in the interest of the applicant in order to redevelop the site as a 13,013 square foot pharmacy with drive-through service. A pharmacy could be developed at the site under the current zoning without a drive-through but would be limited to a size of 4,000 square feet. However, the zoning code allows two bonuses that would allow the maximum floor area of retail sales and services to be increased. The pharmacy could be constructed under the current zoning at a size of 6,000 square feet if no parking is placed between the principal structure and the street. The pharmacy could be constructed under the

current zoning at a size of 8,000 square feet if no parking is placed between the principal structure and the street and if the commercial use is located in a multi-story building.

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

Below is a listing of the parcel included in the proposed development and its history of land use:

2500 University Avenue SE

The corner parcel was constructed as a motel in 1964 and continues to be used as a motel. The motel complex consists of two buildings: one building sits at 25th Avenue SE and University Avenue SE, the second building sits at 25th Avenue SE and Delaware Street SE.

The area was zoned under the 1999 zoning code revision as C3A. The C3A district extends from 24th Avenue SE to mid-block 26th Avenue SE along University Avenue SE. Directly east of the site is the Affinity Credit Union, a financial institution with a drive-through that was developed shortly before the approval of the 1999 zoning code. Across University Avenue SE to the north is University Village, a mixed-use residential and commercial complex that was also developed prior to the passage of the 1999 zoning code. To the west of the site, is a mix of older, two-story brick buildings being used as small-scale retail uses. To the southwest of the site is a workshop with offices. Directly to the south of the site is a recently-constructed, existing 278-unit apartment complex; farther south and east of the site is an area of older, single-family homes.

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

The C3A zoning district allows small-scale retail sales and commercial services. Drugstores are included under the definition of general retail sales and services but are limited to a maximum gross floor area of 4,000 square feet. However, two bonuses exist that would allow the maximum floor are of retail sales and services to be increased. The pharmacy could be constructed under the current zoning at a size of 6,000 square feet if no parking was placed between the principal structure and the street. The pharmacy could be constructed under the current zoning at a size of 8,000 square feet if no parking is placed between the principal structure and the street and if the commercial use is located in a multi-story building.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

The University of Minnesota has grown in terms of student and faculty populations. Furthermore, the University continues to promote the shift of the campus from that of a commuter-based student population to that of a population that resides on or near campus. These two factors have caused the area to change from an auto-oriented area to a denser and more pedestrian area as new University-owned and private market housing developments continue to develop in and around the University Avenue Corridor. The redevelopment of the 400-acre Southeast Minneapolis Industrial (SEMI) Area to

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the north of University Avenue SE as a University-related high tech research business park will add additional employment and will drive greater demand for housing and commercial in the area.

The University of Minnesota Transitway currently operates just north of the site and connects the Minneapolis and St. Paul campuses of the University of Minnesota. The Central Corridor LRT line is proposed to run through this area connecting the downtowns of Minneapolis and St. Paul. The potential for maximizing mixed-use development along these fixed transit routes helps to ensure their success and contribute to a more efficiently developed environment.

The trend for development along University Avenue SE is toward pedestrian-oriented, mixed-use projects and away from the single auto-oriented uses that dominated the landscape in the 1970's and 1980's. The current C3A zoning for the area provides the greatest flexibility in promoting mixed-use developments oriented towards the pedestrian whereas the proposed C2 zoning reinforces auto-oriented commercial uses.

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

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

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

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

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

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

Twenty-four hour operation of a pharmacy will most likely not be disruptive to neighboring residential properties as most are multi-unit apartment complexes with a majority student tenant base. Because there is a high student population in the area, pedestrian activity is high at all times of the day and into the evening. Twenty-four hour operation of a pharmacy will most likely help add a level of security for passersby because of the natural surveillance that the store will provide to the street and sidewalk.

