



Request for City Council Committee Action from the Department of Community Planning & Economic Development—Planning Division

Date: June 24, 2010

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

Referral to: Zoning & Planning Committee

Subject: Master Engineering has submitted an appeal of the decision of the City Planning Commission denying land use applications for a new commercial development for property at 217-229 West Broadway. The applications appealed include a denial of a variance to allow a building that is less than two floors in height for the length of the West Broadway frontage in the West Broadway Pedestrian Oriented Overlay (PO) district, denial of a variance to allow a building with an FAR less than 1.0 in the West Broadway PO and site plan review for a new 11,503 square foot building. The proposed project, to be known as the North Loop Gateway, would include a restaurant use and an off-sale liquor store. The City Planning Commission approved a conditional use permit for an off-sale liquor store on May 24, 2010.

Recommendation: The following action was taken by the Planning Commission on May 24, 2010 (BZZ-4748):

2. (BZZ-4748, Ward: 5), 217-229 West Broadway.

A. Conditional Use Permit: Application by Tony Smith, on behalf of Land Ho, LLC, for a conditional use permit to allow an off-sale liquor store in the I1 District located at 217-229 West Broadway.

Action: Notwithstanding staff recommendation, the City Planning Commission **approved** the conditional use permit to allow an off-sale liquor store in the I1 District for the property located at 217-229 West Broadway, based on the following findings:

1. The use will not be detrimental to the public health, safety or general welfare.
2. The use will not be injurious to use and enjoyment of other property in the vicinity.

3. Allowing an off-sale liquor store is consistent with policies for Commercial Corridors, including Comprehensive Plan Policy 1.10.

B. Variance: Application by Tony Smith, on behalf of Land Ho, LLC, for a variance to the standards of the West Broadway Pedestrian Oriented Overlay District to allow a building that is less than 2 stories in height for the length of the West Broadway frontage for the property located at 217-229 West Broadway.

Action: The City Planning Commission adopted the findings and **denied** the variance to allow a single story building in the I1 and West Broadway Pedestrian Oriented Overlay District, for the property located at 217-229 West Broadway.

C. Variance: Application by Tony Smith, on behalf of Land Ho, LLC, for a variance to the standards of the West Broadway Pedestrian Oriented Overlay District to allow a building with a floor area ratio that is less than 1.0 for the property located at 217-229 West Broadway.

Action: The City Planning Commission adopted the findings and **denied** the variance to allow a building with an FAR of .456 in lieu of the 1.0 required in the I1 and West Broadway Pedestrian Oriented Overlay District, for the property located at 217-229 West Broadway.

D. Site Plan Review: Application by Tony Smith, on behalf of Land Ho, LLC, for a site plan review for the property located at 217-229 West Broadway.

Action: The City Planning Commission adopted the findings and **denied** the site plan review for a new multi-tenant commercial building at the property of 217-229 West Broadway.

Ward: 3

Prepared by: Kimberly Holien, City Planner (612-673-2402) Approved by: Jason Wittenberg, Planning Supervisor Presenters in Committee: Kimberly Holien, City Planner

Community Impact

- Neighborhood Notification: The Northside Residents Redevelopment Council was notified of the application on March 22, 2010.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: On April 14, 2010, staff sent a letter to the applicant extending the 60 day decision period to no later than July 20, 2010.

Supporting Information

For the variance to allow a building that is less than two floors in height for the length of the West Broadway frontage, the appeal statement submitted by the applicant cites an intent to match the height of the adjacent building to the east and the proposed contemporary design of the building as reasons why the variance has been requested. For the variance to allow a building an FAR of .46 in lieu of the 1.0 required in the West Broadway PO, the statement submitted by the applicant cites parking constraints and the narrow configuration of the site. The applicant has also

appealed the Planning Commission's decision on the site plan review application. The appeal statement cites changes that are proposed to the site plan to eliminate the need for alternative compliance for some requirements. An additional 950 square feet of landscaping has been added to the site, eliminating the need for alternative compliance to the minimum percentage of required landscaped area. Windows have been added to the mezzanine level on the south side of the building, eliminating the need for alternative compliance to the minimum window requirement in this location. The applicant has indicated that the revised site plan now meets the minimum canopy tree and shrub requirements. However, a plant schedule was not submitted with the revised plans and staff is not able to verify that this requirement has been met. The appeal documents relating to the site plan application also state that the applicant believes the proposed building design is appropriate for this location and is consistent with City goals.

The appellant's complete statement of the actions and reasons for the appeal are attached. The revised site plan and building elevations have also been attached.

Department of Community Planning and Economic Development - Planning Division
Conditional Use Permit, Variances, Site Plan Review
BZZ-4748

Date: May 24, 2010

Applicant: Land Ho, LLC

Address of Property: 217-229 West Broadway

Project Name: North Loop Gateway

Contact Person and Phone: Tony Smith, Master Development (612) 236-1633

Planning Staff and Phone: Kimberly Holien (612) 673-2402

Date Application Deemed Complete: March 22, 2010

End of 60 Day Decision Period: May 21, 2010

End of 120 Day Decision Period: On April 14, 2010 staff sent a letter to the applicant extending the City's decision period for an additional 60 days, to July 20, 2010.

Ward: 3 **Neighborhood Organization:** Near North

Existing Zoning: I1 Light Industrial District, PO Pedestrian Oriented Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 13

Legal Description: Not applicable for this application.

Proposed Use: Off-sale liquor store and restaurant

Concurrent Review:

Conditional Use Permit: To allow an off-sale liquor store in the I1 District.

Variance: To the standards of the West Broadway Pedestrian Oriented Overlay District to allow a building that is not two floors in height for the length of the West Broadway frontage.

Variance: To the standards of the West Broadway Pedestrian Oriented Overlay District to allow a building with an FAR of .46 instead of the 1.0 FAR required.

Site Plan Review: For a new 11,503 square foot building.

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

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Background: Land Ho, LLC is proposing a new 11,503 square foot commercial building at the properties of 217 and 229 West Broadway, in the southeast corner of the intersection of West Broadway and Washington Avenue N. The proposed single-story building would contain a 2,829 square foot restaurant with an 850 square foot mezzanine at the corner and an off-sale liquor store with 7,824 square feet of floor area on the east side of the site. The property at 229 West Broadway currently contains BJ's Liquor Lounge, an adult entertainment use. The basement of this existing structure will be retained and the remainder of the structure will be demolished. The property at 217 West Broadway is currently vacant.

The site is bordered by an office use to the west that will be providing an easement to allow a driveway through the property that connects the subject site to 2nd Street N. A second easement will allow an access drive to West Broadway. The properties to the south contain a mixed use building and a recycling/salvage yard use. The property to the north, across West Broadway, contains an automobile repair use.

