

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning Petition, Conditional Use Permits, Variances, Site Plan Review & Plat  
BZZ-3908 & PL-222

**Date:** April 14, 2008

**Applicant:** Capital Growth Realty

**Address of Property:** 3815 Hiawatha Avenue

**Project Name:** Longfellow Station—Phase 1A

**Contact Person and Phone:** David Haaland, (612) 455-3100

**Planning Staff and Phone:** Janelle Widmeier, (612) 673-3156

**Date Application Deemed Complete:** January 4, 2008

**End of 60-Day Decision Period:** March 4, 2008

**End of 120-Day Decision Period:** On January 8, 2008, staff sent the applicant a letter extending the decision period no later than May 3, 2008. On February 20, 2008, the applicant authorized an extension of the decision period to May 30, 2008.

**Ward:** 12     **Neighborhood Organization:** Longfellow Community Council

**Existing Zoning:** I2 Medium Industrial District and PO Pedestrian Oriented Overlay District

**Proposed Zoning:** C3A Community Activity Center District and PO Pedestrian Oriented Overlay District

**Zoning Plate Number:** 33

**Legal Description:** The Northwesterly 69 feet of that part of Lot 1, "Auditor's Subdivision Number 300 Hennepin County, Minnesota" described as follows: Commencing at a point in the Southwesterly line of Lot 1, distant 321.65 feet Northwesterly from the Southwest corner thereof, thence Northeasterly at right angles 134 feet; thence Northwesterly to most Easterly corner of Lot 1, Auditor's Subdivision Number 244 Hennepin County, Minnesota; thence Southwesterly to most Southerly corner thereof; thence Southeasterly to beginning, Hennepin County, Minnesota.

And

That part of Lot 1, "Auditor's Subdivision Number 300 Hennepin County, Minnesota" described as follows: Commencing at a point on the Southwesterly line of Lot 1, distant 321.65 feet Northwesterly from the Southwest corner thereof, thence Northeasterly at right angles 134 feet; thence Northwesterly to most Easterly corner of Lot 1, Auditor's Subdivision Number 244; thence Southwesterly to most

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Southerly corner thereof; thence Southeasterly to beginning, EXCEPT the Northwesterly 69 feet thereof and EXCEPT the Southeasterly 147.59 feet thereof, Hennepin County, Minnesota.

And

All that portion of Lot 1, Auditor's Subdivision Number 300 of the City of Minneapolis lying between the Northeasterly line thereof and a line drawn parallel to, Southwesterly and 31 feet distant, measured at right angles from said Northeasterly line of said Lot 1, Hennepin County, Minnesota.

And

Lot 1, "Auditor's Subdivision Number 244, Hennepin County, Minnesota", according to the recorded plat thereof, Hennepin County, Minnesota.

**Proposed Use:** Planned unit development including 198 dwelling units and approximately 42,000 square feet of commercial floor area.

**Concurrent Review:**

**Petition to rezone** from I2 Medium Industrial District to C3A Community Activity Center District.

**Conditional use permit** to allow a planned unit development.

**Conditional use permit** to allow a shopping center.

**Conditional use permit** to allow 198 dwelling units.

**Variance** to increase the maximum floor area of a retail sales and services use from 9,600 square feet to 21,500 square feet.

**Variance** to allow a building wall to be set back more than eight feet from a lot line adjacent to a street in a PO Pedestrian Oriented Overlay District.

**Variance** to increase the maximum driveway width in a PO Pedestrian Oriented Overlay District from 20 feet to 23 feet.

**Variance** to increase the maximum width of a parking lot adjacent to a street in a PO Pedestrian Oriented Overlay District from 60 feet to 112 feet.

**Site plan review.**

**Preliminary plat.**

**Applicable zoning code provisions:** Chapter 525, Article VI, Zoning Amendments; Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX Variances, specifically Section 525.520 (3) "to vary the gross floor area...requirements of a...use." and Section 525.520 (20) "to vary the standards of any overlay district, other than the SH Shoreland Overlay District or the FP Floodplain Overlay District."; Chapter 527; Chapter 530, Site Plan Review; and Chapter 598, Land Subdivision.

**Background:** The applicant proposes to construct two mixed-use buildings with a total of 198 dwelling units and approximately 42,000 square feet of commercial tenant space as a planned unit development. Each new building would have a ground floor occupied by commercial uses with 4 floors of rental

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apartments above. The site is bordered by Hiawatha Avenue on the west side, railroad tracks on the east side and 38<sup>th</sup> Street to the north. A narrow panhandle also connects the site to 40<sup>th</sup> Street. The closest uses to the site are all industrial. The 38<sup>th</sup> Street light rail transit (LRT) station is located on the northwest corner of the intersection of 38<sup>th</sup> Street and Hiawatha Avenue.

The applicant is petitioning to rezone the subject site to C3A, where a PUD and a multifamily dwelling with 5 or more units require a conditional use permit. Because each commercial tenant space would not include a separate entrance facing a street, the commercial part of the development is classified as a shopping center. A shopping center is a conditional use in the C3A district. If the conditional use permits are approved, the actions must be recorded with Hennepin County as required by state law.

In the C3A zoning district, the maximum floor area of retail sales and services uses cannot exceed 4,000 square feet. If there is no parking between the building and the street and the building is at least two stories in height the maximum floor area of the retail sales and services uses may be increased to 8,000 square feet. Through the conditional use permit application for the PUD, a 20 percent floor area density bonus may be granted. This would allow retail sales and services uses to be as large as 9,600 square feet each. A 21,500 square foot tenant space is proposed. The applicant has applied for a variance to allow an increase in the floor area.

In the PO district, the first floor of the building must be located within eight feet of a lot line adjacent to a street. First floor building walls facing a street would be within 8 feet of the lot line, except at the north end of the north building. The applicant is requesting a variance of this standard.

Also in the PO district, surface parking lots are limited to 60 feet of street frontage. Two parking lots would each occupy 112 feet of street frontage. The driveway width for all parking facilities cannot exceed 20 feet of street frontage. The driveway access from 38<sup>th</sup> Street, the proposed street dedication, and 40<sup>th</sup> Street would exceed 20 feet. The applicant is requesting variances of these standards.

A site plan review is required for any new mixed-use building over 20,000 square feet in size.

A plat is required as part of any application for planned unit development approval. The applicant proposes to dedicate land for a future street connection between Dight Avenue and Hiawatha Avenue through the plat as well. Although the land will be dedicated for a street, a street will not be constructed at this time. Until additional right-of-way can be obtained to make a complete connection to Dight Avenue, the applicant will be able to use the area for parking and to access the site.

An Environmental Assessment (EA) is in the process of being completed. A review of the project is required under Section 106 of the National Historic Preservation Act because the applicant is requesting federal funding. A historical report has been completed by the applicant's consultant, which states that there is not a potential for eligibility of this site for the National Register. However, it appears that the Hiawatha corridor is eligible for National Register and local landmark designation as a historic grain terminal/feed mill district. Because there is a potential district, the State Historic Preservation Office (SHPO) may require changes to the development to ensure compatibility with the character of the area. SHPO is still in the process of reviewing the project; however, the applicant does not believe significant changes will be required. If significant changes are required, Planning Commission approval is necessary.

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The applicant was required to do a discretionary Travel Demand Management Plan (TDMP). Although the TDMP has not been finalized, it is nearly complete. The draft TDMP is referenced in this report.

The project has been approved to receive public funding from many sources. The attached document outlines those sources and how much has been appropriated.

As of the writing of this report, staff has not received any correspondence from the neighborhood group, Longfellow Community Council. Staff is aware that the applicant has been working closely with the neighborhood group. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

**REZONING:** Petition to rezone the property of 3815 Hiawatha Avenue from I2 to C3A.

**Findings as required by the Minneapolis Zoning Code for the rezoning petition:**

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

The site is adjacent to 38<sup>th</sup> Street, which is designated as a community corridor by *The Minneapolis Plan*. It is also within a designated transit station area. According to the principles and polices outlined in the plan, the following apply to this proposal:

**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.**

**Applicable Implementation Steps**

Promote more intensive residential development along these corridors where appropriate.

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

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

**Applicable Implementation Steps**

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

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

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

The 38<sup>th</sup> Street Station Area Plan was adopted by the City Council in October 20, 2006. The recommended land use for the site is high density mixed use. According to the principles and polices outlined in the plan, the following apply to this proposal:

**1.1** Designations in the plan do not mean that uses will or must change, but that the City will use its resources and authority to support these designations.

**1.2.** Some land-use changes will depend on larger-scale redevelopment schemes that are consistent with the vision established in the plan.

**1.3.** City support for zoning changes will be consistent with the plan.

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- 3.1. The plan should reinforce neighborhood-scale, mixed-use nodes or districts along 38th Street and Minnehaha Avenue.
- 5.2. New uses at the station should include convenient services for neighborhood residents and transit riders

*Staff comment:* The I2 district would not allow any residential uses and most commercial uses. The C3A district would allow high residential density, which is appropriate in this transit station area. It would also allow small-scale retail sales and services uses. Uses allowed in the C3A district are more likely to value convenient access provided by the LRT to downtown, rather than the limited and mostly industrial uses allowed by the I2 district. The proposal to rezone to C3A is in conformance with these goals of *The Minneapolis Plan* and the *38<sup>th</sup> Street Station Area Plan*.

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

Because of the property's location on a community corridor within a transit station area, high density residential and small-scale retail sales and services uses would be more appropriate use of the land than industrial uses allowed in the existing district. The amendment is in the public interest and not solely in the interest of the property owner.

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

The site is surrounded by industrial uses and industrial zoning. The surrounding area is expected to change from primarily industrial to mixed commercial and residential uses because of its proximity to the LRT line.

**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.**

Because of the properties location on a community corridor within a transit station area, high density residential and small-scale retail sales and services uses would be more appropriate use of the land than industrial uses allowed in the existing district.