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

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

- a) Proximity to permitted or conditional residential uses. University Village, a mixed-use residential and commercial development, is located on University Avenue SE across the street from the proposed development site. The Melrose Apartments is located across the street from the proposed development site on Delaware Street SE. Typically, staff recommends denial of requests for extended hours when there are residential uses present adjacent to the proposed use. However, the housing developments adjacent to the site are

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populated primarily with students attending the University of Minnesota. 24-hour operation of the business may not be as intrusive to residents in the adjacent housing developments because of the varied schedules that students keep.

- b) Nature of the business and its impacts of noise, light and traffic. The business is described by the applicant as a neighborhood pharmacy and general retail store with drive-through facility. Should the rezoning of the property be approved, the drive-through would be allowed which would cause an increase in traffic to the site. However, the drive-through will not operate on a 24-hour basis but will be limited to the hours of 6:00a.m.-10:00p.m. Sunday-Thursday and 6:00a.m.-11:00p.m. Friday and Saturday.
- c) Conformance of use. A pharmacy use without a drive-through is permitted in the C3A district. The applicant is requesting a rezoning from the C3A district to the C2 district in order to allow for a larger store and a drive-through. A pharmacy use with a drive-through is permitted in the C2 district. If this rezoning is approved the proposed use will be in conformance with the zoning code.
- d) Complaints received. The proposed use is new. There have been no complaints received. If the CUP is approved, the 24-hour operation of the use should be reviewed one year after operations begin to evaluate whether it is causing disruption in the neighborhood.

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

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

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

The proposed development exceeds the required amount of parking on-site by more than double. It should be noted that excessive parking will encourage more people to drive to the location as opposed to walking, biking or bussing and will ultimately create more traffic to and from the site.

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

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

The Stadium Village area is a designated Activity Center in *The Minneapolis Plan*. Activity Centers generally have a diversity of uses that draw traffic from citywide and regional destinations but do not generally support automobile uses. They are complimented by medium and high density, residential uses and also accommodate retail and commercial services, entertainment uses, educational campuses or other large scale cultural or public facilities.

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Buildings within Activity Centers have traditional urban form in terms of building massing with uses that are active all day long and into the evening. There is a mix of uses within the buildings in addition to the mix of uses within the Activity Center area.

While twenty-four hour operation of the use would not normally be compatible with a Community Corridor, the presence of the Stadium Village Activity Center supercedes that policy aspect. Twenty-four hour operation of a service-based, retail pharmacy use would be consistent with comprehensive plan policies and implementation steps for Activity Centers. Twenty-four hour operation of the proposed use at this location is in conformance with the comprehensive plan.

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

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

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

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

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

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

Applicant has submitted the standard sign package on behalf of CVS. The signage submitted in the sign package exceeds the amount of signage allowed in the City's zoning code.

Zoning district standards for the C2 district allow one square foot of signage per one foot of primary building wall up to 180 square feet if a freestanding sign is on the same zoning lot. Applicant proposes two freestanding signs and building signage on two frontages – University Avenue SE (Building Frontage #1) and 25th Avenue SE (Building Frontage #2).

Building Frontage #1

The primary building wall is 91 feet. The maximum allowable square feet of signage is 91 feet. The proposed signage is 184 square feet.

Building Frontage #2

The primary building wall is 131 feet. The maximum allowable square feet of signage is 131 feet. The proposed signage is 200 square feet.

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

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

Applicant has submitted the standard sign package on behalf of CVS. The signage submitted in the sign package exceeds the amount of signage allowed in the City's zoning code.

The property is located at the corner of a standard city intersection on a road with high traffic counts. Because the property is located at the corner of a busy intersection, visibility of the site

from the street is high. Traveling east along University Avenue SE, customers are able to see building signage in the following places: 1.) attached to the building frontage facing 25th Avenue SE; 2.) attached to the building frontage facing University Avenue SE. In addition to this building signage, customers are also able to see a 24-foot high pylon sign at the Central Avenue entrance. Customers traveling west along University Avenue SE are able to see building signage in one place: 1.) attached to the building frontage facing University Avenue SE. Customers traveling along 25th Avenue SE are also able to see building signage in one place: 1.) attached to the building frontage facing 25th Avenue SE. In addition to the building signage, customers will also be able to see the pylon sign at the rear of the site along 25th Avenue SE and Delaware Street SE.