The site is zoned I1 and an off-sale liquor store is a conditional use in this district. An application for a conditional use permit has been submitted accordingly. The property is also within the boundaries of the newly established West Broadway Pedestrian Oriented Overlay District. This overlay district has a minimum floor area ratio requirement (FAR) of 1.0 for all new development in the Commercial, OR2, OR3 and Industrial districts. The applicant is proposing an 11,503 square foot building on a 25,200 square foot lot, resulting in a floor area ratio of .456. The applicant has submitted an application for a variance to deviate from the minimum FAR requirement. The overlay district also requires buildings that front on West Broadway to be a minimum of two floors in height for the length of the West Broadway frontage. The applicant is proposing a single story building with a mezzanine at the corner. A variance has been requested for this requirement.

As of the writing of this staff report staff had received any comments from the Northside Residents Redevelopment Council. Staff will forward any comments, if received, to the City Planning Commission.

CONDITIONAL USE PERMIT (to allow an off-sale liquor store in the I1 Light Industrial 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 below concludes that the establishment, maintenance, or operation of the proposed conditional use:

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

An off-sale liquor store in this location is not expected to be detrimental to the public health, safety or general welfare, provided the use complies with all licensing requirements, life safety ordinances and Public Works Department standards. An off-sale liquor store was previously located across West Broadway to the north. However, that liquor store is no longer operating and therefore the proposed use would currently meet the required spacing (2,000 foot radius) for licensing of off-sale liquor.

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

The guidance in *The Minneapolis Plan for Sustainable Growth* and the *West Broadway Alive Plan* emphasizes the preference for development in this location to be a minimum of two stories in height. This is also required in the West Broadway Pedestrian Oriented Overlay District. While the off-sale liquor store in itself will not be injurious to the use and enjoyment of other property in the vicinity, allowing a single story may impede the normal and orderly development of the area. The only other building on this block face, at 201 West Broadway, is a single story office building. Allowing this pattern to continue would create a development pattern that is not consistent with the policy for this area.

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

Roads and utilities are existing and adequate. Utilities, access and drainage will also be evaluated as part of the Preliminary Development Review process.

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

The applicant is providing adequate off-street parking and eliminating a curb cut along the properties West Broadway frontage. The use is not expected to contribute to traffic congestion in the public streets.

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

The site is designated for commercial use on the future land use map in *The Minneapolis Plan for Sustainable Growth*. West Broadway is a commercial corridor in this location. The site is also located within the boundaries of an industrial employment district. Specifically, it is located within the Upper River employment district. Industrial employment districts are intended to protect prime industrial space and to provide an opportunity for the City to support targeted industries and business clusters and to redevelop underutilized sites for economic development purposes. The following policies of the comprehensive plan apply:

Policy 1.14: Maintain Industrial Employment Districts to provide appropriate locations for industrial land uses.

- 1.14.1 Develop regulations for the Industrial Employment Districts that promote compatible industrial development and the efficient use of land.
- 1.14.3 Restrict the development and expansion of non-industrial uses within designated Industrial Employment Districts, limiting non-industrial uses to the types of uses and locations designated in the Industrial Land Use and Employment Plan.

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1.14.5 Encourage and implement buffering through the site plan review process to mitigate potential conflicts between industrial uses and adjacent other uses.

Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low-impact light industrial – where compatible with the existing and desired character.

1.10.4 Encourage a height of at least two stories for new buildings along Commercial Corridors, in keeping with neighborhood character.

While the use is on a commercial corridor, the proposed liquor store is a non-industrial use that does not support the above policies specific to Industrial Employment Districts or the Industrial Land Use and Employment plan. Furthermore, the proposed single-story building results in an underutilization of the site. This design is not consistent with commercial corridor policies that encourages a height of at least two stories and again is not consistent with the intent of the industrial employment district.

In addition to the comprehensive plan policies, the site is located within the study area of the *West Broadway Alive Plan*. This plan also identifies the site as being an appropriate industrial/business park opportunity area. The commercial use proposed would not be consistent with this long-range goal. The *West Broadway Alive Plan* also states the following with regard to development intensity and commercial uses:

Underdeveloped sites are detrimental to the long-term vitality of West Broadway. Low intensity commercial developments spread the commercial district and increase the distance between commercial establishments. This makes the commercial district less attractive because it is not as convenient to come to the district and pick up goods and services from multiple businesses. For this reason, mechanisms should be put in place to deter new low intensity development, and particularly single story commercial developments.

A single story commercial development in this location would again be inconsistent with the above policies of the *West Broadway Alive Plan*.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

The proposed building requires two variances to the regulations of the newly adopted West Broadway Pedestrian Oriented Overlay District. This overlay district was adopted in August 2009 as the result of a rezoning study along the West Broadway corridor. This district requires buildings that front on West Broadway to be a minimum of two floors in height and subjects new development to a minimum FAR of 1.0. The proposed building will be one story in height and have an FAR of only .46. Staff does not

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believe that these variances are supportable and that granting of the variances would result in an underutilization of the site.

VARIANCE (to allow a building that is less than two stories for the length of the West Broadway frontage)

Findings Required by the Minneapolis Zoning Code:

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

As stated above, the West Broadway Pedestrian Oriented Overlay District was recently adopted in 2009 and requires that all building that front on West Broadway be a minimum of two floors for the length of the West Broadway frontage. The proposed building is one floor for the entire West Broadway frontage. A mezzanine within the restaurant use on the corner gives the appearance of a two-story building but is only one floor. The statement prepared by the applicant asserts that the rectangular shape of the parcel limits the ability for a two-story development that still meets the off-street parking requirement.

The site plan shows 30 parking stalls. The property is located within the boundaries of the PO District and therefore is allotted a 25 percent reduction in required parking. The parking requirement for the restaurant use with this reduction is 7 spaces. The parking requirement for the off-sale liquor store is 12 spaces, for a total of 19 spaces required. It is possible for the applicant to eliminate up to 11 parking stalls with the current building configuration and still meet the minimum parking requirement. In the event that the applicant were to construct a full second story with approximately 9,803 square feet of additional office or retail space, the total parking requirement for the building would be 28 spaces. Based on these numbers, it is possible to reconfigure the building to include a second story for the length of the West Broadway frontage and meet the parking requirement with the proposed footprint. The policies of the *Minneapolis Plan for Sustainable Growth* and the *West Broadway Alive Plan* and the regulations of the West Broadway Pedestrian Oriented Overlay District all call for a minimum of two stories. Allowing a building that is less than two stories is not reasonable in this location. Requiring the applicant to comply with this regulation would not result in undue hardship.

- 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.**

Again the applicant has cited the rectangular shape of the lot and the lot dimensions as hardship for this requirement. The parcels, collectively, are 100 feet deep and just over 250 feet wide. These circumstances are not unique. This is new construction and the proposed building design necessitating the variance has been created by the applicant. Staff believes that it is possible to create a building design that accommodates two stories for the length of the West Broadway frontage while still providing the required off-street parking.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance**

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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 Pedestrian Oriented Overlay District is to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and accessory parking facilities, and by prohibiting certain high-impact and automobile-oriented uses. Granting a variance to the minimum height requirement of two floors would not be in keeping with the spirit and intent of this ordinance. The West Broadway Pedestrian Oriented Overlay District was just created in August of 2009 as part of a rezoning study aimed at implementing the policies and guiding principles of the *West Broadway Alive Plan*. The intent of the text amendment that accompanied this rezoning study was to establish regulations that ensure a scale of development that furthers the development objectives articulated in the *West Broadway Alive Plan*. This plan, along with the comprehensive plan, specifically calls for buildings of a higher intensity with a minimum height of two stories in the subject area. Allowing a variance to this provision on the first application to come forward for this newly adopted overlay district would not be consistent with its intent.