**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.**

Although development has not occurred around this transit station yet, higher density residential and mixed use developments have occurred near other LRT transit stations. The adopted plan for the area and *The Minneapolis Plan* anticipate and promote the redevelopment of this site to

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promote mixed use development including higher residential density and a variety of commercial uses.

**CONDITIONAL USE PERMIT:** to allow a planned unit development.

**Findings as required by the Minneapolis Zoning Code for the conditional use permit:**

The Community Planning and Economic Development 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.**

The planned unit development would include retail sales and services uses and 198 dwelling units in two mixed use buildings. The establishment of these uses in mixed use buildings should not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards. Circulation within the site could result in vehicle and pedestrian conflicts in the central plaza adjacent to the entrance for the below-grade parking garage. A walkway would be located on the east side of the buildings extending the length of the site to the proposed street. At the central plaza, the walkway would be interrupted by the driveways for the surface parking in the plaza, the driveway leading to the below-grade parking, and the walls around the ramp. To walk through that area, pedestrians would need to walk around the parking garage entrance. Staff is concerned that the visibility of pedestrians would be impeded and the design could result in vehicle and pedestrian conflicts. More conflicts could occur where a vehicle exiting the parking garage and a vehicle exiting the central plaza occurs at the same time. Through the site plan review, staff is recommending that the planning commission require the applicant alter the site plan to address these issues, specifically requiring driveways to be spaced at least 20 feet apart.

**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 site is surrounded by industrial uses. It is also adjacent to an active railroad line. Provided residents of the development understand that they are living in an industrial area that involves large truck traffic and other reasonable industrial activity, surrounding uses should continue to operate (and may continue to operate in a legal fashion) without incident. The applicant has indicated that the industrial property located to the south of the development will be able to continue to use the driveway access from 40<sup>th</sup> Street to access the rear of their property. Existing and future development of uses allowed should not be negatively affected by the development.

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

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The site is served by existing infrastructure. Vehicle access would be from 38<sup>th</sup> Street, 40<sup>th</sup> Street, and the proposed street with access from Hiawatha Avenue. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way. MNDOT will review the access and other improvements proposed on Hiawatha Avenue.

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

Based on the principal uses in the planned unit development, the combined minimum parking requirement is 329 spaces. Of those spaces, 151 are required for the nonresidential uses. The maximum number of parking spaces allowed for nonresidential uses would be 226 spaces. The applicant would provide a total of 358 spaces on-site. The site is in close proximity to the 38<sup>th</sup> Street LRT station. In addition to the vehicle parking spaces, the applicant is providing bike parking for all uses. The draft Travel Demand Management Plan conducted for this site indicates that the proposed development will have little impact on the existing levels of service of intersections in the surrounding area. Measures the TDMP support include bicycling, walking, carpooling alternatives and limiting large vehicle deliveries outside of the a.m. and p.m. peak traffic periods. With shared parking and the availability of alternate forms of transportation, the project should not have a significant effect on congestion in the area.

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

The site is adjacent to 38<sup>th</sup> Street, which is designated as a community corridor by *The Minneapolis Plan*. It is also within a designated transit station area. In addition to the principles and policies discussed in the rezoning section of this staff report, the following apply to this proposal:

**1.2 Minneapolis will encourage both private and public development that provides gathering spaces in city neighborhoods.**

**Applicable Implementation Step**

Encourage private developers to include gathering spaces in new developments.

*Staff comment:* The applicant has indicated that the central plaza would accommodate gatherings.

**4.11 Minneapolis will improve the availability of housing options for its residents.**

**Applicable Implementation Steps**

Increase the variety of housing styles and affordability levels available to prospective buyers and renters.

Promote the development of housing suitable for people and households in all life stages, and that can be adapted to accommodate changing housing needs over time.

Promote mixed-income housing development that offers a range of dwelling unit sizes and levels of affordability.

*Staff comment:* The proposed development includes 198 rental dwelling units. Unit sizes would include studios, one-bedrooms, and two-bedrooms. The units would be for general occupancy, with 20 percent (40 units) of the units affordable at 50 percent median metropolitan income (MMI), 39 percent (76 units) affordable at 60 percent MMI, and 41 percent (81 units) at market rate.

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

**Applicable Implementation Steps**

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

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

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

*Staff comment:* High density residential development is proposed. The proposed uses should benefit from convenient access to the LRT station. The surrounding properties and buildings are still industrial. The proposed buildings would be compatible with the industrial character of the area, and also incorporates design features, such as stepping the upper levels of the buildings back, that are appropriate for mixed use development.

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

**Applicable Implementation Steps**

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

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

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

**9.11 Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.**

**Applicable Implementation Steps**

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

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

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

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

*Staff Comment:* The street wall would be reinforced along Hiawatha Avenue. The massing of the buildings would be centered on the site. Retail sales and services and food and beverage uses would be provided at the ground floor. At the intersection of 38<sup>th</sup> Street and Hiawatha Avenue, the building walls would be set back to allow for a plaza with outdoor seating and bike parking. An abundant amount of windows would be provided on all sides of all buildings. Multiple entrances would be provided for the nonresidential and residential uses that connect to the parking areas and the public sidewalks. Walkways at least 4 feet in width would connect areas of the site.

A plaza is also proposed between the two buildings. The central plaza would accommodate seating areas, some landscaping and would be available for community events. However, most of the plaza area would be hard surfacing and parking would be allowed. Staff believes that the parking detracts from the quality of the public space and encourages the applicant to remove it.

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

**Applicable Implementation Step**

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

*Staff Comment:* The applicant is proposing to enhance the 38<sup>th</sup> Street and Hiawatha Avenue rights-of-way. The Hiawatha Avenue right-of-way between the street curb and property line is 20 feet wide. An 8 foot boulevard, 8 foot wide sidewalk and 6 foot wide interior boulevard exist. The sidewalk would be located next to the property line and increased in width to 8 feet 6 inches. Planting beds, 7 feet, 9 inch wide, would be located between the sidewalk and the street. The existing 38<sup>th</sup> Street sidewalk is 11 feet wide. There is no separation between the street and the sidewalk. This is typical along 38<sup>th</sup> Street from Hiawatha Avenue to Minnehaha Avenue. The proposed sidewalk width would vary between 4 and 11 feet directly adjacent to the street. A walkway on the site would provide an alternative route for pedestrians through the north plaza. It would be separated from the street by landscaping. Change in the pavement type would direct pedestrians to use the wider walkway (14 feet) on the site. The walkway is offset from the pedestrian ramp adjacent to Hiawatha Avenue. Vision impaired persons may have difficulty navigating a route that is not straight and does not follow a curb line. Also, snow could pile up where the sidewalk is only 4 feet wide and restrict access. Staff is recommending that the applicant provide a sidewalk at least 8 feet in width in the 38<sup>th</sup> Street right-of-way and a minimum 8-foot wide clearance (unobstructed by bike racks, tables, seating, etc.) for the on-site walkway. The walkway should also be better aligned with the pedestrian curb ramp.

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

**Applicable Implementation Steps**

Allow reductions in minimum off-street parking requirements.

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

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

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

*Staff comment:* The applicant would provide sufficient parking to meet the minimum zoning code requirement. The minimum parking requirement accounts for a reduction allowed by the PO overlay district for proximity to a transit station. Parking would be provided at-grade and below-grade. The proposed surface parking requires a variance of the PO standard limiting the width of the parking area to 60 feet of street frontage. These parking lots would be 112 feet in width. A three-foot landscaped yard is proposed between the parking area and the sidewalk. Staff is recommending approval of the variance subject to the condition that the applicant provide at least a 15 foot landscaped yard between the parking area and the street to reduce the visual impact. Increasing the width of the landscaped yard would result in a loss of 9 parking spaces. Eleven parking spaces are also proposed in the central plaza. Staff is encouraging the applicant to remove this parking as well in order for it to be used full-time as a pedestrian amenity. Removal of 20 parking spaces would not reduce the number of spaces to below the minimum parking requirement.

**9.13 Minneapolis will restore and maintain the traditional street grid.**

**Applicable Implementation Steps**

Restore the street grid whenever possible.

Restore the historic connectivity of street corridors by working with property owners and city agencies on reopening streets such as Nicollet at Lake.

*Staff Comment:* The applicant is proposing to dedicate street right-of-way to allow for a future reconnection of 39<sup>th</sup> Street at Snelling Avenue.

**9.16 Minneapolis will encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs.**

*Staff comment:* The ground levels of the buildings would reinforce the street wall. The upper levels of the buildings would be stepped back to lessen any adverse effects of their mass.