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

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

The zoning district sign standard for building signage is one square foot of signage per one foot of primary building wall up to 180 square feet if a freestanding sign is on the same zoning lot in the C2 district. The proposed signage for Building Frontage #1 is 184 square feet; the allowed amount of signage is 91 feet. The proposed signage proposed for Building Frontage #2 is 200 square feet; the allowed amount of signage is 131.

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

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

The proposed variance to exceed the maximum square footage of signage allowed on building frontages will not increase street congestion, increase the danger of fire or be detrimental to the public welfare or public safety.

In addition to the variance standards contained in Chapter 525 and this article, the City Planning Commission shall consider, but not be limited to, the following factors when determining sign variances:

1. The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the

property is located.

The sign adjustment increases sign clutter on the two frontages in which the building signage is proposed. Visibility of the site is excellent from both sides of University Avenue SE and 25th Avenue SE. Granting the sign variance needlessly increases the amount of signage when the site can already be served well by the amount of signage allowed in the code.

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

Applicant has submitted the standard sign package on behalf of CVS. The signage submitted in the sign package exceeds the amount of signage allowed in the City's zoning code.

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

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

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

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

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

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

Applicant has submitted the standard sign package on behalf of CVS. The signage submitted in the sign package exceeds the amount of signage allowed in the City's zoning code.

Applicant proposes two freestanding signs - a 24-foot high, multi-paneled pylon sign totaling 115 square feet at the southwest corner of the site at 25th Avenue SE and Delaware Street SE and a monument sign approximately 6-feet high totaling 30 square feet at the northeast corner of the site along University Avenue SE. Applicant also proposes signage for the building frontages facing University Avenue SE and the proposed drive-thru along the eastern side of the site.

The zoning ordinance allows one freestanding sign in addition to signage to be placed on the building frontages. This combination of allowable building signage and one freestanding sign on the zoning lot allows the property to be put to a reasonable use as a pharmacy and general retail store.

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

Applicant has submitted the standard sign package on behalf of CVS. The signage submitted in the sign package exceeds the amount of signage allowed in the City's zoning code.

As stated above, the applicant proposes two freestanding signs with one located at the University Avenue SE entrance and one located at the southwest corner of the site at 25th Avenue SE and Delaware Street SE.

The parcel's location does not present a unique situation in which two freestanding signs would be warranted. The parcel is L-shaped with frontages on University Avenue SE, 25th Avenue SE, and Delaware Street SE with University Avenue SE being the primary commercial frontage. The terrain is level in grade and visibility of the property from both sides of University Avenue SE as well as 25th Avenue SE is excellent. The applicant is allowed to have signage on the

building in addition to one freestanding sign. The combination of the allowable amount of signage and the parcel's excellent visibility from the adjacent streets does not make for circumstances that would necessitate the need for two freestanding signs on one zoning lot.

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

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

The applicant wants two freestanding signs on one zoning lot in order to advertise the business. Adhering to the ordinance allows the applicant to have sufficient signage advertising the business. The placement of a non-advertising, auxiliary directional sign at the second entrance is allowed by the ordinance and would signify to customers that they can enter the property from 25th Avenue SE. Granting a variance to allow two freestanding signs on one zoning lot runs counter to the spirit and intent of the ordinance.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The proposed variance to allow two freestanding signs on one zoning lot will not increase street congestion, increase the danger of fire or be detrimental to the public welfare or public safety.

In addition to the variance standards contained in Chapter 525 and this article, the City Planning Commission shall consider, but not be limited to, the following factors when determining sign variances:

- 1. The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.**

The proposed sign adjustment increases the number of freestanding signs and only serves to increase sign clutter in the area.

