

Department of Community Planning and Economic Development – Planning Division
Major Site Plan Review, Preliminary Plat
BZZ – 1940

Date: September 27, 2004

Applicant: Hi-Lake LLC

Address of Property: 2104 E. Lake St.

Project Name: Aldi, Inc.

Contact Person and Phone: A. Peter Hilger, (651) 631-1300

Planning Staff and Phone: Jason Wittenberg, (612) 673-2297

Date Application Deemed Complete: August 23, 2004

End of 60-Day Decision Period: October 22, 2004

Ward: 9 **Neighborhood Organization:** East Phillips

Existing Zoning: C2, PO (Pedestrian Oriented) Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 27

Legal Description: Not applicable for this application

Proposed Use: Grocery store

Concurrent Review:

Major site plan review for a grocery store
Preliminary plat to subdivide the existing parcel

Applicable zoning code provisions:

Chapter 530, Site Plan Review.
Chapter 598, Land Subdivision Regulations

Background: The applicant proposes to replat the Hi-Lake Center property in a manner that would subdivide the existing lot into two lots. The existing lot, according to the applicant's survey, has 346,138 square feet. A 34,840-square-foot parcel would be divided from the main shopping center lot and would be sold to Aldi, Inc. in order to construct a single-story grocery store having 15,622 square feet.

The Planning Commission approved a site plan review application (BZZ – 421) for the Hi-Lake Center in 2003. The current application would not substantively affect implementation of the site plan that was reviewed and approved for the Hi-Lake Center.

The area of the site on which the grocery store would be built was previously occupied by a fast food restaurant that was destroyed by fire.

MAJOR SITE PLAN REVIEW -

Required Findings for Major Site Plan Review

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

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

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

Conformance with above requirements:

The proposed grocery store would create a street wall along Lake Street. However, the plan would not adequately facilitate pedestrian access due to the fact that the location of the principal entrance would face the interior parking lot and the entrance would be separated from the public sidewalk by storage of shopping carts. While the amount of window area would facilitate natural surveillance, the placement of the cart storage would place an excessive barrier between the active interior space and the public sidewalk.

The building would be located eight feet from the front lot line along Lake Street and would be constructed up to the corner side lot line along 21st Avenue.

Landscaping and a transit shelter would be located between the building and the front lot line.

The principal entrance to the building would not face a public street, creating an obstacle to pedestrian access. Staff recommends that, if the Commission approves the application, that such approval should be granted subject to compliance with the requirement that a principal entrance must face the public street.

The parking lot serving the grocery store would be located to the interior side of the building.

The proposed building would feature brick on all sides and would include extensive window area and spandrel glass. A “corner cap” at the southeast corner of the building would feature stucco above the windows. While the side and rear building walls are relatively flat (i.e., without significant recesses or projections), the architectural columns and brick soldier courses would break up the scale of the building into smaller sections.

Plain face concrete block would not be used on the exterior.

While architectural features and signage would be used to delineate the vicinity of the entrance, the actual entrance would not be clearly visible from Lake Street. The applicant must change the location of the entrance or consider multiple entrances. The PO Overlay District requires 40 percent windows on the first floor of walls facing public streets (with 30 percent required facing the parking lot). According to staff calculations, the front façade (facing Lake Street) would have 65 percent window area. The west elevation, facing 21st Avenue, would have 40 percent (not include spandrel glass/false windows). The east elevation, facing the parking lot, would have 31 percent windows (not include spandrel glass/false windows).

ACCESS AND CIRCULATION:

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

Conformance with above requirements:

Walkways at least four feet in width would connect the entrance to the public sidewalk and to the parking lot. Wall lights would illuminate the walkway.

The applicant proposed to integrate a covered transit shelter into building along Lake Street. The final design of the shelter shall be subject to review by the Public Works Department, the Planning Department and Metro Transit. The applicant must work with Metro Transit to clarify which party is responsible for maintenance of the transit shelter.

One curb cut would be located on the grocery store parcel. However, vehicles would also have access to Hi-Lake Center parking lot and the curb cuts located within that parking lot. The PO Overlay District limits the driveway width to 20 feet.

There are no alleys adjacent to the site.