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The 38<sup>th</sup> Street Station Area Plan was adopted by the City Council in October 20, 2006. The recommended land use for the site is high density mixed use. In addition to the small area plan policies discussed in the rezoning section of this report, the following apply to this proposal:

- 2.4.** Acquisition of parcels for development adjoining 38th Street must facilitate new development that faces 38<sup>th</sup> Street.
- 5.1.** Development at or near the station site should be designed and used so that the station becomes a new focal point for the neighborhood.
- 5.3.** The design of any new development on the station block should help “frame” or “front” the station, creating a sense of enclosure and visually drawing people to 38th Street.
- 6.1.** Heights of new buildings shall be related to their neighborhood context.
- 6.2.** Building heights identified in the plan are not regulatory but suggest what heights are appropriate.
- 7.1.** The height, bulk and mass of new structures may be similar to or taller than the milling facilities that they replace provided that the design of the development encourages interaction and connection with the surrounding neighborhood as well as adequately addressing issues related to vehicle, bicycle and pedestrian access and circulation.
- 7.3.** The City of Minneapolis will expect large-scale redevelopment to dedicate rights-of-way and/or easements to improve access consistent with the plan.
- 7.4.** Most parking, except for small-scale commercial, should be located below ground or in structures. Parking structures should be integrated with buildings rather than stand alone.
- 7.5.** Retail and commercial services shall be limited to 38th Street frontage or be part of continuous frontage that includes 38th Street.
- 7.6.** Development of the Hiawatha/Dight corridor will be subject to the creation of a Travel Demand Management (TDM) Plan.
- 8.1.** Redevelopment and site planning should make creative use of areas formed by irregular street angles.
- 9.1.** The character of important pedestrian and bicycle routes shall be improved by:
  - Widening sidewalks, adding bicycle lanes, creating boulevards, and/or relocating utility poles, with priority on the portion of 38th Street between Minnehaha and Hiawatha
  - Installing pedestrian-scale lighting and planting boulevard trees
  - Installing public art
  - As redevelopment occurs, requiring building setbacks and amenities in front of buildings such as benches, landscaping, planters and bicycle racks
- 10.1.** Landscaping, planters, and usable open space should be created or acquired over time, especially in the following locations:
  - The corners of parcels where streets intersect at odd angles (e.g., with Hiawatha, Minnehaha)

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- Along both sides of Hiawatha, especially at corners

**10.2.** Stormwater ponding requirements shall be designed as central features of site plans, not ancillary components of them.

**10.3** Large scale redevelopment should reflect environmental sustainability principles.

**11.4.** New parking needs and additional traffic shall be managed appropriately.

*Staff Comment:* For the most part, the proposed development would be consistent with these policies. A large amount of the nonresidential parking would not be located below-grade. Surface parking lots are proposed under each building and in the central plaza area. Staff is concerned that the amount of surface parking would have an adverse affect on promoting alternative transportation options. Staff is encouraging the applicant to remove the parking from the central plaza and is recommending that the planning commission require the applicant to provide additional landscaping between the surface parking areas under the buildings to reduce the visual effects and improve the pedestrian realm. The public sidewalk along 38<sup>th</sup> Street is proposed to be narrowed from 11 feet to 4 feet. Although a wider walkway would be provided on the site, staff is recommending that at least an 8-foot wide sidewalk is maintained adjacent to 38<sup>th</sup> Street.

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

Upon the approval of the rezoning, conditional use permits, variances, site plan review and the plat, the project will be in conformance with the zoning code.

**Through the planned unit development, the applicant is requesting exceptions to the following standards of the zoning code:**

The applicant is requesting that the planning commission authorize an increase in the maximum height of the buildings, the maximum floor area of retail sales and services uses, and approve a master sign plan. In coordination with the staff recommendations, staff is also requesting that the planning commission authorize a small reduction in the parking requirement. Exceptions to these zoning regulations may be authorized only upon the Planning Commission finding that the PUD includes adequate site amenities to address any adverse effects of the exception.

**Floor Area of Retail Sales and Services Uses:** In the C3A zoning district, the maximum floor area of retail sales and services uses cannot exceed 4,000 square feet. If there is no parking between the building and the street and the building is at least two stories in height the maximum floor area of the retail sales and services uses may be increased to 8,000 square feet. Section 527.140(b) authorizes the Planning Commission to authorize an increase in the maximum gross floor area of a district of the individual uses in the development by up to 20 percent for the purpose of promoting an integrated project that provides additional site amenities. A 20 percent increase would allow retail sales and services uses to be as large as 9,600 square feet each. Only one retail space would exceed 8,000 square feet at 21,500 square feet. The applicant is marketing the tenant space for a grocery store. Amenities proposed by the applicant include enhanced landscaping in the Hiawatha Avenue right-of-way, two public plazas, green roofs accessible by residents, rooftop solar collector thermal panels, a children's

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play area, and a dog walk. Staff recommends that the planning commission approve the proposed increase in floor area.

**Building Height:** Building height in the C3A district is limited to four stories or 56 feet, whichever is less. Each building would be six stories and 67 feet in height. Although each building would have only five floors, by definition of the zoning code it is six stories. A story is defined as that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or 14 feet, whichever is less. The first floor would be 20 feet, therefore each is considered two stories.

A shadow study has not been submitted for this part of the application. The largest massing of the buildings would be concentrated at the middle of the site. Shadowing should not significantly affect any surrounding properties or public spaces. The site is not located next to any residential uses. Taller buildings are characteristic of the milling facilities in the area. The building heights should not impede any views.

Section 527.140(b) authorizes the Planning Commission to grant exceptions to the building height limitations of a district for the purpose of promoting an integrated project that provides additional site amenities. Amenities proposed by the applicant include enhanced landscaping in the Hiawatha Avenue right-of-way, two public plazas, green roofs accessible by residents, rooftop solar collector thermal panels, a children's play area, and a dog walk. Staff recommends that the planning commission approve the proposed increase in maximum height.

**Signs:** Section 527.170 requires that all signs in a planned unit development comply with a master sign plan that is considered and approved with the development plan. It also authorizes the Planning Commission to grant exceptions to Chapter 543, On-Premise Signs. The applicant is requesting exceptions to the signage regulations of the C3A district.

Residential uses are allowed to two wall signs not exceeding 32 square feet in area with a maximum height of 12 feet. Also, one freestanding ground sign not exceeding 32 square feet in area and not exceeding 8 feet in height is allowed. The building elevations indicate that address signs are proposed over several of the common entrances for the residences. These signs are 8 square feet and are not located more than 12 feet above grade. A wall sign for each residential entrance not exceeding 32 square feet in area and that is not located above the first floor would also be acceptable. If proposed at a later time, a freestanding sign should not be allowed for the residential uses because it would contribute to sign clutter on the site.

Wall signs and projecting signs are proposed for the individual commercial uses. Signs indicating "Free Parking", a freestanding project sign, project wall signs, and banners are also proposed for the development. The following describe the exceptions requested:

*Sign area:* For nonresidential uses, one square foot of signage per one foot of primary building wall is allowed if a freestanding sign is located on the site. If there is no freestanding sign, 1.5 square feet of signage per one foot of primary building wall is allowed. All walls are primary building walls because they face either a street or a surface parking area. The applicant is proposing well over 1.5 square feet per one foot of primary building wall for the commercial uses on each wall. Adding in the banners, project signs, and parking signs, results in signage that greatly exceeds what is allowed in the C3A

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district. This much signage would result in clutter. The purposed of the C3A district is to provide for the development of major urban activity and entertainment centers with neighborhood scale retail sales and services. The proposed amount of signage would not be in keeping with a neighborhood scale. However, staff believes that the size of the whole development warrants some flexibility in the sign area allowed. As long as the number of ground signs is limited to one project sign, staff recommends that the planning commission allow 1.5 square feet of signage per one foot of primary building wall that faces a street and 1.0 square foot of signage per one foot of primary building wall that faces a parking area for the commercial tenants. Please note, only exterior walls of the nonresidential uses are primary building walls. Walls that screen the surface parking areas are not primary building walls. In addition to the signage for the commercial tenants, staff recommends that the planning commission allow additional sign area for the parking, project signs and banners, subject to size restrictions discussed in the section below.

*Maximum area per sign:* Wall signs and banners can be 180 square feet, except wall signs for retail sales and services uses are limited to 45 square feet in area. Grocery stores are a retail sales and services use. Only the temporary banners would exceed 180 square feet. The one on the north building would be 348 square feet and the one on the south building would be 264 square feet. Large banners are not consistent with the purpose of the zoning district. Staff is recommending that the banners comply with the size requirement of the district and the provisions pertaining to temporary signs in section 543.330 of the zoning code. The proposed wall signs for the retail tenants could be 50 to 160 square feet in area each. The floor area of retail spaces could be from 5,000 square feet to 21,500 square feet in area. Staff is recommending that the planning commission allow larger individual wall signs for the commercial tenants as long as each sign does not exceed 100 square feet, the total signage proposed does not exceed the size area allowed for that primary building wall, the freestanding sign is a ground sign, and no sign in the development is back-lighted<sup>1</sup>. For the “Free Parking” signs, staff recommends that they also not exceed 100 square feet in area and that not more than one sign is allowed for each of the surface parking lots under the buildings. If signage is also proposed for the below-grade parking, staff recommends that the planning commission allow not more than two wall signs, each not exceeding 50 square feet in area.

Projecting signs are limited to 48 square feet in area. The proposed projecting signs would comply with the size requirements.

Freestanding signs are limited to 80 square feet in area. A proposed size for the water feature/project sign in the central plaza has not been indicated. Staff is recommending that the face of the sign not exceed 80 square feet.

*Maximum number of signs:* There is not a limit on the number of wall signs or projecting signs. If a projecting sign is proposed, a freestanding sign is not allowed on the same lot and vice versa. Because of the size of the development, staff recommends that the planning commission allow one freestanding sign in the central plaza regardless of whether or not projecting signs are located on the buildings.

*Maximum height of signs:* There is not a limit to the height of wall signs. Freestanding signs can be up to 25 feet in height. The water feature would not be more than 11 feet in height.

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<sup>1</sup> Back-lighted is defined by the zoning code as a light source contained within the sign element or sign cabinet that illuminates by shining through a translucent surface or sign face. Where only the letters of the sign copy are illuminated is not back-lighting.

*Lighting of signs:* The C3A district allows signs to be lighted, including back-lighting, external, internal and neon. Staff is recommending that the planning commission not allow back-lighted signs as a condition to grant exceptions to the other sign requirements. Staff believes that back-lighted signs would not enhance a neighborhood scale for the development nor provide signage of exceptional design.

**Additional Findings Required For Planned Unit Developments:**

**In addition to the conditional use permit standards contained in Chapter 525, Administration and Enforcement, before approval of a planned unit development the city planning commission also shall find:**

- 1. That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:**
  - a. The character of the uses in the proposed planned unit development, including in the case of a planned residential development the variety of housing types and their relationship to other site elements and to surrounding development.**

A vacant milling facility exists on the site. The planned unit development would include retail sales and services uses and 198 dwelling units. The proposed uses would benefit much more from a location next to a transit station than industrial uses.