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

Applicant has submitted the standard sign package on behalf of CVS. The signage submitted in the sign package exceeds the amount of signage allowed in the City's zoning code.

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

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

Chapter 543.50 Prohibited Signs. The following signs shall be prohibited in all zoning districts, except as otherwise specified in this chapter: (1) Flashing signs, except in the downtown districts and the C3A district, or when used to provide time and temperature, subject to the provisions of section 543.230, or when allowed on theaters, as specified in section 543.180.

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

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

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

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

Applicant has submitted the standard sign package on behalf of CVS. The freestanding signage submitted in the sign package exceeds the amount of signage allowed in the City's zoning code.

The applicant proposes a 24-foot high multi-paneled pylon sign with an electronic message unit totaling 115 square feet located at the southwest corner of the site at the corner of 25th Avenue SE and Delaware Street SE. The zoning code allows a 24-foot high multi-paneled pylon sign of up to 80 square feet. The electronic message unit portion of the sign would not be allowed per the code in the C2 district. In addition to the freestanding sign, applicant also proposes signage for two frontages of the building.

A 24-foot high multi-paneled pylon sign of up to 80 square feet combined with allowable building signage on the two building frontages enables to the property to be put to a reasonable use as a pharmacy and general retail store.

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

Applicant has submitted the standard sign package on behalf of CVS. The freestanding signage submitted in the sign package exceeds the amount of signage allowed in the City's zoning code.

The parcel's location does not present a unique situation in which the freestanding pylon sign should need to exceed the amount allowed by 44%. The parcel is L-shaped with frontages on University Avenue SE, 25th Avenue SE, and Delaware Street SE with University Avenue SE being the primary commercial frontage. The terrain is level in grade and visibility of the

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property from both sides of University Avenue SE as well as 25th Avenue SE is excellent. The applicant is allowed to have signage on the building in addition to the one freestanding sign. The combination of the allowable amount of signage on the two building frontages and the parcel's excellent visibility from the adjacent streets does not make for circumstances that would necessitate the need for a freestanding pylon sign that exceeds the amount allowed by nearly double.

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

The purpose of the sign ordinance is to ensure effective signage appropriate to the planned character of each zoning district, to promote an attractive environment by minimizing visual clutter and confusion, to minimize adverse effects on nearby property and to protect the public health, safety and welfare. The zoning district sign standard for a freestanding sign in the C2 district is 80 square feet maximum area per sign. Applicant proposes a freestanding sign with 115 square feet maximum sign area. The proposed signage is 44% more than what the zoning district sign standard allows and is excessive given that the zoning code allows the applicant to place signage on the building frontages in addition to allowing a freestanding sign. Granting a variance to exceed the maximum sign area at that level runs counter to the spirit and intent of the ordinance.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The proposed variance to exceed the maximum square footage allowed on one freestanding sign will not increase street congestion, increase the danger of fire or be detrimental to the public welfare or public safety.

In addition to the variance standards contained in Chapter 525 and this article, the City Planning Commission shall consider, but not be limited to, the following factors when determining sign variances:

- 1. The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.**

The proposed sign adjustment increases the allowed signage per one freestanding sign from 80 square feet to 115 square feet and increases sign clutter in the area.

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

Applicant has submitted the standard sign package on behalf of CVS. The freestanding signage submitted in the sign package exceeds the amount of signage allowed in the City's zoning code. The proposed sign adjustment simply increases the size of the freestanding signage and does not substitute a sign of exceptional design or style.