- 4. The proposed variance may 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 is not expected to contribute to congestion in the public streets or be detrimental to the public welfare of endanger the public safety.

VARIANCE (to allow a minimum floor area ratio of .46 in lieu of the 1.0 required)

Findings Required by the Minneapolis Zoning Code:

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

The West Broadway Pedestrian Oriented Overlay District, adopted just last year, requires all new commercial development to have a minimum floor area ratio of 1.0. The applicant is proposing an 11,503 square foot building on a 25,200 square foot lot, resulting in a floor area ratio of .456. As stated above, the applicant is also requesting a variance to allow a single story building in lieu of the minimum requirement of two floors. Staff is not recommending approval of the variance for height because it is not consistent with City policy and would result in an underutilization of the site. Similarly, allowing a building with floor area ratio of only .456 would also result in an underutilization of the site and would not be a reasonable use. If the applicant were to construct a two-story building, it would result in a much higher floor area ratio and be more consistent with the intent of the overlay district. Requiring a development that is consistent with this regulation would not cause undue hardship.

- 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.**

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For this variance, the applicant is again asserting that the rectangular shape of the parcel and the size of the parcel create a hardship. These circumstances are not unique to the parcel. There are several two-story buildings on lots that are 25,000 square feet or less throughout the City. This is new construction and the proposed building design that results in the need for a variance has been created by the applicant. Staff believes that it is possible to create a building design that accommodates two stories for the length of the West Broadway frontage while still providing the required off-street parking, resulting in a higher floor area ratio.

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.**

Granting a variance to the minimum height requirement of two floors would not be in keeping with the spirit and intent of this ordinance. The West Broadway Pedestrian Oriented Overlay District was recently established in an effort to implement the *West Broadway Alive* Plan. The intent of the text amendment that accompanied this rezoning study was to establish regulations that ensure a scale of development that furthers the development objectives articulated in the *West Broadway Alive* Plan. Allowing a single story building with an FAR of .456 would result in underutilization of the site. A two-story building would result in a higher floor area ratio and be more consistent with the intent of the ordinance. Allowing a variance to this provision on the first application to come forward for this newly adopted overlay district would not be consistent with its intent.

4. **The proposed variance may 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 requested variance is not expected to contribute to congestion in the public streets or be detrimental to public safety.

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the site plan review:

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

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

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

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

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

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

Minimum window area shall be measured as indicated in section 530.20 of the zoning code.

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- **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. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

Conformance with above requirements:

The 11,500 square foot building is proposed at the corner of Washington Avenue and West Broadway, directly adjacent to the lot lines. The placement of the building and the design of the building allow for natural surveillance and visibility. The building is a single story for the entire length of the West Broadway frontage, with an 850 square foot mezzanine on the corner giving the appearance of two stories. A single story building in this location does not reinforce the street wall in a manner consistent with the West Broadway Pedestrian Oriented Overlay District, the *West Broadway Alive* Plan or the comprehensive plan policies for commercial corridors. An outdoor seating area is proposed between the building and West Broadway in the northwest corner of the site. Landscaped areas approximately 3 feet in depth are also shown between the building and West Broadway. A small seating area is shown between the building and Washington Avenue N.

The principal entrance for the restaurant use is on the north side of the building, facing Washington Avenue N. An additional entrance to this use is located in the southwest corner of the building, also facing Washington Avenue N. The principal entrance to the off-sale liquor store is located on the far east side of the building facing West Broadway with a secondary entrance opening toward the parking lot on the south side of the building. The entrances are well defined with projections, height increases directly above each entrance and signage.

The building is proposed to be constructed primarily of beige cast stone, with a band of darker cast stone around the foundation and at each corner. The entire roofline will contain metal coping with a metal rail. Metal panels assist in emphasizing each building entrance and are provided at the corners of the building. The corner tenant space will contain a wood screen on the north, south and west elevations. This wood screen will cover windows on the south and west sides of the building. All materials proposed are durable materials. The building is articulated with multiple recesses and projections along the West Broadway frontage. However, on the back side of the building, facing the on-site parking lot, there is one portion of the building with a blank wall that is 30 feet in length, requiring alternative compliance for the standard prohibiting blank, uninterrupted walls in excess of 25 feet. Staff does not recommend granting alternative compliance for this provision. It is possible for vertical elements to be added or for the adjacent projection to be shifted to the west to comply with this standard.

The window requirements of the site plan chapter call for 30 percent window coverage on the first floors facing the street and 10 percent on the second floors facing the street or on-site parking lot. The Pedestrian Oriented Overlay District increases the window requirement to 40 percent on the first floors facing the street. The applicant is providing windows for 45.8 percent of the first floor facing West Broadway. A portion of the windows on the west elevation, facing Washington Avenue, will be covered with a wood screen. The calculations submitted by the applicant show that the uncovered portion of the windows in this location is 261 square feet, equivalent to just over 40 percent. A mezzanine is proposed in the corner tenant space to give the appearance of two stories in this location. As such, windows on the second “story” are required. The window coverage on the second story along the West Broadway

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frontage is approximately 25 percent of the façade. The second story window coverage on the west side of the building, facing Washington Avenue, is approximately 15 percent of the façade. The first story facing the on-site parking lot on the south side of the site contains 17.4 percent window coverage, requiring alternative compliance. The second story in this location contains 8.9 percent glass coverage. Staff does not recommend granting alternative compliance to this requirement. The applicant has not submitted detailed floor plans or a merchandising plan that would justify the lack of windows on this side of the building. Achieving the required 10 percent on the second story would require a very minor adjustment to the plan. All windows proposed are distributed an even manner and are vertical in proportion.

First floor or ground floor windows shall be required to have clear or lightly tinted glass and 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.

The structure has a flat roof similar to other structures in the area.

No parking garages are proposed for the site.

ACCESS AND CIRCULATION:

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

Conformance with above requirements:

Entrances would be connected directly to the public sidewalks. The parking lot is connected to the building entrance with a 7-foot sidewalk on the east side of the site, providing access to the off-sale liquor store, and a 4-foot sidewalk providing access to the restaurant use. An 8-foot sidewalk exists in front of the proposed building, in the right-of-way adjacent to West Broadway. The applicant is proposing to continue this sidewalk in the location where the curb cut is being removed. A sidewalk with a minimum width of 12 feet is located on the west side of the site, within the Washington Avenue right-of-way.

There are no transit shelters adjacent to the site.