- b. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access and availability of transit alternatives.**

Based on the principal uses in the planned unit development, the combined minimum parking requirement is 329 spaces. The applicant would provide a total of 358 spaces on-site. Three loading spaces are required and would be provided. Vehicle access would be from 38<sup>th</sup> Street, 40<sup>th</sup> Street, and the proposed street with access from Hiawatha Avenue. Only right-in and right-out turning would be allowed at 38<sup>th</sup> Street and Hiawatha Avenue. The site is in close proximity to the 38<sup>th</sup> Street LRT station. In addition to the vehicle parking spaces, the applicant is providing bike parking for all uses. Improved pedestrian access to the site would also be provided. However, staff has concerns about the sidewalk width adjacent to 38<sup>th</sup> Street and orientation of the walkway on the site. To address these concerns, staff recommends that the sidewalk not be less than 8 feet in width and that the walkway on the site aligns with the pedestrian curb ramp adjacent to Hiawatha Avenue. The draft Travel Demand Management Plan conducted for this site indicates that the proposed development will have little impact on the existing levels of service of intersections in the surrounding area. Measures the TDMP support include bicycling, walking, carpooling alternatives and limiting large vehicle deliveries outside of the a.m. and p.m. peak traffic periods. With shared parking and the availability of alternate forms of transportation, the project should not have a significant effect on congestion in the area.

**c. The site amenities of the proposed planned unit development, including the location and functions of open space and the preservation or restoration of the natural environment or historic features.**

Amenities proposed by the applicant include enhanced landscaping in the Hiawatha Avenue right-of-way, two public plazas, green roofs accessible by residents, rooftop solar collector thermal panels, a children's play area, and a dog walk.

**d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.**

The site is adjacent to industrial uses. The buildings would be compatible to each other, the pedestrian realm, and the milling facilities along Hiawatha Avenue. The massing of the buildings would be concentrated at the interior of the site. They should not block any view corridors.

Three surface parking areas are proposed. Staff believes that aspects of each of these parking areas should be improved to increase compatibility of the parking areas and other site elements and the public sidewalks.

- Circulation within the site could result in vehicle and pedestrian conflicts in the central plaza adjacent to the entrance for the below-grade parking garage. A walkway would be located on the east side of the buildings extending the length of the site to the proposed street. At the central plaza, the walkway would be interrupted by the driveways for the surface parking in the plaza, the driveway leading to the below-grade parking, and the walls around the ramp. To walk through that area, pedestrians would need to walk around the parking garage entrance. Staff is concerned that the visibility of pedestrians would be impeded and the design could result in vehicle and pedestrian conflicts. More conflicts could occur where a vehicle exiting the parking garage and a vehicle exiting the central plaza occurs at the same time. Through the site plan review, staff is recommending that the planning commission require the applicant alter the site plan to address these issues, specifically requiring driveways to be spaced at least 20 feet apart.
- A 3-foot wide yard would be provided between the surface parking lots located under the buildings and the right-of-way. A variance is requested of the PO overlay district standard limiting the maximum width of parking lots to 60 feet. The three feet of landscaping also does not comply with the site plan review standards for landscaping between a parking area and a street. As a condition of approval for the variance request, staff is recommending that the applicant provide a 15-foot landscaped yard between the surface parking areas under the buildings to provide a substantial buffer between the Hiawatha Avenue sidewalk and the parking area.

- e. **The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.**

The Public Works Department has not indicated concerns about the capacity of the public infrastructure in relation to this project. A stormwater management plan is required for the project, which will be reviewed by the Public Works Department. According to the plan, most of the stormwater would be contained in stormwater retention tanks.

2. **That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.**

Please refer to the preliminary plat section of this report.

**CONDITIONAL USE PERMIT:** to allow 198 dwelling units.

**Findings as required by the Minneapolis Zoning Code:**

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

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

The establishment of multiple family dwellings with a total of 198 units should not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

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 site is surrounded by industrial uses. It is also adjacent to an active railroad line. Provided residents of the development understand that they are living in an industrial area that involves large truck traffic and other reasonable industrial activity, surrounding uses should continue to operate (and may continue to operate in a legal fashion) without incident. Existing and future development of uses allowed should not be negatively affected by the development.

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

The site is served by existing infrastructure. Vehicle access would be from 38<sup>th</sup> Street, 40<sup>th</sup> Street, and the proposed street with access to Hiawatha Avenue. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure

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the safety of the position and design of improvements in or over the public right of way. MNDOT will review the access and other improvements proposed on Hiawatha Avenue.

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

The minimum parking requirement for the dwelling is 178 spaces. The combined requirement of all proposed uses in the development is 329 spaces. The applicant is proposing to provide a total of 358 spaces. Of those spaces, 149 are only accessible by residents. The applicant has indicated that 47 spaces would be provided in other areas of the below-grade parking garage for use by the residential units. The other spaces in the development are shared among both commercial users. At least 198 bike parking spaces must be provided for the residents. The total number of bicycle spaces proposed in the below-grade parking area is 186. Of those spaces, 169 would be located in the enclosed residential parking garages. At least 29 additional bicycle spaces must be provided for the residents. Access to and from 38<sup>th</sup> Street and Hiawatha Avenue would be right-in and right-out only. The dwelling should have little effect on congestion in the area.

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

Please see finding number 5 under the rezoning and conditional use permit for the planned unit development sections of this report.

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

Upon the approval of the rezoning, conditional use permits, variances, site plan review and the plat, the project will be in conformance with the zoning code.

**CONDITIONAL USE PERMIT:** to allow a shopping center.

**Findings as required by the Minneapolis Zoning Code:**

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

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

The establishment of a shopping center should not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

**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 site is surrounded by industrial uses. The use should have little effect on surrounding properties.

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

The site is served by existing infrastructure. Vehicle access would be from 38<sup>th</sup> Street, 40<sup>th</sup> Street, and the proposed street with access from Hiawatha Avenue. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way. MNDOT will review the access and other improvements proposed on Hiawatha Avenue.

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

The minimum parking requirement for the commercial uses in the shopping center is 151 spaces. The applicant would provide at least 160 spaces. One large and two small loading spaces are required. The applicant is proposing one large and two small loading spaces. The applicant is also proposing 28 bike racks at-grade. Access to and from 38<sup>th</sup> Street and Hiawatha Avenue would be right-in and right-out only. The shopping center should have little effect on congestion in the area.

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

Please see finding number 5 under the rezoning and conditional use permit for the planned unit development sections of this report.

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

Upon the approval of the rezoning, conditional use permits, variances, site plan review and the plat, the project will be in conformance with the zoning code.

**VARIANCE:** to increase the maximum floor area of a retail sales and services use from 9,600 square feet 21,500 square feet.

**Findings as required by the Minneapolis Zoning Code:**

**1. The property can 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.**

In the C3A zoning district, the maximum floor area of retail sales and services uses cannot exceed 4,000 square feet. If there is no parking between the building and the street and the building is at least two stories in height the maximum floor area of the retail sales and services uses may be increased to 8,000 square feet. Through the conditional use permit application for

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the planned commercial development a 20 percent density bonus may be granted. This would allow the retail sales and services uses to be as large as 9,600 square feet.

Because the applicant has not secured tenants at this time, the floor plan is not fixed. Depending on the final mix of tenants and their configurations, the applicant has indicated that at least one of the retail tenants could exceed 9,600 square feet. The largest tenant size could be 21,500 square feet. The applicant has indicated that in order to attract the desired mix of tenants to the development that some of the spaces need to be larger than 9,600 square feet in order to meet the needs of the tenant. The applicant is marketing the largest tenant space for a grocery store. Grocery stores are typically only interested in tenant spaces of a certain size. Please note, the layout of the other retail spaces cannot be increased without amending the conditional use permit for the PUD and the site plan review.

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

The site is unique in that there will be approximately 42,000 square feet of commercial space within the buildings to fill with various tenants. It is adjacent to a light rail transit station.

- 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 maximum floor area requirements is to provide for the development of neighborhood scale retail sales and services. Along 38<sup>th</sup> Street and Hiawatha Avenue, large windows that allow views into and out of the commercial spaces would be provided so they won't appear to be out of character with a neighborhood scale. However, the Planning Division is concerned that large scale uses could adversely impact the character of the area if they do not have entrances facing the public street and that remain open during business hours. The Planning Division is recommending that all uses that have frontage along a public street shall provide at least one public entrance facing the street, which is open to the public during the business hours of the individual use.

- 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 Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

**VARIANCES:** Variances of the PO Pedestrian Oriented Overlay District standards to 1) allow a building wall to be set back more than eight feet from the lot lines adjacent to 38<sup>th</sup> Street and Hiawatha

Avenue, 2) increase the maximum driveway width from 20 feet to 23 feet and 29 feet, and 3) increase the maximum width of a parking lot adjacent to a street from 60 feet to 112 feet.

**Findings as required by the Minneapolis Zoning Code:**

- 1. The property can 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.**

*Building setback:* In a PO district, all building walls are required to be located not more than 8 feet from a lot line adjacent to a street. Along 38<sup>th</sup> Street, the building wall would be set back between 0 and 100 feet. Along Hiawatha Avenue, the building wall would be set back between 3 feet and 42 feet. The north portion of the site is triangular shaped because 38<sup>th</sup> Street and Hiawatha Avenue do not intersect at a 90 degree angle. The walls of the north building closest to the intersection are the only walls that do not meet the building setback requirement. The applicant is proposing patios, walkways, landscaping and bicycle parking between the building and the streets where the set back exceeds 8 feet. The request is reasonable.