VI. REQUIRED FINDINGS FOR MAJOR SITE PLAN REVIEW

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.
- Entrances and windows:
 - Residential uses shall be subject to section 530.110 (b) (1).
 - Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

The proposed development is a new, one-story construction, replacing an existing two-building commercial use. The building is located on a corner lot and is oriented to the street with the entrance located on the corner of 25th Avenue SE and University Avenue SE. The building is setback 8 feet from the lot line along 25th Avenue SE; a building canopy wraps a portion of the building and extends to the lot line. The building is setback 10 feet from the lot line along University Avenue SE; the building canopy that wraps the building sits 8 feet from the lot line. The building does not meet the 8 foot front setback requirement along University Avenue SE. Landscaping is proposed for the setback along 25th Avenue SE; landscaping is not proposed for the setback along University Avenue SE. Staff would request that the setback along University Avenue SE be landscaped in order to meet alternative compliance for not meeting standard setback requirements.

The proposed development includes 65 parking spaces and the parking area is located to the rear of the site. The building façade is a combination of EFIS and brick masonry and includes windows and adequate architectural detail. Section 530.110 requires that at least 30% of the first floor façade that faces a public street, sidewalk or parking lot shall be windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level. Applicant proposes windows along the University Avenue SE, 25th Avenue SE and drive-through building frontages at the respective percentages: 41%, 48%, and 49%. Windows are not proposed for the Delaware Street SE building frontage that faces the majority of the parking area. Lack of windows for this side of the building could be a safety issue as the persons in the store will not be able to see people in the parking lot and vice versa. The issue was noted to the applicant by the Minneapolis Police Department during Preliminary

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Plan Review. Applicant could consider placing surveillance cameras in the parking area to increase security.

ACCESS AND CIRCULATION:

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

The principal entrance is located at the northwest corner of the building at the corner of University Avenue SE and 25th Avenue SE and is adjacent to the existing sidewalks along both of those streets.

The proposed use is required to have 30 parking spaces and 65 spaces are provided. Three of the 65 spaces are handicapped accessible. The parking area is located at the rear of the building along 25th Avenue SE and Delaware Street SE.

The drive-through facility is located on the south and east side of the building. The drive-through provides two drive aisles – one for drop-off of prescriptions and a second one for pick-up. Customers can enter the drive-through from the entrance on 25th Avenue SE and exit one-way onto University Avenue SE. Customers wishing to park and enter the store also enter from the entrance on 25th Avenue SE and can exit via 25th Avenue SE or one-way onto University Avenue SE. Driveways need to be a width of 25 feet. The driveway for the 25th Avenue SE is 24.7 feet wide and the driveway for University Avenue SE is 22 feet wide. The applicant needs to adjust the size of both driveways to comply with the width requirement.

The proposed drive-through meets the requirements of 3 minimum stacking spaces. The applicant's site plan shows room for 3 stacking spaces for each drive through aisle. Public Works received traffic study data from the applicant with regards to the customer frequency for the pharmacy drive through and confirmed that the minimum of 3 stacking spaces is adequate for the development. A loading berth is required; one loading berth is provided at the rear of the building. Snow storage will be stored along the eastern and northern property lines. The site plan minimizes the use of impervious surfaces by providing landscaped medians within the parking lot but more landscape can and should be added to the parking area in order to meet the landscape and screening requirements.

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LANDSCAPING AND SCREENING:

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
- Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.

The development site area is 55,351 square feet and the building is 13,013 square feet. The development proposes that 11,474 square feet (4,831 square feet existing and 6,643 square feet new) or 27% of the site will contain landscaping. The zoning code requires that the location and composition of landscaped areas complement the scale of the development and its surroundings.

Chapter 530.150 General landscaping and screening requirements.

(a) In general. Overall composition and location of landscaped areas shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller disconnected areas. Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as follows:

(1) Not less than one (1) canopy tree for each one thousand (1,000) square feet, or fraction thereof.

(2) Not less than one (1) shrub for each two hundred (200) square feet, or fraction thereof.