Snow would be stored at the east side of the site.

The applicant could increase the amount of permeable area on the site by reducing the drive aisle from 24 feet to 22 feet and increasing the amount of landscaping between the proposed grocery store site and the Subway restaurant.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
 - **Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**

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

Conformance with above requirements:

The applicant proposes to plat a parcel having 34,840 square feet of lot area. The proposed single-story building would have a footprint of 15,622 square feet, leaving a net site area of 19,218 square feet. At least 20 percent of the net site area (3,843 sq. ft.) should be landscaped. According to the applicant, 3,271 square feet (17 percent of the net site area) would be landscaped. The applicant refers to compliance with the “15% required” landscaping. While the Hi-Lake application, through alternative compliance, was required to landscape 15 percent of the net site area, the current application is a new application for a newly created parcel. The 20 percent landscaping requirement of Chapter 530 applies unless the Commission grants a reduction. Given that the project is new construction, the development does not face the same types of practical constraints as one often finds when applying the landscaping requirement to

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existing buildings. Thus staff recommends that the Commission not grant a reduction to reduce the landscaping requirement below 20 percent of the net site area. Based on the amount of net site area, a minimum of four canopy trees and 20 shrubs must be provided but no fewer than the number that would be required to meet the landscaped yard requirements of Chapter 530. The project would comply with the minimum number of trees and shrubs.

The applicant proposes concrete curbing around the parking area. Staff recommends, however, that the applicant consider directing stormwater to the landscaped area along the east side of the parking lot.

The unusable corners of the parking lot would be landscaped.

Concrete curbing exists around the perimeter of the parking area.

Any areas not covered by buildings, walkways, driveways, seating, and parking and loading would be covered with landscaping.

Landscaping must be installed and maintained properly.

ADDITIONAL STANDARDS:

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

Conformance with above requirements:

The applicant proposes wall mounted lights at regular intervals to illuminate adjacent walkways and the loading dock. The applicant must ensure that the lighting is focused downward. Lighting must comply with chapters 535 and 541.

No residential properties would be affected by headlights glare.

Views would not be blocked.

The project would have no significant impact on shadowing of the public sidewalk and would have no impact on wind speed or direction in the vicinity.

From a crime prevention standpoint, the applicant should consider graffiti protection and how to ensure that glass in the transit shelter is not easily broken. Cameras will be required by Licenses on the interior of the building and the applicant should consider cameras on the exterior. It appears that the site would be adequately lighted. The applicant must ensure that lighting does not shed glare in a manner that would actually deter surveillance of the site.

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

ZONING CODE: The property is zoned C2 and is located in the PO (Pedestrian Oriented) Overlay District. Grocery stores are a permitted use in the C2 District as indicated in Table 548-1 of the zoning code. The project complies with the provisions of the PO Overlay District.

Parking and Loading: With a gross floor area of 15,622 square feet, the applicant would be required to provide 39 spaces. However, the applicant proposes to integrate a transit shelter into the development, reducing the required number of off-street parking spaces by 10 percent as authorized by Chapter 541 of the zoning code. This reduces the required parking to 35 spaces—the number of spaces proposed by the applicant. Installation of a bicycle rack near the building entrance would further reduce the parking requirement to 34 spaces, the number proposed by the applicant.

The Hi-Lake Center parking requirement was previously identified as 329 spaces (prior to consideration of any reductions authorized by Chapter 541). The figures provided on the applicant's site plan indicate that 360 spaces would be provided in the Hi-Lake center site (the "main lot").

Signs: The applicant proposes wall mounted, back lighted signs near the building entrance. The proposed sign area would comply with the standards of Chapter 543 of the zoning code. While the PO Overlay District prohibits back-lighted awning and canopy signs and back-lighted insertable panel projecting signs, there is no such prohibition against back-lighted wall signs.

Maximum Floor Area: The proposed building would have a FAR of 0.44. The maximum permitted FAR in the C2 District is 1.7. Individual commercial uses in the C2 District are limited to 30,000 square feet of floor area.

Yard Requirements: The project is subject to no required setbacks/minimum yards.