*Driveway width:* The driveway width for all parking facilities located in a PO Overlay cannot exceed 20 feet of street frontage. The driveways accessed from 38<sup>th</sup> Street and the proposed street are 23 feet wide. The driveway accessed from 40<sup>th</sup> Street is 29 feet wide. The driveway from 38<sup>th</sup> Street, would have parking spaces on one side. The minimum drive aisle width adjacent to the spaces is 22 feet wide. To comply with the driveway width requirements, the driveway would have to narrow where no parking spaces are proposed. The access to 40<sup>th</sup> Street is already used as a driveway. The applicant has indicated that narrowing the driveway would increase the potential for congestion when vehicles are entering and exiting at the same time. The wider driveway is also necessary for large trucks to maneuver in and out of the loading area. The variance request is reasonable.

*Parking lot width:* The maximum allowed width of parking lot street frontage in the PO districts is 60 feet. The street frontage of the surface parking areas under both the north and south buildings are 112 feet wide. The buildable portion of the site is over five times long as it is wide. The width of the site somewhat restricts where surface parking can be located. The placement of the parking contributes to breaking up the massing of buildings along Hiawatha Avenue. If additional landscaping is provided between the parking areas and Hiawatha Avenue, the request would be reasonable.

- 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.**

*Building setback:* The north portion of the site is triangular shaped because 38<sup>th</sup> Street and Hiawatha Avenue do not intersect at a 90 degree angle. This circumstance has not been created by the applicant.

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Driveway width: The buildable portion of the site is over five times long as it is wide limiting where vehicle access and parking can be located. Hiawatha Avenue is a state highway, which further limits where access to the site can occur. These circumstances have not been created by the applicant and is generally not applicable to properties.

Parking lot width: The buildable portion of the site is over five times long as it is wide. This circumstance has not been created by the applicant and is generally not applicable to properties.

- 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 PO standards 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.

Building setback: The applicant is proposing patios, walkways, landscaping and bicycle parking between the building and the streets where the set back exceeds 8 feet. The alternatives proposed by the applicant should be an asset to the community and are in keeping with the intent of the ordinance.

Driveway width: If the site was not located in a PO district, a 25-foot wide curb cut would be allowed as-of-right. Currently, the majority of the street frontage along Hiawatha Avenue and 38<sup>th</sup> Street is occupied by curb cuts. The development proposes a large reduction in curb cuts to be replaced with a landscaped boulevard. The access from 38<sup>th</sup> Street would be right-in and right-out only. This should lessen the potential for conflicts with pedestrians. The 40<sup>th</sup> Street driveway access is also used by the adjacent industrial property. Narrowing the driveway could restrict access to the industrial property.

Parking lot width: Large expanses of surface parking along public sidewalks detract from the pedestrian-oriented character that the PO Overlay District is intended to reinforce. Staff is recommending that the applicant provide a landscaped yard not less than 15 feet wide between the parking areas and the Hiawatha Avenue right-of-way to reduce the visual impact.

- 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.**

Building setback: The granting of the variance should not affect public safety or increase congestion in the public streets.

Driveway width: The granting of the variance should not affect public safety or increase congestion in the public streets.

*Parking lot width:* The parking lots are not accessed directly from Hiawatha Avenue. The granting of the variances should not affect public safety or increase congestion in the public streets.

## **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:**

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

*Conformance with above requirements:*

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The placement of the buildings would reinforce the street wall along Hiawatha Avenue and the proposed street. Along 38<sup>th</sup> Street, the building is stepped back at the Hiawatha intersection. A plaza would be located at that corner. Windows would be located on all sides of the building to maximize natural surveillance. Ground level entrances would be provided for the residential and nonresidential uses. Walkways would connect all entrances to the public sidewalks.

Not all building walls of the north building would be within 8 feet of lot lines fronting streets. Along 38<sup>th</sup> Street, the building wall would be set back between 0 and 100 feet. Along Hiawatha Avenue, the building wall would be set back between 3 feet and 42 feet. In a PO district, all building walls are required to be located not more than 8 feet from a lot line adjacent to a street. The north portion of the site is triangular shaped because 38<sup>th</sup> Street and Hiawatha Avenue do not intersect at a 90 degree angle. The walls of the north building closest to the intersection are the only walls that do not meet the building setback requirement. The applicant is proposing patios, walkways, landscaping and bicycle parking between the building and the streets where the set back exceeds 8 feet. For these reasons, staff believes alternative compliance is warranted. Staff is also recommending approval for the variance of the PO standard. All walls of the south building would be within 8 feet from lot lines adjacent to the streets.

A plaza, seating areas, walkways, landscaping and bicycle parking are proposed between the buildings and the streets.

At least one principal nonresidential entrance would face each street. As a condition of approval for the retail floor area variance, staff is recommending that the applicant provide an entrance facing the street for each retail space with frontage on a street. The common residential entrance for the north building would also face a street.

The majority of the parking would be below-grade. Surface parking areas would be located at the interior of the site.

To divide the buildings into smaller, identifiable sections, recesses and projections, multiple entrances, windows and other architectural features have been incorporated. The buildings are also separated by a plaza area.

The building walls would include sufficient architectural detail and would make generous use of windows to avoid large blank walls.

The primary exterior materials, including brick, cast stone, cementitious fiber panels, cementitious lap siding, metal panels, and glass, would be durable.

Plain face concrete block would not be used as a primary exterior building material.

All sides of the buildings would be compatible.

Three common entrances are proposed for the residences on the north building. Two common entrances are proposed for the residences on the south building. The entrances for the residential portions of the buildings would be recessed and sheltered by canopies to emphasize their

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importance. The south building entrance would also have an abundant amount of windows. Windows are required on all walls for each building. On all levels of each residential elevation, the proposed amount of windows greatly exceeds the minimum requirements. All windows would be vertical in proportion and distributed in a more or less even manner.

The entrances for the nonresidential uses would also be recessed, surrounded by large windows, and sheltered by canopies to emphasize their importance. Multiple entrances would be provided to provide access to sidewalks and the parking areas. All walls adjacent to the nonresidential uses are subject to the minimum window requirements. All windows would be vertical in proportion and distributed in a fairly even manner. The applicant has indicated that the windows would be clear glass with a light transmittance ratio between 0.6 and 0.7. Thirty percent of each wall is required to be windows, except where the walls face a public street. In the PO overlay district, 40 percent of the walls facing a street are required to be windows. Three walls do not comply with the minimum requirements:

- One wall on the north building facing the surface parking lot under the building does not comply with the window requirements. Thirty percent, or 292.8 square feet, of windows are required. Twenty-three percent equaling 224 square feet of windows are proposed. This wall is adjacent to the largest proposed commercial tenant space. The tenant space has window requirements on two other walls as well, including a 40 percent requirement on one of those walls. The tenant space located at the south end of this building would have more than 30 percent windows facing the parking area.
- The first floor wall of the south building's east elevation is required to provide 30 percent windows, or 170.4 square feet. The applicant is proposing 29.6 percent, or 168 square feet of windows for the nonresidential uses. Some of the windows on this wall are adjacent to the residential lobbies and do not count towards the nonresidential window requirement. A trash room is also located along this wall. The upper levels include a large amount of fenestration.
- The south wall on the south building facing the surface parking lot under the building does not comply with the window requirements. Thirty percent, or 295.2 square feet, of windows are required. The applicant is proposing to provide 23.6 percent equaling 168 square feet of windows. The tenant space has window requirements on two other walls as well, including a 40 percent requirement on one of those walls. The tenant space located at the south end of this building would have more than 30 percent windows facing the parking area.

As long as shelving, mechanical equipment or other similar fixtures do not block views into and out of the building in the area between 4 and 7 feet above the adjacent grade, staff believes alternative compliance is warranted for these walls. This requirement also applies to windows used to meet the minimum window area requirements on the other walls.

The roofs on the building would be flat. Many nonresidential buildings and a multi-family building in the area also have flat roofs.

**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:*

Walkways at least 4 feet in width are proposed from the public sidewalks and parking areas to the building entrances.

A transit shelter is not adjacent to the site.

Access to the site is proposed from 38<sup>th</sup> Street, from the proposed street accessed from Hiawatha Avenue and from 40<sup>th</sup> Street. The proposed access points would greatly reduce the number of curb cuts existing on the site. The access from 38<sup>th</sup> Street and Hiawatha Avenue is right-in and right-out only. The applicant is continuing to work with MNDOT on the Hiawatha access. The proposed access to and from the site should minimize vehicular conflicts with pedestrians. There are no residential uses adjacent to the site. Circulation within the site could result in pedestrian conflicts in the central plaza adjacent to the entrance for the below-grade parking garage. A walkway would be located on the east side of the buildings extending the length of the site to the proposed street. At the central plaza, the walkway would be interrupted by the driveways for the surface parking in the plaza, the driveway leading to the below-grade parking, and the walls around the ramp. To walk through that area, pedestrians would need to walk around the parking garage entrance. Staff is concerned that the visibility of pedestrians would be impeded and the design could result in vehicle and pedestrian conflicts. More conflicts could occur where a vehicle exiting the parking garage and a vehicle exiting the central plaza occurs at the same time. Staff is recommending that the planning commission require the applicant alter the site plan to address these issues. At a minimum, the driveways should be spaced 20 feet apart.

There are no public alleys adjacent to the site.

Most of the site would be covered by the building and parking areas and driveways. The lot area not occupied by buildings would be 63,182 square feet. Of that area, only 5,582 square feet of area would be landscaped at-grade. The applicant is requesting alternative compliance for the 20 percent landscaping requirement and 7-foot landscaped yard requirement for the parking areas adjacent to Hiawatha Avenue. Staff is recommending that 15-foot landscaped yards are provided between the parking areas and the Hiawatha Avenue right-of-way. This would reduce the amount of impervious surface (parking areas) on the site by approximately 2,000 square feet.