For this site, the proposed landscape plan consists of 12 new trees, retention of 8 existing trees, 71 shrubs and sod. Under the general landscaping requirements noted above, the site would require 42 trees, 212 shrubs and turf grasses, native grasses or other perennial flowering plants and vines. So while the applicant meets the 20% landscape requirement for the total site, the landscape plan consists of a greater amount of sod rather than larger landscape elements like trees and shrubs. The applicant could meet the general landscaping requirements by replacing the proposed sod with trees and shrubs. Furthermore, because the applicant provides nearly double the parking required, the landscaped medians within the parking lot could be expanded to incorporate more trees, shrubs and native perennials into the landscape plan.

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A landscaped yard is required for this development and can be satisfied by one (1) of the following:

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

Under Option #1, the proposed landscape plan would be required to have at least 8 trees and 38 shrubs located in the 5-foot wide landscaped yard. The current landscape plan meets the requirement for trees but is deficient in shrubs as there are only 22 shrubs proposed for the landscaped yard. Also, the current landscape plan does not propose landscape for the front yard east of the building canopy along University Avenue SE. Staff recommends that the applicant landscape this area with trees, shrubs and native perennials in order to meet the landscaped yard requirement as well as meet alternative compliance for not meeting the 8 foot building setback requirement.

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

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

The proposed landscape plan meets the requirements for #1, and #3 but does not meeting the screening requirement for #2. The applicant can meet the screening requirement under #2 by incorporating more shrubs into the landscaped areas abutting the parking area, particularly along the southwestern corner along 25th Avenue SE and along Delaware Street SE.

All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of storm water. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking

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lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock.

ADDITIONAL STANDARDS:

- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- Site plans shall minimize the blocking of views of important elements of the city.
- Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- Buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260.
- Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

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

535.590. Lighting. (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

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

With regards to crime prevention through environmental design standards,

1) Natural surveillance and visibility. The building placement in the proposed site plan does promote natural observation and maximize the opportunities for people to observe adjacent spaces. The building is setback approximately 10 feet from the property line along University Avenue SE and 8 feet from

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property line along 25th Avenue SE with the building entrance located at the northwest corner of the building at the intersection of University and 25th Avenue. The building placement is acceptable for improved safety and surveillance for pedestrians walking on the sidewalks on University Avenue SE and 25th Avenue SE as well as for those accessing the store. The building contains sufficient windows along the University Avenue SE, 25th Avenue SE and eastern building frontages for natural surveillance looking in and out of the store. With the exception of the drive-through window, the building does not contain windows along the rear of the building overlooking the parking lot.

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

3) Territorial reinforcement and space delineation. The building entrance is located at the corner of University Avenue SE and 25th Avenue SE with adjacent sidewalks along both of those streets. The location of the entrance is clearly defined for pedestrians entering the site.

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

ALTERNATIVE COMPLIANCE:

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

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

The proposed development will alternatively comply with the building setback requirements for the University Avenue SE frontage by adding the following elements:

- increasing landscaping for the front yard east of the building canopy along University Avenue SE to include trees, shrubs and a mix of native perennials and natural grasses
- adding a bike rack to be placed along the primary building wall along either the University Avenue SE or 25th Avenue SE building frontages

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

ZONING CODE:

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

The site plan identifies an enclosed dumpster and trash compactor at the southeast corner of the site. The enclosure consists of an 8-foot high wooden fence with a gate and is screened by an evergreen hedge on both sides.

THE MINNEAPOLIS PLAN:

The proposed development is located in the Prospect Park East River Road neighborhood which is one of the oldest neighborhoods in Minneapolis. The neighborhood includes a mix from the institutional presence of the University of Minnesota to the west, industrial to the north, mixed-use commercial and residential along University Avenue SE with primarily single-family residential south of University Avenue SE. Development along University Avenue SE should buffer and preserve this existing single-family area as well as provide an appropriate transition to the commercial and mixed-uses along University Avenue SE.

The development site is located at the corner of University Avenue SE and 25th Avenue SE in the Stadium Village Activity Center and close to the University of Minnesota/Southeast Minneapolis Industrial Area (SEMI) Growth Center. University Avenue is a designated Community Corridor in *The Minneapolis Plan*. A Community Corridor is a street that is a principal travel route with a mix of uses including housing and commercial. Design and development along Community Corridors are oriented towards the pedestrian experience. Community Corridors carry fairly high volumes of traffic but must balance vehicular travel against residential quality of life.