Access into the site is proposed via an existing curb cut off Washington Avenue. This access would be right-in, right-out only and is limited to a width of 20 feet per the standards of the Pedestrian Oriented Overlay District. The applicant is removing an existing curb cut into the site from West Broadway as part of the project. Two drive easements are proposed through the property to the east to allow vehicles from the site to exit onto Second Street N and to allow vehicles to enter from West Broadway. The access from West Broadway will be a right-in only. The access and circulation is designed to minimize

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conflicts with pedestrian traffic and adjacent uses. Access will be further reviewed as part of the Preliminary Development Review process.

There are no public alleys adjacent to the site.

As noted below, the proposed site plan requires alternative compliance for a number of landscaping requirements and contains 11 parking stalls in excess of the minimum requirement. Therefore, the site plan has not been designed to minimize the use of impervious surfaces. Staff is recommending that the applicant reduce the number of parking stalls to meet the minimum landscaped area requirement in the event of any approval. This would also result in a reduction of impervious surface.

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.**

Conformance with above requirements:

The lot area is 25,200 square feet and the footprint of the building is approximately 10,653 square feet. Therefore, the net lot area is 14,547 square feet, of which 20 percent (2,909 square feet) is required to be landscaped. The site requires 6 canopy trees and 29 shrubs to satisfy the minimum planting requirement.

The applicant is proposing a landscaped area of 2,009 square feet, or 13.8 percent of the total site area

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not occupied by buildings. The landscaping includes 7 on-site ornamental trees, 6 ornamental trees in the right-of-way and 63 shrubs. Alternative compliance is requested for the percentage of landscaped area and for the required number of canopy trees. In the event that the City Planning Commission approves the other land use applications, staff does not recommend granting alternative compliance for the minimum area requirement. The site has 11 parking stalls in excess of the minimum requirement. It is possible for some of these excess parking stalls to be converted to landscaped area to meet the minimum requirements. If the applicant were to construct a two-story building, the site would have two excess parking stalls that could be converted to landscaped area. All parking stalls are within 50 feet of an on-site deciduous tree.

Alternative compliance is also requested to allow ornamental crabapple trees in lieu of the required canopy trees. With the exception of the landscaped areas surrounding the trash enclosure, all landscaped islands are 7 feet in width and large enough to support a canopy tree. Staff recommends granting alternative compliance for this requirement, on the condition that a minimum of 5 on-site canopy trees are provided if the project is approved.

The property to the south of the site at 1914 Washington Avenue N is a mixed use building with two residential units. Thus, a 7-foot landscaped yard is required between the parking lot and this parcel. This equates to a landscaped yard requirement for the west 94 feet of property line. The applicant has only provided a landscaped yard for the first 25 feet in this location and the parking stalls are proposed directly adjacent to the common property line. Alternative compliance is requested for this requirement. Staff recommends that, at a minimum, the parking stalls in this location be converted to compact parking stalls so a 3-foot landscaped yard can be provided between the parking area and property to the south. This will require the ADA parking stall in the corner to be relocated.

All areas not occupied by buildings, parking and loading facilities and driveways are landscaped.

ADDITIONAL STANDARDS:

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

Conformance with above requirements:

The parking area contains continuous curbing and on-site retention and filtration of stormwater is not proposed. On-site stormwater retention may not be practical due to the size and layout of the site. As of

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the writing of this staff report the applicant had not attended a Preliminary Development Review (PDR) meeting.

The proposed building is a single story and will not significantly shadow public spaces or adjacent properties. The building is not expected to significantly generate wind currents at ground level or block views of important elements of the City.

The plan meets the CPTED guidelines. The site is well lit and designed with opportunities for people to observe adjacent spaces and public sidewalks. Landscaping, sidewalks and building features are designed to direct pedestrian movements.

The existing building on the site is not historic, and the property does not lie within an 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

ZONING CODE: The proposed uses are permitted uses in the I1 Light Industrial District and West Broadway Pedestrian Oriented Overlay District. The maximum size of food and beverage uses in the I1 District is 5,000 square feet. The restaurant proposed is 3,679 square feet in area. The applicant is requesting variances to two of the standards of the West Broadway Pedestrian Oriented Overlay District, including the minimum building height requirement and the minimum floor area ratio requirement.

Off-Street Parking and Loading:

Minimum automobile parking requirement:

The applicant is proposing a restaurant use at the corner and an off-sale liquor store on the east side of the building. The site is located within the boundaries of the Pedestrian Oriented Overlay District and is eligible for a 25 percent parking reduction for non-residential uses. The minimum vehicle parking requirement for the uses is as follows:

Use	Requirement	Size	Spaces required
Off-sale liquor store	1 space per 500 sq. ft. of GFA, with 25% reduction	7,824 square feet	12 spaces
Restaurant	1 space per 500 sq. ft. of GFA up to 2,000 sq. ft. + 1 space per 300 sq. ft. of GFA in excess of 2,000 sq. ft., with 25% reduction	3,679 square feet	7 spaces
Total			19 spaces

The applicant is providing 30 parking spaces, exceeding the minimum requirement. All of the required parking for the building will be provided in back of the building, on the south side of the property.

Maximum vehicle parking requirement:

The maximum vehicle parking requirement for the proposed uses is as follows:

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Use	Requirement	Size	Maximum allowed
Off-sale liquor store	1 space per 200 sq. ft. of GFA	7,824 square feet	29 spaces
Coffee Shop	1 space per 75 sq. ft. of GFA	3,679 square feet	37 spaces
Total			66 spaces

The maximum parking requirement also takes into account a 25 percent reduction per the Pedestrian Oriented Overlay District. While the site plan exceeds the minimum parking requirement, it does not exceed the maximum parking requirement for the uses.

Minimum bicycle parking requirement:

Minimum bicycle parking requirements are also applicable for the use. The minimum bicycle parking requirement is as follows:

Use	Spaces required
Off-sale liquor store	3 spaces
Restaurant	3 spaces
Total	6 spaces

A minimum of six bicycle parking spaces are required for the building. At least 50 percent of the required bicycle parking must meet the standards for short-term bike parking. Two bicycle racks are proposed to meet this requirement, both on the north side of the building adjacent to West Broadway. Both bike racks are located in close proximity to the principal building entrances.

Loading

The uses require one small loading space with minimum dimensions of 10' x 25'. The required loading space is provided in the parking area on the south side of the building. This area is not needed for required parking.

Maximum Floor Area: The site is subject to a minimum floor area ratio of 1.0 in the West Broadway Pedestrian Oriented Overlay District. The applicant is proposing an FAR of .456 and has requested a variance accordingly. Staff is not recommending approval of said variance, based on the findings above.

Building Height: The maximum height for structures in all industrial districts is 4 stories or 56 feet, whichever is less. The West Broadway Pedestrian Oriented Overlay District calls for a minimum building height of two floors for the entire length of the West Broadway frontage. The applicant is proposing a single story building and has requested a variance to this requirement. Staff does not recommend approval of said variance, per the findings above.