Specific Development Standards: Grocery stores are subject to the following specific development standards, as indicated in section 536.20 of the zoning code:

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Grocery store.

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

Hours of Operation: Maximum hours open to the public in the C2 District are as follows: Sunday through Thursday, from 6:00 a.m. to 10:00 p.m. and Friday and Saturday, from 6:00 a.m. to 11:00 p.m. The applicant has indicated that the use would operate within these maximum hours.

Dumpster screening: A refuse enclosure would be located at the rear of the parcel, near the northeast corner of the building. It would be brick to match the building. The refuse storage must meet 535.80 of the zoning code.

535.80. Screening of refuse storage containers. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. Single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall not be governed by this provision.

MINNEAPOLIS PLAN: The site is located on a Commercial Corridor and in a designated Transit Station Area (TSA), identified in the comprehensive plan as those areas generally within one-half mile of light rail transit stations. Staff has identified the following policies and implementation steps as being most relevant to the development.

Relevant Policy: 9.36 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.

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

Staff comment: The comprehensive plan identifies small scale grocery stores as an appropriate land use near transit station areas. Within the context of major grocery chain stores, the proposed project is relatively modest in size (“big box” grocery stores are not encouraged in TSAs). For the sake of comparison the proposed grocery store would be approximately 2,000 square feet smaller than the Kowalski’s grocery store located on the 5300-block of Lyndale Avenue South. The proposed single-story building would utilize land adjacent to an LRT station

in a manner that would be less intense than the minimum floor area ratio called for in draft station area regulations. The proposal does not fully capitalize on the public's investment in light rail transit by placing a single use, single story building on the site where adopted plans call for higher density, mixed use development. Staff recommends that the Commission require that development of the proposed parcel comply with the minimum FAR called for in draft station area regulations. While the applicant could distribute the additional floor area in a number of ways, the applicant is strongly encouraged to construct more than a single story.

Relevant Policy: 9.37 Minneapolis will require design standards for TSAs that are oriented to the pedestrian and bicyclist and that enforce traditional urban form.

Relevant Implementation Steps:

- Ensure that TSA building and site design is oriented to the pedestrian (e.g., reinforcing street walls, anchoring street corners, creating semipublic outdoor spaces, creating visual interest, providing adequate fenestration, and ensuring that principal building entrances open onto public sidewalks).
- Ensure that new development and renovation of existing structures adhere to the principles of Crime Prevention Through Environmental Design (CPTED).
- Ensure that TSA development is well integrated into the surrounding neighborhoods through attention to building design, landscaping, and transitions in density and land use.

Staff comment: The placement of the store is consistent with the site plan review standards and the principles of transit oriented development. However, the proposed customer entrance would not face the public street/sidewalk as called for in the comprehensive plan and Chapter 530 of the zoning code. Staff recommends that the Commission require a street-facing principal entrance and bicycle parking near a principal entrance.

Relevant Policy: 9.39 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.

Relevant 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 comply with the minimum number of off-street parking spaces and the parking would be located at the interior of the parcel. Landscaping would be located between the parking lot and the public streets. If additional floor area is added to the site,

the applicant could choose to lease parking from the Hi-Lake Center or alter the plat in a manner that would allow additional parking on the Aldi site.

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

The City Council adopted the *Hiawatha/Lake Station Area Master Plan* on May 18, 2001, and *Development Objectives for the Hi-Lake Center* on December 28, 2001.

The station area master plan refers specifically to the Hi-Lake Center site as follows:

1. Hi-Lake Shopping Center

A key early development opportunity at the center of the mixed-use TOD core area. The strategic location of this site supports densities in the range of F.A.R. 2.5 to F.A.R. 3.0 for high intensity ground-related residential uses (ranging from 150 to 450 units) mixed with street level retail fronting Lake Street and connected directly to the LRT station. Special accommodations are made for transit transfer at street level, in the vicinity of 22nd Avenue and Lake Street. The extension of the Hiawatha pedestrian path and bikeway parallels the elevated LRT guideway and connects to a transit plaza and the north access to the LRT station spanning Lake Street.