Activity Centers generally have a diversity of uses that draw traffic from citywide and regional destinations but do not generally support automobile uses. They are complimented by medium and high density, residential uses and also accommodate retail and commercial services, entertainment uses, educational campuses or other large scale cultural or public facilities. Buildings within Activity Centers have traditional urban form in terms of building massing with uses that are active all day long and into the evening. There is a mix of uses within the buildings in addition to the mix of uses within the Activity Center area. The C3A – Community Activity Center zoning district is most compatible with areas designated as Activity Centers and is established to provide for the development of major urban activity and entertainment centers with residential and neighborhood scale retail sales and services. The current C3A zoning corresponds to the comprehensive plan designation of the Stadium Village area as an Activity Center.

The applicant proposes to amend the zoning for the parcel from the C3A district to the C2 district in order to allow for two things: a larger store and a drive-through. The area is zoned C3A to create a future land use pattern that is decidedly more urban and pedestrian-oriented than it has been in the past. Development patterns are supporting this direction. The Stadium Village Activity Center area is in close proximity to the University of Minnesota/Southeast Minneapolis Industrial (SEMI) area, a designated Growth Center in the comprehensive plan. The University of Minnesota continues to shift from a commuter institution to one in which students reside on or near campus. The SEMI area to the north of University Avenue SE is being converted into a high tech research business park in partnership with the University and calls for the creation of additional housing units along the University Avenue corridor to support new workers. The planned Central Corridor LRT will run through the area along portions of University Avenue SE and the University transitway to connect the downtowns of Minneapolis and St. Paul. Compact transit-oriented development along the future LRT line and the existing University transitway will use land more efficiently and strengthen consumer demand for transit service.

Below are policies and implementation steps from The Minneapolis Plan that directly relate to the site and surrounding area:

Chapter 3 – Marketplaces: Growth Centers

- 3.3 Minneapolis will create a Growth Center plan for the University of Minnesota/ SEMI area, similar to the Downtown 2010 plan which would guide decisions and investment in the area, recognizing the contributions from existing plans and planning processes.**

Implementation Steps

Promote moderate to high density housing of a variety of affordability levels and supporting commercial uses adjacent to the University of Minnesota.

Chapter 4 – Marketplaces: Neighborhoods

- 4.1 Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods.**
- 4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.**
- 4.7 Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.**

Implementation Steps

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

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

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

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

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

Apply street design criteria that incorporates a pedestrian orientation and accommodates a variety of traffic (pedestrian, cyclist, transit, automobile).

Chapter 9 – City Form

- 9.10 Minneapolis will support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character.**
- 9.11 Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.**

Implementation Steps

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

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

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

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

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

Implementation Steps

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

The proposed development seeks to replace a two-building motel complex with a single-story 13,013 square foot pharmacy with drive-through service on a 1.27 acre parcel. The parcel is located in an area with three designated land use features from the comprehensive plan – the Stadium Village Activity Center, the University of Minnesota/SEMI Growth Center, and the University Avenue SE Community Corridor. The presence of the Growth Center combined with the Activity Center reinforce the policy direction for the area in that it should be developed as pedestrian-oriented with a mix of uses and in a traditional urban scale and form. Likewise, the presence of the University transitway and the proposed

alignment for the Central Corridor LRT indicate that this area will only continue towards a direction of compact, transit-oriented development as opposed to an auto-oriented direction. The development of a pharmacy at this location would be appropriate and consistent with the comprehensive plan if it were developed under the requirements of the current C3A zoning because it would encourage a development that is smaller in scale, pedestrian-oriented, and most likely result in a multi-story, mixed-use building. Developing the pharmacy as it is proposed under the C2 zoning would not be consistent with the comprehensive plan policy direction for the area because it would result in an auto-oriented and suburban style single-story building that underutilizes the prime redevelopment potential of a large parcel so close to a growing area, both in terms of population and transit choices.