Minimum Lot Area: There is not a minimum lot area requirement for either use in the I1 District.

Dwelling Units per Acre: There are no dwelling units proposed as part of the project.

Yard Requirements: The I1 District does not have any minimum yard requirements for the proposed

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uses.

Specific Development Standards: Specific development standards for the restaurant use are as follows:

- (1) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet shall be inspected regularly for purposes of removing any litter found thereon.

Hours of Open to the Public: In the I1 District, uses may be open to the public during the following hours: Sunday through Thursday from 6:00 a.m. to 10:00 p.m. and Friday and Saturday from 6:00 a.m. to 11:00 p.m. The proposed use will comply with the required hours open to the public.

Signs: Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. The building elevations illustrate generic signs for both uses. The applicant is proposing three wall signs on the north side of the building with a total of 130 square of signage. On the south elevation, facing the parking lot, two wall signs area proposed with a total of 82 square feet. On the west elevation, two wall signs are proposed for a total of 48 square feet. The signage proposed is within the parameters allowed for the site.

Refuse storage: Section 535.80. Refuse storage containers are required to be enclosed on all four (4) sides by screening compatible with the principal structure, not less than two (2) feet higher than the refuse container, or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. A refuse container is proposed on the south side of the parking area. The trash enclosure will be further screened with landscaping.

Lighting: The applicant has not submitted a lighting plan. All lighting shall be required to 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 to not directly or indirectly cause illumination or glare in excess of one-half footcandle measured at the closest property line of any permitted or conditional residential use, and five footcandles measured at the street curb line or nonresidential property line nearest the light source.

- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.

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- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH:

The site is designated for commercial use on the future land use map in *The Minneapolis Plan for Sustainable Growth*. West Broadway is a commercial corridor in this location. The site is also located within the boundaries of an Upper River industrial employment district. Industrial employment districts are intended to protect prime industrial space and to provide an opportunity for the City to support targeted industries and business clusters and to redevelop underutilized sites for economic development purposes. The following policies of the comprehensive plan apply:

Policy 1.14: Maintain Industrial Employment Districts to provide appropriate locations for industrial land uses.

- 1.14.1 Develop regulations for the Industrial Employment Districts that promote compatible industrial development and the efficient use of land.
- 1.14.3 Restrict the development and expansion of non-industrial uses within designated Industrial Employment Districts, limiting non-industrial uses to the types of uses and locations designated in the Industrial Land Use and Employment Plan.
- 1.14.6 Encourage and implement buffering through the site plan review process to mitigate potential conflicts between industrial uses and adjacent other uses.

Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

- 1.10.2 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low-impact light industrial – where compatible with the existing and desired character.
- 1.10.5 Encourage a height of at least two stories for new buildings along Commercial Corridors, in keeping with neighborhood character.

While the use is on a commercial corridor, the proposed liquor store is a non-industrial use that does not support the above policies specific to Industrial Employment Districts or the Industrial Land Use and Employment plan. Furthermore, the proposed single-story building results in an underutilization of the

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site. This design is not consistent with commercial corridor policy that encourages a height of at least two stories and again is not consistent with the intent of the industrial employment district.

SMALL AREA PLANS ADOPTED BY COUNCIL:

The site is located within the boundaries of the West Broadway Alive Plan. The future land use designation for the subject site in this plan is commercial. The site is also within the boundaries of an industrial employment district and cited as being an appropriate industrial/business park opportunity area. The commercial use proposed would not be consistent with this long-range goal. The *West Broadway Alive Plan* also states the following with regard to development intensity and commercial uses:

Underdeveloped sites are detrimental to the long-term vitality of West Broadway. Low intensity commercial developments spread the commercial district and increase the distance between commercial establishments. This makes the commercial district less attractive because it is not as convenient to come to the district and pick up goods and services from multiple businesses. For this reason, mechanisms should be put in place to deter new low intensity development, and particularly single story commercial developments.

The proposed single story commercial building is not consistent with the policies of the small area plan.

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

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

The applicant has requested alternative compliance to a number of landscaping standards of the Site Plan Review chapter. Specifically, alternative compliance has been requested for the minimum landscaped area requirement, the required 7-foot landscaped yard between the parking area and the property to the south and the required number of canopy trees. Staff does not recommend grating alternative compliance for any of these requirements, with the exception of allowing one ornamental tree in lieu of one of the required canopy trees. The remaining landscape requirements can be met by

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converting excess parking stalls to green space. Providing additional green space in lieu of excess parking would also lower the amount of impervious surface on site.

Alternative compliance has also been requested to allow a blank wall in excess of 25 feet on the back side of the building. Staff does not recommend granting alternative compliance for this requirement. Finally, alternative compliance has been requested for the minimum window requirement on the south side of the building, facing the on-site parking lot. Staff does not recommend granting alternative compliance to this standard in the event of any approval.

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the conditional use permit to allow an off-sale liquor store in the I1 District for the property located at 217-229 West Broadway.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance to allow a single story building in the I1 and West Broadway Pedestrian Oriented Overlay District, for the property located at 217-229 West Broadway.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance to allow a building with an FAR of .456 in lieu of the 1.0 required in the I1 and West Broadway Pedestrian Oriented Overlay District, for the property located at 217-229 West Broadway.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the site plan review for a new multi-tenant commercial building at the property of 217-229 West Broadway.

Attachments:

1. Statement and findings from applicant.
2. Zoning map.
3. Site plans and elevations.

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4. Proposed floor plans.
5. Photos.

**Excerpt from the
CITY PLANNING COMMISSION MINUTES
Minneapolis Community Planning & Economic Development (CPED)
Planning Division**

250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385
(612) 673-2597 Phone
(612) 673-2526 Fax
(612) 673-2157 TDD

MEMORANDUM

DATE: June 1, 2010

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

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

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

SUBJECT: Planning Commission decisions of May 24, 2010

The following actions were taken by the Planning Commission on May 24, 2010. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners: President Motzenbecker, Bates, Bourn, Carter, Cohen, Gorecki, Huynh, Luepke-Pier, Schiff and Tucker – 10

Committee Clerk: Lisa Baldwin (612) 673-3710

2. (BZZ-4748, Ward: 5), 217-229 West Broadway ([Kimberly Holien](#)).

A. Conditional Use Permit: Application by Tony Smith, on behalf of Land Ho, LLC, for a conditional use permit to allow an off-sale liquor store in the I1 District located at 217-229 West Broadway.

Action: Notwithstanding staff recommendation, the City Planning Commission **approved** the conditional use permit to allow an off-sale liquor store in the I1 District for the property located at 217-229 West Broadway, based on the following findings:

1. The use will not be detrimental to the public health, safety or general welfare.

2. The use will not be injurious to use and enjoyment of other property in the vicinity.
3. Allowing an off-sale liquor store is consistent with policies for Commercial Corridors, including Comprehensive Plan Policy 1.10.

B. Variance: Application by Tony Smith, on behalf of Land Ho, LLC, for a variance to the standards of the West Broadway Pedestrian Oriented Overlay District to allow a building that is less than 2 stories in height for the length of the West Broadway frontage for the property located at 217-229 West Broadway.