**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 zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is 150,371 square feet. The building footprint including the below-grade parking would be 87,354 square feet. The lot area minus the building footprints therefore consists of approximately 63,017 square feet. At least 20 percent of the net site area (12,636 square feet) must be landscaped. The applicant's landscape plan proposes to landscape 5,582 square feet, or 8.8 percent of the net lot area. The driveway leading from 40<sup>th</sup> Street

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accounts for approximately 26 percent of the net lot area. Staff does not believe landscaping that area would meet the intent of the ordinance. In addition to the ground-level landscaping, the applicant is also proposing a total of 5,290 square feet of green roof area that the residents would have access to. The applicant has indicated that all green roofs would be intensive. Enhanced landscaping is also proposed in the Hiawatha Avenue right-of-way. Plants in the MNDOT right-of-way are subject to their approval. The applicant is requesting alternative compliance for the requirement to provide a 7-foot wide landscaped yard between the surface parking areas and the street. A variance is also requested of the PO overlay district standard limiting the maximum width of parking lots to 60 feet. Staff does not believe that alternative compliance is warranted for the 7-foot landscaped yard. As a condition of approval for the variance request, staff is recommending that the applicant provide a 15 foot landscaped yard between the surface parking areas under the buildings to provide a substantial buffer between the Hiawatha Avenue sidewalk and the parking area. This would also increase the amount of at-grade landscaped area by approximately 2,000 square feet. As long as the landscaped yard between the parking areas and the Hiawatha Avenue right-of-way is increased, staff recommends that the planning commission grant alternative compliance.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 26 and 126 respectively. The applicant is proposing 7 canopy trees and 126 shrubs (these counts do not include plants proposed in the right-of-way. The applicant is also proposing 27 ornamental trees, perennials, and ornamental grasses throughout the site. In addition to the plants proposed on-site, the applicant would provide 14 canopy trees and 187 shrubs in the public right-of-way. Most of the site would be occupied by the building or parking areas limiting where canopy trees could be planted. For these reasons, staff recommends that alternative compliance is granted.

A 7-foot wide landscaped yard is required between the surface parking areas and Hiawatha Avenue. A 3-foot wide yard would be provided between the surface parking lots located under the buildings and the right-of-way. A variance is also requested of the PO overlay district standard limiting the maximum width of parking lots to 60 feet. Staff does not believe that alternative compliance is warranted for the 7-foot landscaped yard. As a condition of approval for the variance request, staff is recommending that the applicant provide a 15-foot landscaped yard between the surface parking areas under the buildings to provide a substantial buffer between the Hiawatha Avenue sidewalk and the parking area. The applicant also is requesting alternative compliance of the 20 percent landscaping requirement. Providing a 15-foot yard would also increase the amount of at-grade landscaped area by approximately 2,000 square feet.

Screening that is 3 feet in height and at least 60 percent opaque is also required between the parking areas and the streets. Shrubs are proposed between the parking areas and Hiawatha Avenue. The landscaping plan does not specify the type of shrub in those areas. A 3-foot high metal wire-mesh fence is also proposed to comply with the screening requirement.

Trees are required to be provided for every 25 feet of parking area lot frontage. Five canopy trees are required in the landscaped yard between each parking area under the buildings and Hiawatha Avenue. Three canopy trees are required between the parking located in the central

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plaza and Hiawatha Avenue. No on-site trees are located between these parking areas and the right-of-way. The below-grade parking garage is located under the landscaped yards for the the parking areas making planting canopy trees more difficult. Four ornamental trees would be located between the central plaza parking spaces and the right-of-way. Four canopy trees would be planted in the Hiawatha Avenue right-of-way adjacent to the other two parking areas. Staff believes that alternative compliance is warranted.

The landscape plan indicates that areas of the parking lot that are unavailable for parking or vehicle circulation would be landscaped.

Not all parking spaces would be located within 50 feet of an on-site deciduous tree. The upper levels of the buildings extend over most of the parking spaces that do not comply with this requirement. The footprint of the below-grade parking garage limits where trees can be planted. Trees would also be planted in the right-of-way that would provide shade to some of the surface parking areas. Staff is recommending that the planning commission grant alternative compliance.

Perennials and ornamental grasses would cover all areas that are not paved or 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:***

Continuous six inch by six inch concrete curbing is proposed around the surface parking areas except in the central plaza where the curbing is flat. Most of the stormwater runoff from the site would drain into on-site retention tanks.

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The new buildings should not block or impede the views of any important elements of the city.

The upper levels of the buildings would be stepped back. Shadowing from the buildings should have little impact on public spaces and adjacent properties.

Wind currents should not be a major concern.

The site design provides natural surveillance and visibility with abundant windows on all sides of the building. The proposal controls and guides to movement on the site with clearly defined walkways. A fence will be provided along the railroad tracks to prevent cut-through traffic. The lighting plan indicates that sufficient lighting will be provided.

All buildings on the site would be demolished. The site is not locally designated. However, a review of the project is required under Section 106 of the National Historic Preservation Act because the applicant is requesting federal funding. The applicant hired a consultant, Hess, Roise and Company, to evaluate the historic potential of the site and surrounding area. The consultant found that the site did not qualify for listing in the National Register of Historic Places. However, it appears that the Hiawatha corridor is eligible for National Register and local landmark designation as a historic grain terminal/feed mill district. The State Historic Preservation Office is reviewing the project to ensure compatibility with the character of the area. The applicant will be asked to enter into a section 106 memorandum of agreement with SHPO and the City to address any effects of the project on historic character of the area.

**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 site is located in the I2 district and PO overlay district. The applicant is proposing a planned unit development (PUD) with 198 dwelling units and commercial uses. The applicant has indicated that general retail sales and services uses, a grocery store, and a food and beverage use(s), such as a sit-down restaurant or a coffee shop, would occupy the commercial tenant spaces. General retail sales and services uses, grocery stores, and multi-family dwellings are not permitted in the I2 district. The applicant is petitioning to rezone the subject site to C3A, where a PUD is a conditional use, a multifamily dwelling with 5 or more units is a conditional use, and general retail sales and services uses, grocery stores and restaurants and coffee shops are permitted uses. Because each commercial tenant space would not include a separate entrance facing a street, the commercial part of the development is classified as a shopping center. A shopping center is a conditional use in the C3A district.

**Parking and Loading:** The parking requirement for a planned unit development is as approved by the conditional use permit. Multiple-family housing, general retail sales and services, a grocery store, and food and beverage uses are the principal uses of the PUD. Please note, the following calculations are based on floor areas assumed to be occupied by the nonresidential uses rather than what is shown on the floor plans. Because the applicant has not secured tenants at this time, the floor plan is not fixed. Variations in the size and number of commercial tenants could increase or decrease the minimum requirements. However, the applicant cannot increase

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the total amount of floor area or significantly change the building footprint without amending the conditional use permit for the PUD. Based on Table 541-1 Specific Off-Street Parking Requirements in the zoning code, the minimum parking requirements for uses in the development are as follows:

- Multiple-family dwellings located in the C3A district are required to have one parking space per dwelling unit. Because the site is located in a transit station area PO overlay district, only 90 percent of the primary district requirement is required. The applicant is proposing a total of 198 dwelling units. Therefore, 178 spaces are required.
- Restaurants or coffee shops are required to have parking equal to 30 percent of the capacity of persons. Because the site is located in a transit station area PO overlay district, only 75 percent of the primary district requirement is required. The applicant expects that approximately 10,000 square feet of the commercial tenant space area would be occupied by food and beverage uses. Of the 10,000 square feet, 60 percent, or 6,000 square feet, would be used for public seating or lobby area. Therefore, 90 spaces are required.
- General retail sales and services uses and grocery stores are required to have one space per 300 square feet of gross floor area in excess of 4,000 square feet. Because the site is located in a transit station area PO overlay district, only 75 percent of the primary district requirement is required. The applicant expects that a grocery store would occupy 21,500 square feet. Therefore, 44 spaces are required. The remainder of the commercial floor area, approximately 11,019 square feet, would be occupied by general retail sales and services uses. Therefore, 17 spaces are required. More than one retail space is identified on the plans. Although retail parking requirements are normally calculated for individual tenant spaces, the calculations were based on the total floor area to allow more flexibility in dividing up the spaces. With the amount of parking required, up to 5 smaller retail spaces would be allowed.

The combined requirement of all proposed uses is 329 spaces. The applicant is proposing to provide a total of 358 on-site spaces. Of those spaces, 149 are only accessible by residents. The applicant has indicated that 47 spaces would be provided in other areas of the below-grade parking garage for use by the residential units. The rest of the parking would be shared.

Please note, the minimum parking requirement can be reduced further by other reductions authorized by the zoning code, such as providing bicycle parking (section 541.220) and shared parking (section 541.190), to accommodate the reductions. For example, utilizing the shared parking reductions, the minimum parking requirement could be reduced to 319 spaces. These other reductions can be utilized in the future for flexibility in use of the tenant spaces if necessary.

The minimum loading requirements for uses in the development are as follows:

- For multiple-family dwellings of 50 units or more, the loading requirement is determined through the conditional use permit. The applicant has indicated that residents would be able to use the small loading spaces next to the retail trash areas.

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- Approximately 10,000 square feet of floor area would be devoted to food and beverage uses, such as sit down restaurants and coffee shops. The zoning code assigns a low rating to determine the loading requirement. For the amount of floor area proposed, one small loading space (10 feet wide by 25 feet deep) is required.
- General retail sales and services uses would occupy approximately 11,019 square feet of floor area. The zoning code assigns a medium rating to determine the loading requirement. For the amount of floor area proposed, one small loading space is required.
- A grocery store would occupy 21,500 square feet of floor area. The zoning code assigns a high rating to determine the loading requirement. For the amount of floor area proposed, one large loading space (12 feet wide by 50 feet deep) is required.