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

The *SEMI Refined Master Plan* was adopted in July 2001 by the City Council and gives guidance on land use for both sides of University Avenue SE from Washington Avenue SE to Malcolm Avenue SE. According to the plan, the area in which the proposed development is to occur should be developed with concentrated mixed-use including office, research, medium-high density residential and limited retail/service uses.

The proposed development does not support the goals of the *SEMI Refined Master Plan* because it is a single service commercial use oriented to the car as opposed to a mixed-use development with a focus on the pedestrian. The City and the University of Minnesota are in active partnership in developing a research and technology business park in the SEMI area to the north of University Avenue SE. Underdevelopment of sites along University Avenue SE hinders implementation of the *SEMI Refined Master Plan* in terms of increasing mixed-use development adjacent to the SEMI area.

Recommendations of the CPED Planning Division:

STAFF RECOMMENDATION ON REZONING:

The Community Planning & Economic Development Department, Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **deny** the application for rezoning from C3A to C2 for property located at 2500 University Avenue SE.

If the rezoning is denied, then the accompanying applications should be acted on as follows:

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

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

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

The Community Planning & Economic Development Department, Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to exceed maximum square footage signage allowed on Building Frontage #1 from 91 square feet to 184 square feet, **deny** the application for a variance to exceed maximum square footage signage allowed on Building Frontage #2 from 131 square feet to 200 square feet.

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

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

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

The Community Planning & Economic Development Department, Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to exceed maximum square footage allowed on one freestanding sign from 80 square feet to 115 square feet.

STAFF RECOMMENDATION ON VARIANCE TO ALLOW THE SITE TO BE LANDSCAPED AT LESS THAN THE 20% REQUIREMENT:

The Community Planning & Economic Development Department, Planning Division recommends that the City Planning Commission adopt the above findings and **return** the application for a variance to allow the site to be landscaped at less than the 20% requirement.

STAFF RECOMMENDATION ON SITE PLAN REVIEW:

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

If the rezoning is approved, then the accompanying applications should be acted on as follows:

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

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

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

The Community Planning & Economic Development Department, Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to exceed maximum square footage signage allowed on Building Frontage #1 from 91 square feet to 184 square feet, **deny** the application for a variance to exceed maximum square footage signage allowed on Building Frontage #2 from 131 square feet to 200 square feet.

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

The Community Planning & Economic Development Department, Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to exceed maximum square footage allowed on one freestanding sign from 80 square feet to 115 square feet.

STAFF RECOMMENDATION ON VARIANCE TO ALLOW THE SITE TO BE LANDSCAPED AT LESS THAN THE 20% REQUIREMENT:

The Community Planning & Economic Development Department, Planning Division recommends that the City Planning Commission adopt the above findings and **return** the application for a variance to allow the site to be landscaped at less than the 20% requirement.

STAFF RECOMMENDATION ON SITE PLAN REVIEW:

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

1. Applicant shall implement the following items as part of alternative compliance:

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- increasing landscaping in the front yard east of the building canopy along University Avenue SE to include trees, shrubs and a mix of native perennials and natural grasses
 - adding a bike rack to be placed along the primary building wall on either the University Avenue SE or 25th Avenue SE building frontages
2. Applicant shall increase the width of the 25th Avenue SE and University Avenue SE driveways to 25 feet.
 3. Applicant will add shrubs to the landscaping along the parking area to meeting the screening requirements of 560.160.
 4. All windows shall consist of clear or lightly-tinted glass.
 5. The lighting plan shall comply with Chapters 535 and 541.
 6. Staff review and approval of the final site plan, landscape plan, and building elevations. All improvements shall be completed by July 12, 2005 (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance. The permits will expire if construction does not commence within one year.
 7. Applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before building permits can be issued.

Attachments:

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