Action: The City Planning Commission adopted the findings and **denied** the variance to allow a single story building in the I1 and West Broadway Pedestrian Oriented Overlay District, for the property located at 217-229 West Broadway.

C. Variance: Application by Tony Smith, on behalf of Land Ho, LLC, for a variance to the standards of the West Broadway Pedestrian Oriented Overlay District to allow a building with a floor area ratio that is less than 1.0 for the property located at 217-229 West Broadway.

Action: The City Planning Commission adopted the findings and **denied** the variance to allow a building with an FAR of .456 in lieu of the 1.0 required in the I1 and West Broadway Pedestrian Oriented Overlay District, for the property located at 217-229 West Broadway.

D. Site Plan Review: Application by Tony Smith, on behalf of Land Ho, LLC, for a site plan review for the property located at 217-229 West Broadway.

Action: The City Planning Commission adopted the findings and **denied** the site plan review for a new multi-tenant commercial building at the property of 217-229 West Broadway.

Staff Holien presented the staff report.

President Tucker opened the public hearing.

Don Gerberding (201 W Broadway) [not on sign-in sheet]: I'd like to thank staff for the good work that they've done and the suggestions in the design changes that they asked that we incorporate into the plan because this site is subject to multi layered zoning and many planning regulations and ordinances that define what we call the north loop gateway area there are often conflicting and inconsistent requirements between all of the regulations among each zoning district. I don't want to argue the details or the possible inconsistencies. I admit there are some project details that the project does not comply with the strict zoning. I'd rather talk about the intent of the project. This is a map that shows what Mayor Rybak commissioned for the Washington Boulevard project, which was implemented a couple years ago and it engaged architects, landscape architects, engineers and developers and you'll see that Washington Blvd begins at Seven Corners and ends at the intersection of Washington and West Broadway. This is the terminus of the north end of Washington Blvd. I think what's also interesting to note and it would be difficult for you to read, but these blue areas are called the northeast Minneapolis business district and the one to the west is called North Minneapolis Business district. The area from the freeway to the river which we're calling the North Loop Gateway district, which is really part of the Near North, there is no designation for it to be a business district and it's zoned commercial or industrial. I wanted to bring that to your attention because I'm going back to the intent. The intent is to provide good development along West Broadway Ave. I make my living building projects but my passion is transforming neighborhoods. Master, since 2004, has completed over 20 urban infill projects here in Minneapolis. I know this area of Washington and Broadway. Five years ago Master bought a dilapidated, old bowling alley a half a block from this site. We transformed this old building into an award winning project. It's home of five separate

businesses, 90 professional office workers including lawyers, book sellers and community organizations. Our next project was right across the street from this. We bought an old, long standing problem bar and converted it into professional offices. We took a chance in a troubled neighborhood and we relocated our offices to there. The murders have stopped, professional people now come and go to their offices and they feel safe. Our focus is on revitalizing neighborhoods and they have to be done in a sustainable way. Let me talk about this project. This is the site and this is the intersection. On this intersection is a very problem business. This is the existing site, it's a strip club, it's been there for 50 years and we have the opportunity to transition this thing into businesses which are desired by the neighborhood. We started out asking if it was possible to get a Surdyks or a France 44 in north Minneapolis. Is it possible to put something there that nobody ever expected? Is it possible to close the door on BJs and now we're looking forward into the future? That's what we did. This project is a wine and cheese store on the middle of the block. French Meadow Bakery would like to make a north location so we achieved our dream to bring something to north Minneapolis, something which the residents deserve. The residents talk about that if they want to get a glass of wine they have to leave the neighborhood. If they want to go to a liquor store where they don't feel threatened and buy some wine they have to leave the neighborhood. There are three issues raised by staff, the first is two-story building. Really what they said was, a building with two floors. This is a two-story building. By code, anything over 14 feet is considered more than one story. The building on the corner, 3600 square feet of the building on the corner is 28 feet in height, it doesn't have two full floors, it has an open atrium and there is a mezzanine level or partial second floor for additional dining. The characterization that there's a one story building all along West Broadway Ave I think is misleading. What gets lost is from the freeway to the river, every building is one story. We also looked at some architectural design so that we wanted a definition on the corner, we wanted to anchor the corner appropriately with a building with more mass, we wanted to provide the interior of the wine store...this area through here is actually 16 and a half feet to the top of the rail and so it's a 14 foot story with a parapet and then a rail on top. At the east end of the wine and cheese store is a defined structure that is not 28 feet but it's 22 feet. We're anchoring both ends of this project and the center portion times out with the ITN Building which is a 14 foot building with a two foot parapet so that we have some architectural integrity for the entire block. If one were to put up a 28 foot minimum two story building along that whole face on West Broadway, the ITN Building would look like a peanut stuck on a corner. The parking meets the minimum parking requirements and does not exceed the maximum parking requirements. Sounds to me like it fits the objective. The FAR is a function of the building size relative to the use and scope of the building. We understand the need for landscaping. The parking is 56 percent less than the maximum allowable parking that's permitted on the site. The FAR is low because there is not a second floor on the wine and cheese store. The second floor would create problems on its own from a viability perspective. This is West Broadway, I've been there five years and I understand the dynamics of people locating on West Broadway. Conditional use permit, the staff report denies a permitted business use because the building is a one story structure and deemed not appropriate. Either a business is permitted or not permitted within the zoning district regardless of the architecture. The intent here is to provide a quality project. The pedestrian district is about the pedestrian experience, visual architecture, walkability, function accessibility, we're meeting the intent of the POD. This area is a small area looking for a sense of place and purpose. The design is contemporary and understands the need of the intersection. It's good urban design and makes Minneapolis better. It's built to the street and it's bringing a new contemporary look and the building is built up to the property lines along Washington and West Broadway. I think there's three real compelling reasons to support this project, the first is removal of a blighted and undesirable business at the intersection. It's an opportunity to bring

some significant change. It improves the conditions of the existing. The project is viable, it's 100 percent occupied right now. We have two businesses that want to locate in north Minneapolis and bring something that the area doesn't have. It really accomplishes the purpose of what everyone wants to see. It brings jobs and it's helping north Minneapolis now. It enhances the streetscape. It's about vision. It's a positive move in the right direction. It's a demonstrable show of progress in north Minneapolis. Coloplast came to north Minneapolis and they're thrilled with this concept, somewhere where their employees can go get a sandwich, get take-out, it's a real deli, it's a real restaurant and somewhere where they can stop and get a bottle of wine on their way home from work. We who are the community are looking forward to the future. Thank you.

Commissioner Luepke-Pier: You requested alternative compliance for the lot, what are you proposing to provide in lieu of that?

Don Gerberding: If I understand your question, it's alternative compliance for the landscaping. I think that's something we can work out with staff. We made the changes at Committee of the Whole and dedicated several more parking spots for trees. We liked the idea of decorative trees rather than canopy trees because canopy trees would take too long to grow. Landscaping requirements is certainly something that we can work on with staff.