A total of two small and one large loading spaces are proposed.

**Signs:** As noted in the conditional use section of this report for the PUD, the applicant is proposing a master sign plan as part of the planned unit development. Section 527.170 authorizes the Planning Commission to grant exceptions to Chapter 543, On-Premise Signs. Staff is recommending that the planning commission not approve the master sign plan as proposed.

**Maximum Floor Area:** The proposed lot area is 150,371 square feet. The maximum FAR allowed is 2.7. The development qualifies for two density bonuses for providing all required residential parking within the building and providing residential uses above a ground level where at least 50 percent of the floor area is occupied by commercial uses. Density bonuses are increased to 30 percent in the PO overlay district. The density bonuses therefore increase the maximum FAR to 4.32. The building would have a total of 247,912 square feet, which is an FAR of 1.65.

In the C3A zoning district, the maximum floor area of retail sales and services uses cannot exceed 4,000 square feet. If there is no parking between the building and the street and the building is at least two stories in height the maximum floor area of the retail sales and services uses may be increased to 8,000 square feet. Through the conditional use permit application for the PUD, a 20 percent density bonus may be granted. This would allow the retail sales and services uses to be as large as 9,600 square feet each. One of the retail tenant spaces would be 21,500 square feet. A variance is required to increase the floor area.

**Minimum Lot Area:** As previously noted, the overall lot has 150,371 square feet (3.45 acres). The minimum area required for a PUD is two acres. The lot area of the PUD must also meet the minimum lot area requirements for uses within the PUD. The C3A district requires not less than 400 square feet of lot area per dwelling unit. The applicant is proposing 198 dwelling units requiring 79,200 square feet of lot area. The proposed site is sufficient in size.

**Dwelling Units Per Acre:** The applicant proposes a density of 57.4 dwelling units per acre.

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**Height:** Building height in the C3A district is limited to four stories or 56 feet, whichever is less. Each building would be six stories and 67 feet in height. Although each building would have only five floors, by definition of the zoning code it is six stories. A story is defined as that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or 14 feet, whichever is less. The first floor would be 20 feet, therefore each is considered two stories. The planning commission may grant increases in height through the planned unit development application. Staff is recommending that the planning commission approve the proposed increase in height.

**Yard Requirements:** A yard is required where windows for the residences face the interior lot line adjacent to the railroad tracks. The minimum rear yard requirement is equal to  $5+2x$ , where  $x$  is equal to the number of stories above the first floor, but not to exceed 15 feet. Two 6-story buildings are proposed, therefore the minimum requirement is 15 feet. The buildings would be set back more than 15 feet.

**PO Pedestrian Oriented Overlay District Standards:** General standards apply to all development located in the PO overlay.

- The first floor of the building must be located within eight feet of a lot line adjacent to a street. First floor building walls facing a street would be within 8 feet of the lot line, except at the north end of the north building. The applicant is requesting a variance.
- The first floor façade of the building that faces a public street or a sidewalk is required to have at least 40 percent clear or lightly tinted glass that allows views into and out of the building at eye level and are distributed in a more or less even manner. Therefore the walls fronting 38<sup>th</sup> Street, Hiawatha Avenue and the proposed street are subject to this provision. Each first floor wall facing a street would have more than 45 percent windows.
- Pole signs, back-lighted awning and canopy signs, and back-lighted insertable panel projecting signs are prohibited. This standard cannot be varied or allowed as an exception through the PUD. The applicant has indicated that these types of signs are not proposed.
- Accessory parking is required to be located at the rear or interior of the site, within the building, or entirely below grade. Most of the parking would be located below grade. The surface parking would be located at the interior of the site. Surface parking lots are limited to 60 feet of street frontage. Two main parking areas would each occupy 112 feet of street frontage. The applicant is requesting a variance. The maximum amount of accessory parking spaces cannot exceed the minimum parking requirements more than 150 percent. The proposed amount of parking does not exceed the minimum requirement by 150 percent. The driveway width for all parking facilities cannot exceed 20 feet of street frontage. The driveway access from 38<sup>th</sup> Street, the proposed street dedication, and 40<sup>th</sup> Street would be 23 and 29 feet wide. The applicant is requesting a variance of this standard.

Additional standards apply to development located in the 38<sup>th</sup> Street LRT Station PO overlay.

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- For nonresidential uses, at least one bicycle space must be provided for each ten accessory automobile parking spaces. The applicant has indicated that 209 vehicle parking spaces would be shared by the uses of the development, therefore 21 bicycle parking spaces are required. The site plan indicates that 28 bike racks are proposed at-grade. For multiple-family dwellings, a minimum of one secured bicycle parking space must be provided for each dwelling unit. Bicycle parking must be in enclosed and secured or supervised areas providing protection for each bicycle from theft, vandalism or weather. At least 198 bike parking spaces must be provided for the residents. The total number of bicycle spaces proposed in the below-grade parking area is 186. Of those spaces, 169 would be located in the enclosed residential parking garages. At least 29 additional bicycle spaces must be provided for the residents.
- A minimum floor area ratio of 1.0 is required. The development would have an FAR of 1.65.

**Specific Development Standards:** Grocery stores, sit-down restaurants, and coffee shops are subject to development standards. Where alcoholic beverages are served in sit-down restaurants, not less than 60 percent of total gross sales revenue must be from the sale of food and beverages not containing alcohol, and the use must comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter. Grocery stores, restaurants, and coffee shops are required to regularly inspect the premises, all adjacent streets, sidewalks and alleys for the purposes of removing any litter found thereon.

**Hours of Operation:** In the C3A District, nonresidential uses may be open to the public during the following hours: Sunday through Saturday from 6:00 a.m. to 1:00 a.m.

**Lighting:** Lighting proposed for the development must comply with Chapter 535 and Chapter 541 of the zoning code including:

**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

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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.

The lighting plan indicates that the development will comply with the above requirements.

**Dumpster screening:** Refuse storage containers must be screened from public streets and residential uses. All refuse storage containers would be contained within the building.

**Screening of mechanical equipment:** Mechanical equipment proposed for the development must comply with Chapter 535 screening requirements:

**535.70. Screening of mechanical equipment.** (a) In general. All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

- (1) Screened by another structure. Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
  - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
  - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
  - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) Screened by vegetation. Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) Screened by the structure it serves. Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) Designed as an integral part of the structure. If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.
  - (b) Exceptions. The following mechanical equipment shall be exempt from the screening requirements of this section:
    - (1) Minor equipment not exceeding one (1) foot in height.
    - (2) Mechanical equipment accessory to a single or two-family dwelling.
    - (3) Mechanical equipment located in an I2 or I3 District not less than three hundred (300) feet from a residence or office residence district.

Most mechanical equipment would be located within the building or on the roof. The transformers located between the surface parking lots and the Hiawatha right-of-way would be screened by a three foot high metal fence and landscaping.

**MINNEAPOLIS PLAN:** Please see finding number 5 under the conditional use permit for the planned unit development section of this report.

**ALTERNATIVE COMPLIANCE.** The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:

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

Alternative compliance is requested by the applicant for the following standards:

- Location of the buildings within 8 feet from a lot line adjacent to a street

Not all building walls of the north building would be within 8 feet of lot lines fronting streets. Along 38<sup>th</sup> Street, the building wall would be set back between 0 and 100 feet. Along Hiawatha Avenue, the building wall would be set back between 3 feet and 42 feet. In a PO district, all building walls are required to be located not more than 8 feet from a lot line adjacent to a street. The north portion of the site is triangular shaped because 38<sup>th</sup> Street and Hiawatha Avenue do not intersect at a 90 degree angle. The walls of the north building closest to the intersection are the only walls that do not meet the building setback requirement. The applicant is proposing patios, walkways, landscaping and bicycle parking between the building and the streets where the set back exceeds 8 feet. For these reasons, staff believes alternative compliance is warranted. Staff is also recommending approval to vary the PO standard.

- Window requirements

Three walls do not comply with the minimum window requirements for nonresidential uses:

1. One wall on the north building facing the surface parking lot under the building does not comply with the window requirements. Thirty percent, or 292.8 square feet, of windows

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are required. Twenty-three percent equaling 224 square feet of windows are proposed. This wall is adjacent to the largest proposed commercial tenant space. The tenant space has window requirements on two other walls as well, including a 40 percent requirement on one of those walls. The tenant space located at the south end of this building would have more than 30 percent windows facing the parking area.

2. The first floor wall of the south building's east elevation is required to provide 30 percent windows, or 170.4 square feet. The applicant is proposing 29.6 percent, or 168 square feet of windows for the nonresidential uses. Some of the windows on this wall are adjacent to the residential lobbies and do not count towards the nonresidential window requirement. A trash room is also located along this wall. The upper levels include a large amount of fenestration.
3. The south wall on the south building facing the surface parking lot under the building does not comply with the window requirements. Thirty percent, or 295.2 square feet, of windows are required. The applicant is proposing to provide 23.6 percent equaling 168 square feet of windows. The tenant space has window requirements on two other walls as well, including a 40 percent requirement on one of those walls. The tenant space located at the south end of this building would have more than 30 percent windows facing the parking area.

As long as shelving, mechanical equipment or other similar fixtures do not block views into and out of the building in the area between 4 and 7 feet above the adjacent grade, staff believes alternative compliance is warranted for these walls. This requirement also applies to windows used to meet the minimum window area requirements on the other walls.

