

**Department of Community Planning and Economic Development – Planning Division**  
Site Plan Review  
BZZ-4281

**Date:** March 2, 2009

**Applicant:** Lund Food Holding, Inc., Attn: Mike Edgett, 4100 West 50<sup>th</sup> Street, Suite 2100, Edina, Minnesota 55424, (952) 915-2680

**Address of Property:** 25 University Avenue SE

**Project Name:** Lunds

**Contact Person and Phone:** Lund Food Holding, Inc., Attn: Mike Edgett, 4100 West 50<sup>th</sup> Street, Suite 2100, Edina, Minnesota 55424, (952) 915-2680

**Planning Staff and Phone:** Becca Farrar, (612) 673-3594

**Date Application Deemed Complete:** January 5, 2009

**End of 60-Day Decision Period:** March 5, 2009

**End of 120-Day Decision Period:** On January 21, 2009, Staff sent the applicant a letter extending the decision period to no later than May 4, 2009.

**Ward:** 3     **Neighborhood Organization:** Nicollet Island – East Bank Neighborhood Association and Marcy-Holmes Neighborhood Association

**Existing Zoning:** C2 (Neighborhood Corridor Commercial) District, PO (Pedestrian Overlay) District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 14

**Legal Description of Property:** Not applicable for this application

**Lot area:** 82,805 square feet or 1.901 acres

**Proposed Use:** Amend the approved site plan.

**Concurrent Review:**

- Amend the approved Site Plan Review application in order to modify window provisions related to the following portion of a condition of approval:
  - No shelving stocked with merchandise will be permitted in front of the windows along University Avenue.

**Applicable zoning code provisions:** Chapter 530 Site Plan Review.

**Background:** The applicant received approval for land use applications (BZZ-2064) on November 22, 2004, by the Planning Commission which allowed for the construction of a new mixed-use development known as Cobalt on the properties located at 301 - 323 Central Avenue NE and 13, 25 and 29 University Avenue SE. The project included approximately 50,000 square feet of ground level retail space and 120 dwelling units. The land use applications included: a conditional use permit for up to 120 residential dwelling units; a conditional use permit to increase the maximum permitted height from 4 stories or 56 feet to 6 stories or 80 feet along Central Avenue NE and to 8 stories or 110 feet along University Avenue SE; a conditional use permit for the proposed parking facility; a conditional use permit to extend the operational hours for the proposed grocery store to a 24 hour operation; and site plan review.

Letters dated February 29, 2008, and August 26, 2008, were sent to the applicant upon inspection of the property which listed violations including one specific site plan condition of approval. The condition of approval was as follows: “No shelving stocked with merchandise will be permitted in front of the windows along University Avenue.” The applicant has submitted an application to amend the approved site plan in order to receive approval for the conditions existing on site.

The proposal was originally scheduled for the February 2, 2009, Planning Commission meeting. The applicant requested a two-cycle Planning Commission continuance until March 2, 2009, to work with the neighborhood on an amended plan as the Nicollet Island – East Bank Neighborhood Association did not support the request in its current form. Although alterations have been made to the plans which improve the elevation as it pertains to window openings; the development is still not in compliance with the specific condition of approval. Much of the elevation currently has shelving and various prep areas in front of the windows. Even though these areas still preserve the views into and out of the building, the elevation would technically still not meet the specific condition of approval. Further, there are areas where coolers/equipment completely block large segments of the window openings. From a Planning Staff perspective, these areas are the most problematic. Originally, the applicant did not intend to make any changes to the current layout of the store. However, now the applicant proposes to completely remove the coolers/shelving blocking the windows in the bakery area. The only remaining area of the elevation that entirely blocks window areas is located in a prep area where a large bakery oven is located as well as an 8-foot tall refrigerated cheese case. The applicant has verbally committed to attempting to remove these two obstructions in the future. However, the applicant is not proposing to remove the items at this time.

Staff has received official responses from Nicollet Island-East Bank Neighborhood Association, Marcy Holmes Neighborhood Association and the Old St. Anthony NE Business Association prior to the printing of this report. That correspondence has been attached for reference. Any additional letters or emails received shall be forward on to the Planning Commission for consideration.

**SITE PLAN REVIEW**

**Required Findings for 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 531.20 of the zoning code.**

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

The approved building has been constructed on the subject site (please see the staff report for file BZZ-2064 for specific details related to this section of Chapter 530). There are no outstanding issues with the building as constructed other than the condition of approval outlined above regarding internal window provisions on the elevation of the structure adjacent to University Avenue. Essentially, the elevation far exceeds the 40% window requirement applicable due to the location of the site in the PO district. With the proposed modification to the bakery area and the potential future removal of the equipment blocking the cheese/deli area, Planning Staff believes that configuration that the applicant is seeking approval for is in compliance with the intent of the code provision. Further, allowing lower level shelving and prep areas in the front of the windows that still allow for the preservation of views into and out of the building are an acceptable and functional configuration.

#### **ACCESS AND CIRCULATION:**

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

The site is in conformance with the approvals for the access and circulation provisions outlined within this Section of the Chapter 530 standards. Please see the staff report for file BZZ-2064 for specific details.

#### **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.**

The project is in compliance with the approved landscape plan. Please see the staff report for file BZZ-2064 for specific details related to this section of Chapter 530.

#### **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.**

The development appears to have been constructed in compliance with these approvals as applicable to this Section of Chapter 530. With the proposed improvements to the south elevation of the structure facing University Avenue, natural surveillance and visibility will improve; Planning Staff is supportive of the alterations as currently proposed.

**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**

The proposed development is in conformance with these standards as approved (BZZ-2064). Please see the staff report for further details.

**MINNEAPOLIS PLAN**

The proposed development is in conformance with these standards as approved (BZZ-2064). Please see the staff report for further details.

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

No small area plans for this area of Minneapolis have been adopted by the City Council.

**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.**

Not applicable for this application.

**RECOMMENDATIONS:**

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for a site plan review:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application to amend the approved site plan review for property located at 25 University Avenue SE subject to the following conditions:

1. All site improvements shall be completed by March 2, 2010, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. Review and approval of a new floor plan/merchandising plan for the Lunds store. No additional shelving, equipment or other mechanisms shall block views into and out of the building.
3. Compliance with all other applicable conditions of approval as adopted by the City Planning Commission for the previous land use application, BZZ-2064.

**Attachments:**

1. Copy of City non-compliance letters
2. Statement of use / description of request
3. Correspondence
4. Zoning Map
5. Plans -Site Plan, Floor Plans, Elevations
6. Site Photos