Commissioner Huynh: Could you speak a little bit more to your hardship regarding your variance for a one story development?

Don Gerberding: It's about the viability of the project. We looked long and hard and talked at length with members of the community...I sit on the board of the North Loop Community Trust in north Minneapolis. Part of their charge is to help foster development on the north side. A good portion of our analysis is what businesses work, what businesses don't, how can we attract businesses to our neighborhood. When we look at the viability of putting a second floor above the wine and cheese shop, at this time the construction costs to be able to provide that type of office environment one does not see those rents on the street. We're saying to ourselves, what really is a viable component to be able to build a second story on this portion of West Broadway? I get it. I think the overlay district and everything it talks about preserves street face and architecture and provides continuity but I believe that is not appropriate for the two blocks that are between the two blocks and 94. It's more appropriate for West Broadway on the other side.

Ariel McDonald (17343 77th Ave, Maple Grove): I will hopefully be the chief operator and owner of the current business that they are proposing to you. I just wanted to give you a little background about myself. I'm a former graduate of the University of MN. I was a basketball player for the Gophers from '89 to '94. I am recently retired from playing European basketball for the last 17 years. I've played all over the world. We have a sincere commitment to this project. I am married to Chantal Bailey who is the daughter of Donald Craig Suddeth, niece of Gary Suddeth who the Urban League is named after over in north Minneapolis. I wanted you to understand my commitment to the north Minneapolis area. I have six properties located on Golden Valley Road. I have put my money where my mouth is. We are committed to the project and the community. My mother-in-law, Caroline Suddeth, sits on the board working with YMCA director that is currently over there. We have a sincere objective in terms of making the establishment a safe place where people in the community can enjoy and feel comfortable about coming to purchase wine and spirits. The number one concern of many of my family members that live over there is that we have to go elsewhere to get this kind of good. For me and my

family that's unacceptable so for this project we put together we have a great team assembled and have our commitment in place and are doing things necessary to make this thing take place and done the right way. We want you all to know that from our perspective that we are putting our best effort forward. Thank you.

President Tucker closed the public hearing.

Commissioner Carter: I have a question for staff, have you had any comments from residents or businesses in the area?

Staff Holien: I have not received any comments. I was expecting a letter from the neighborhood organization sometime today but I didn't get it before I left.

Commissioner Luepke-Pier: Do you have any idea what the letter would have said? Were they behind this or against it?

Staff Holien: I haven't spoken to the neighborhood directly. They did speak to the community planner for the north sector and I think there was mixed reviews on the project, some concerns with building designs, no general objections to the use, they were supportive of the use.

Commissioner Luepke-Pier: I think we should consider the CUP last and then consider variances B and C together since they are similar. I'm looking at the proposal here today with the few changes that have been made and I guess if I had to make a motion I would move staff recommendation for B and C and the reason is because the goals and directives of the West Broadway Alive Plan the Minneapolis Plan for Sustainable Growth do call for two floors, not just two stories. North Loop neighborhood is mentioned 11 to one over north Minneapolis in everything written by the applicant and it shows in the plan, even the two stories that you guys are providing with the mezzanine is all along the Washington side which is the neighborhood you're trying to link up to and not along West Broadway which is the north Minneapolis street, that's the main avenue in north Minneapolis. The whole goal of West Broadway Alive was to invigorate that entire corridor from the edge of the city to the river to try to unite that section that got cut off by 94 back to the neighborhood. It seems to me that this is more for the North Loop and needs to be for north Minneapolis. The Washington Blvd plan may have stopped there, but should have considered up to 26th or even Lowry [tape ended]...activity on the street and to build up that streetscape, not just from having a higher parapet but from actually adding more businesses and more interest and even to carry that historic street front. We talk about new urbanism and sustainable design and I'm all for that, but I cannot see a one story building being any way a new urbanism move or sustainable considering that our goal is not for the next year or two but for 30 to 100 years down the road. When I hear that the hardship is that it's not financially viable, that's not a hardship to me. I'm not looking for what's good enough for now, I'm looking for what West Broadway and north Minneapolis needs and we need visionaries that are going to step up to the plate and say take care of the dream. Sure, it's way better than BJ's but I will say that driving there it's the gateway to north Minneapolis because the only way to get there from the interstate is to stop at that red light. This is a north Minneapolis Avenue. North Minneapolis is home. It just seems entirely lacking on the part that addresses north Minneapolis. Seeing the prominence and importance placed there as much as it is on getting people to drive down further to the rest of North Loop. I don't see enough hardship to justify it. The lot isn't that abnormal and even the parking consideration, doing a two story, you'd still have enough spaces given the staff calculation. I see the cost of an elevator and building costs but I think that

in the grand scheme north Minneapolis deserves it. You took a choice on a troubled neighborhood and I'm so glad you did but I guess I'd like to see you take a chance on the vision that so many people spent years crafting for West Broadway and so many neighborhoods finally bought into. West Broadway Alive was the first plan that over a dozen that have been done on north Minneapolis that there's community buy-in and for us to just turn our back on that right now would seem like we're abandoning ship before it's even leaving dock. I'm moving staff recommendation for B and C (Huynh seconded).

Commissioner Carter: I agree that the vision is needed for the long term and I think development in north Minneapolis along Broadway has been incremental and I would hate to see what would happen if missed opportunities and development like this is shut down.

Commissioner Huynh: Looking at the West Broadway Alive plan and how it's an underutilization of the gateway site. I've worked on the new Washington Blvd with the mayor and the main intent of that vision is to enhance the pedestrian realm and connect the U of M to north Minneapolis. In doing so, it's looking at enhancing pedestrian realm with street trees, walkable streets and reinforcing the building edge but for all the reasons that Kimberly had mentioned in the report, an underdeveloped site would actually be a detriment to this neighborhood and it specifically calls out single story developments along commercial corridors.

President Tucker: We do have this small area plan adopted by the council just last year saying that mechanisms should be put in place to deter new low intensity development and particularly large single story commercial developments and I understand the argument that we have two-story like ends to this building but the center part still is one story. Any other comments? All in favor? Opposed?

The motion carried 4-1.

Commissioner Luepke-Pier: I will move to go against staff recommendation for item A because although it is in an industrial employment district, it's designated as a commercial use and I think that being a major commercial corridor in north Minneapolis they could use a little bit of businesses with this caliber (Bourn seconded).

President Tucker: All those in favor of the motion to approve the conditional use permit?

The motion carried 5-0.

Commissioner Luepke-Pier: I will move staff recommendation on the site plan review (Huynh seconded).

The motion carried 4-1.

President Tucker: Does anyone have findings for this item?