- 20% landscaping requirement

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is 150,371 square feet. The building footprint including the below-grade parking would be 87,354 square feet. The lot area minus the building footprints therefore consists of approximately 63,017 square feet. At least 20 percent of the net site area (12,636 square feet) must be landscaped. The applicant's landscape plan proposes to landscape 5,582 square feet, or 8.8 percent of the net lot area. The driveway leading from 40<sup>th</sup> Street accounts for approximately 26 percent of the net lot area. Staff does not believe landscaping that area would meet the intent of the ordinance. The applicant is also proposing a total of 5,290 square feet of green roof area that the residents would have access to. The applicant has indicated that all green roofs would be intensive. Enhanced landscaping is also proposed in the Hiawatha Avenue right-of-way. Plants in the MNDOT right-of-way are subject to their approval. The applicant is requesting alternative compliance for the requirement to provide a 7-foot wide landscaped yard between the surface parking areas and the street. A variance is also requested of the PO overlay district standard limited the maximum width of parking lots to 60 feet. Staff does not believe that alternative compliance is warranted for the 7-foot landscaped yard. As a condition of approval for the variance request, staff is recommending that the applicant provide a 15 foot landscaped yard between the surface parking areas under the buildings to provide a substantial buffer between the Hiawatha Avenue sidewalk and the parking area. This would also increase the amount of at-grade landscaped area by approximately 2,000 square feet. As long as the landscaped yard

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between the parking areas and the Hiawatha Avenue right-of-way is increased, staff recommends that the planning commission grant alternative compliance.

- Number of required canopy trees

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 26 and 126 respectively. The applicant is proposing 7 canopy trees and 165 shrubs (these counts do not include plants proposed in the right-of-way). The applicant is also proposing 27 ornamental trees, perennials, and ornamental grasses throughout the site. In addition to the plants proposed on-site, the applicant would provide 14 canopy trees and 187 shrubs in the public right-of-way. Plants proposed in the Hiawatha Avenue right-of-way are subject to MNDOT approval. Most of the site would be occupied by the building or parking areas limiting where canopy trees could be planted. For these reasons, staff recommends that alternative compliance is granted.

- Landscaped yard between a parking area and a street

A 7-foot wide landscaped yard is required between the surface parking areas and Hiawatha Avenue. A 3-foot wide yard would be provided between the surface parking lots located under the buildings and the right-of-way. A variance is also requested of the PO overlay district standard limiting the maximum width of parking lots to 60 feet. Staff does not believe that alternative compliance is warranted for the 7-foot landscaped yard. As a condition of approval for the variance request, staff is recommending that the applicant provide a 15-foot landscaped yard between the surface parking areas under the buildings to provide a substantial buffer between the Hiawatha Avenue sidewalk and the parking area. The applicant also is requesting alternative compliance of the 20 percent landscaping requirement. Providing a 15-foot yard would also increase the amount of at-grade landscaped area by approximately 2,000 square feet.

- Trees along lot frontage adjacent to a surface parking area

Trees are required to be provided for every 25 feet of parking area lot frontage. Five canopy trees are required in the landscaped yard between each parking area under the buildings and Hiawatha Avenue. Three canopy trees are required between the parking located in the central plaza and Hiawatha Avenue. No on-site trees are located between these parking areas and the right-of-way. The below-grade parking garage is located under the landscaped yards for the the parking areas making planting canopy trees more difficult. Four ornamental trees would be located between the central plaza parking spaces and the right-of-way. Four canopy trees would be planted in the Hiawatha Avenue right-of-way adjacent to the other two parking areas. Staff believes that alternative compliance is warranted.

- Surface parking spaces within 50 feet of a tree

Not all parking spaces would be located within 50 feet of an on-site deciduous tree. The upper levels of the buildings extend over most of the parking spaces that do not comply with this requirement. The footprint of the below-grade parking garage limits where trees can be planted. Trees would also be planted in the right-of-way that would provide shade to some

of the surface parking areas. Staff is recommending that the planning commission grant alternative compliance.

## **PRELIMINARY PLAT**

### **Findings as required by the Minneapolis Zoning Code for the preliminary plat:**

- 1. The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning code ordinance and policies of the comprehensive plan.**

The land is proposed to be divided into a lot and an outlot. Individual lots within a planned unit development are not required to meet the public street frontage requirement or the minimum lot area for the use located on that individual lot provided that the overall lot area of the planned unit development must be sufficient to accommodate all of the uses within the development. The driveway access from 40<sup>th</sup> Avenue would be located in the proposed outlot. Outlots are defined as a lot which will not be developed for any use other than open space. To allow the driveway access, staff is recommending that the land currently proposed as an outlot be platted as a second lot to comply with the subdivision requirements.

A street dedication is also proposed as part of this plat. However, Public Works is not requiring the applicant to construct a public street at this time because there is not sufficient room to build a cul-de-sac for a no outlet street. Until additional right-of-way can be obtained to connect a future street to Snelling Avenue (to connect there with 39<sup>th</sup> Avenue), Public Works can lease the use of the space to the applicant.

The subdivision is in conformance with the applicable design requirements of the land subdivision regulations and the street design standards from Table 598-1 except for Section 598.230 (5), which requires utility easements to be 5 feet wide on an interior side lot line. In order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (5) is required to allow the reduction of drainage and utility easements where the lots abut adjacent property. While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

**598.310. Variances.** Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.

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- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

No utility easements would be provided along any interior lot lines or rear lot lines. Both lots would have access to at least two public streets. One lot would be occupied by a driveway. The other lot would have a driveway located next to the interior lot line where the variance is requested. Staff is recommending granting the variance to 0 feet.

- 2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

The plat should have little impact on the surrounding area. The dedication of street right-of-way will allow for a future extension of a street to Snelling Avenue.

- 3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision and the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard.**

The site is basically level and does not present the other noted hazards, except soil contamination. The easement variances should have little effect on surrounding uses.

- 4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

Minimal changes to the grade are proposed. The site would have frontage on existing public streets.

- 5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practical, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.**

The Public Works Department will review the project for appropriate drainage and stormwater management. Retention tanks would contain most of the stormwater from the site. The amount of stormwater runoff from the site should be reduced.

## **RECOMMENDATIONS**

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application to rezone the property of 3815 Hiawatha Avenue from I2 Medium Industrial District to C3A Community Activity Center District.

### **Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a planned unit development for the property located at 3815 Hiawatha Avenue, subject to the following conditions:

- 1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
- 2) The applicant shall provide a sidewalk at least 8 feet in width in the 38<sup>th</sup> Street right-of-way and a minimum 8-foot wide clearance (unobstructed by bike racks, tables, seating, etc.) for the on-site walkway in the north plaza. The walkway shall be better aligned with the pedestrian curb ramp adjacent to Hiawatha Avenue.
- 3) The applicant is encouraged to remove all surface parking from the central plaza to improve the pedestrian quality.
- 4) The total allowed sign area for the commercial tenants with a wall facing a street shall not exceed 1.5 square feet of signage for every one linear foot of primary building wall adjacent to a nonresidential use. The total allowed sign area for walls facing a parking area shall not exceed 1 square foot of signage for every one linear foot of primary building wall adjacent to a nonresidential use.
- 5) No freestanding signs shall be allowed except the water feature/project sign in the central plaza shall be allowed. The face of the water feature/project sign shall not exceed 80 square feet.
- 6) The temporary banners shall not exceed 180 square feet in area and shall comply with the provisions for temporary signs in section 543.330 of the zoning code.
- 7) Signs shall not be backlit. Internal, external and neon lighting of signs shall be allowed.

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- 8) Not more than one banner per building shall be exempt from the sign area limitations of the district. Each banner shall not exceed 180 square feet in area.
- 9) Each proposed “Free Parking” sign shall not exceed 100 square feet in area. The number of “Free Parking” signs shall not exceed two. Up to two wall signs not exceeding 50 square feet in area shall be allowed for the below-grade parking.
- 10) Approval of the final plat.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for a Conditional Use Permit:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a multiple-family dwelling with 198 units for the property located at 3815 Hiawatha Avenue, subject to the following condition:

- 1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for a Conditional Use Permit:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a shopping for the property located at 3815 Hiawatha Avenue, subject to the following condition:

- 1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to increase the maximum floor area of a retail sales and services use from 9,600 square feet to 21,500 square feet for the property located at 3815 Hiawatha Avenue, subject to the following condition:

- 1) All uses that have frontage along a public street shall provide at least one public entrance facing the street, which remains open to the public during the business hours of the individual use.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the PO Pedestrian Oriented Overlay District standard to allow a building wall to be set back more than eight feet from the lot lines adjacent to 38<sup>th</sup> Street and Hiawatha Avenue for the property located at 3815 Hiawatha Avenue.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the PO Pedestrian Oriented Overlay District standard to increase the maximum driveway width from 20 feet to 23 feet and 29 feet for the property located at 3815 Hiawatha Avenue.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the PO Pedestrian Oriented Overlay District standard to increase the maximum width of a parking lot adjacent to a street from 60 feet to 112 feet for the property located at 3815 Hiawatha Avenue, subject to the following condition:

- 1) A landscaped yard at least 15 feet wide shall be provided between the parking areas that exceed 60 feet in width and the Hiawatha Avenue right-of-way.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the Site Plan Review:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review to allow a planned unit development located at the property of 3815 Hiawatha Avenue, subject to the following conditions:

- 1) Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site and landscape plans.
- 2) Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by May 16, 2009, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

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- 3) First 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 4 and 7 feet above the adjacent grade as required by section 530.120 of the zoning code.
- 4) The applicant shall alter the vehicle circulation in the central plaza in order to reduce potential vehicle conflicts with pedestrians as required by section 530.150 of the zoning code. At a minimum, the driveways shall be spaced 20 feet apart.
- 5) The applicant shall provide not less than the minimum number of bicycle parking spaces as required by section 551.175 of the zoning code.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Preliminary Plat:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary plat for the property located at 3815 Hiawatha Avenue, subject to the following condition:

- 1) The outlot shown on the preliminary plat shall not be platted as an outlot in the final plat.

**Attachments:**

1. Table of proposed funding sources
2. Preliminary Development Review comments
3. Statement of proposed use and findings
4. Correspondence
5. Zoning map
6. Plans
7. Site photos