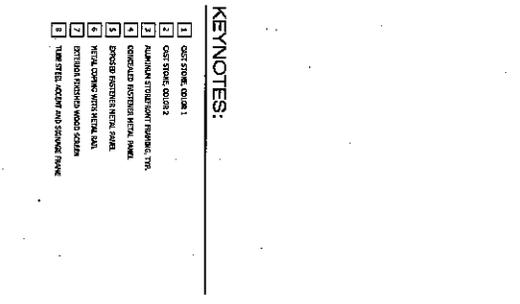
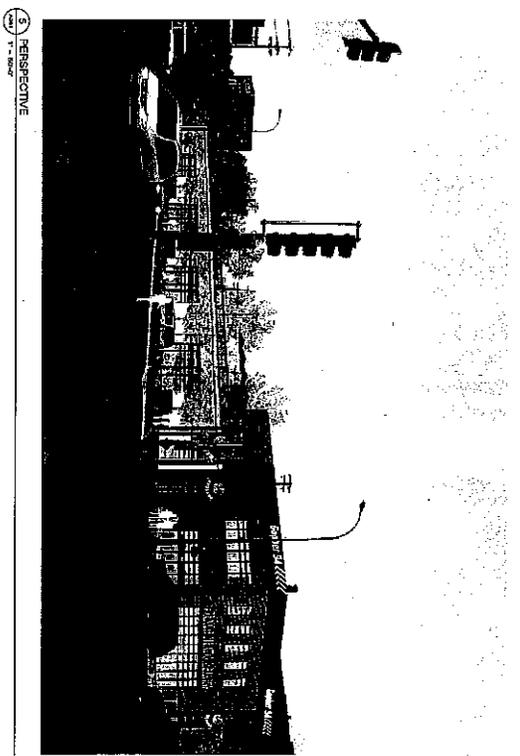
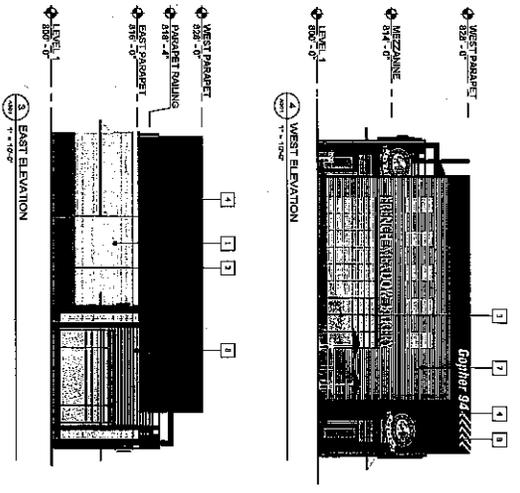
Staff Holien: With the exception of the Comprehensive Plan finding in the staff report, I think you'll find the first findings you may be able to use what's in the staff report for your findings here tonight. We didn't have opposition to those first few.

Staff Wittenberg: The staff pointed out that the findings supported the use in general but the staff was not looking at this as a hypothetical liquor store, but a liquor store that's proposed in a particular building, hence the reference to the consistency with the Comp Plan because we were looking at it within the context of the form that it was being brought forward. If the commission wants to focus primarily on the Comp Plan and support the policies that support the use in question, that would be helpful.

President Tucker: The liquor store itself will not be injurious to the use and enjoyment of other property in the vicinity.

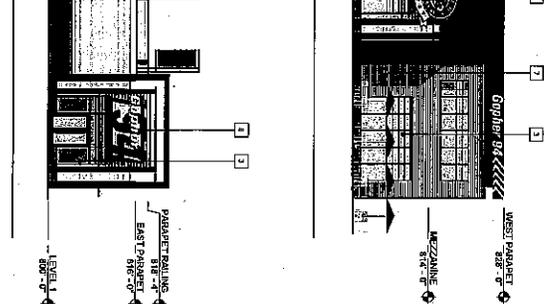
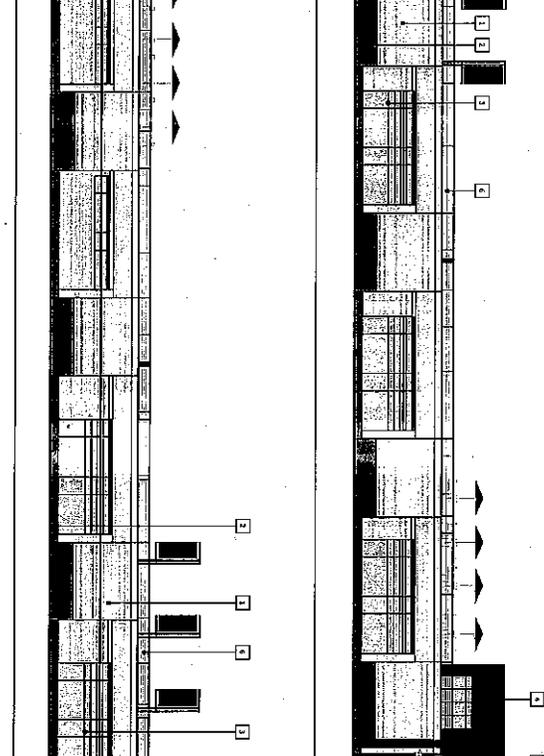
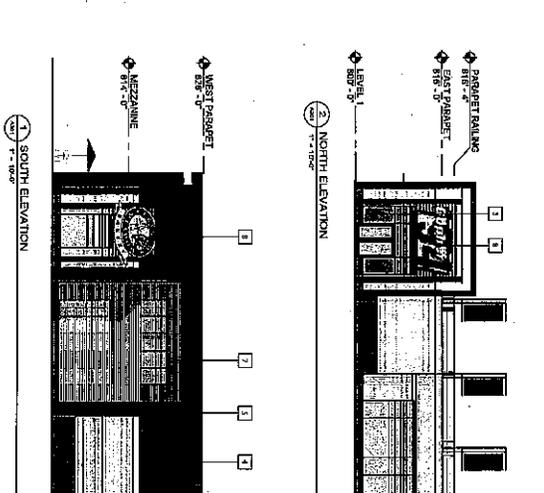
Commissioner Luepke-Pier: That's right, and it isn't detrimental to the public health, safety or welfare or comfort.

Commissioner Huynh: I would also like to add Policy 1.10, that it supports development along commercial corridors and enhances the street character, fosters pedestrian movement, expands the range of goods and services available and improves the ability to accommodate automobile traffic with being consistent with the Comprehensive Plan.



KEYNOTES:

- 1 COC FINE GRATE 1
- 2 COC FINE GRATE 2
- 3 ALUMINUM STROLLER CART FRAME, TR
- 4 CONCRETE MOUNTED METAL PANEL
- 5 SPRING RESISTIVE METAL PANEL
- 6 METAL CLAMP WITH METAL SAIL
- 7 DETAILA FINISHED WOOD GRAIN
- 8 TRIM OF TEL. POLE AND SERVICE FRAME



REVISIONS

#	Date	Description

DATE: 04/20/20
PROJECT #: 14-038
ARCHITECT: URBANWORKS
CONTRACT #: 14-038
OWNER: MTR
DESIGNED BY: MTR
CHECKED BY: MTR

BUILDING ELEVATIONS

A301

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