The applicant's proposed 0.44 floor area ratio is a relatively low intensity use of the parcel in question (identified as a "catalyst" site for transit oriented development). The plan refers to the Hi-Lake Center site as a catalyst site for transit oriented development as follows:

Catalyst Development

Conditions favoring development are substantially in evidence in the Lake Street station area. Aided by transit-supportive corridor policies and incentive programs, implementation of TOD should take advantage of early opportunities associated with the construction of LRT as a first priority.

On the strength of its strategic location adjacent to the north access to the LRT station and potential contribution as a seed project for Lake Street commercial revitalization, the Hi-Lake Shopping Center qualifies as a catalyst TOD site. Site suitability and development capacity studies suggest that a mix of rental apartments/senior housing, condominium apartments and live-work townhouses could be accommodated in a phased development program that would also support neighborhood-serving retail uses.

At a net developable area of 5 acres and two times site coverage (i.e. average F.A.R. 2.0), total development capacity is in the order of 450,000 square feet or approximately 3.5 times the present density. The preferred range of potential new development for the site has been identified at no less than 150 and no more than 450 new housing units, and between 50,000 and 150,000 square feet of retail in

some form of blended mixed use on the site. This development could be accommodated in ground related buildings ranging from three to six stories in height. Lake Street improvements should be completed concurrent with the target date for completion of the first phase of development to enhance marketability and provide a high amenity environment for subsequent phases.

Single-story buildings are not the preferred form of development in the station area:

• **Building Height:**

The maximum height of buildings should not exceed the limits for ground-related built form or 6 stories above grade. The principles of transitional zoning suggest a height gradient from 2 to 4 stories adjacent to established single family residential areas rising to the maximum allowable height adjacent to the LRT station site.

Development objectives are typically adopted for the purpose of guiding city-assisted development projects. However, the adopted objectives are relevant to the evaluation of private development of the property in question. The adopted development objectives for the site list the following objectives:

III. Objectives

The City of Minneapolis seeks to achieve the following objectives within the Hi-Lake Center area:

- a. Ensure compact, mixed-use development that will capitalize on the presence of LRT service and continue to serve neighborhood needs into the future.
- b. Increase housing choices by promoting new mixed income ownership and rental housing development.
- c. Increase the number and quality of affordable homeownership and rental housing opportunities.
- d. Increase the quality and quantity of retail business services in the neighborhood.
- e. Improve public access to the Hi-Lake Center site from all surrounding neighborhoods.
- f. Integrate multi-modal transportation connections, with special attention to pedestrian connections, with the purpose of making the area an important transit hub.
- g. Enhance the tax base of the neighborhood.
- h. Incorporate principles of sustainability in any development proposal, specifically in the areas of energy efficiency, water efficiency, materials selection, landscaping and on-site management of stormwater and other water resources.
- i. Utilize pedestrian-oriented urban design principles to promote a sense of security, human scale building features and focused activity related to the sidewalk and the street.
- j. Ensure that proper design and use of the built environment lead to a decrease in the incidence and fear of crime, applying the strategies of Crime Prevention Through Environmental Design (CPTED) (e.g., natural surveillance, natural access control and territorial reinforcement).

The development objectives document listed a set of standards that the City will use to evaluate development proposals for the site:

IV. Evaluation Standards

Proposed development should be responsive to the *Guidelines for Transit Oriented Development at the Hi-Lake Center (July 2001)*, prepared by the Hi-Lake Advisory Committee and the City of Minneapolis.

Development should respect the existing and emerging character of the neighborhoods and the principles of sustainable development as defined in the *Guidelines for Transit Oriented Development at the Hi-Lake Center (July 2001)*.

Development should ultimately include horizontal and/or vertical mixes of a combination of commercial uses, such as retail, service, or office space; public space; and a variety of housing types affordable to different income levels, consistent with City housing policy.

Development of the site should create a place with a unique, memorable and attractive character that facilitates and supports community gathering.

The principal criteria that will be used to evaluate development proposals are listed below:

- . Mix of uses (housing, retail, open space/public space)
- . Integration of transportation modes - e.g., LRT, trolleys, buses, bikes, walking, wheelchairs
- . Community compatibility
- . Congruence with principles of sustainable development
- . The share of public cost and its contribution to overall economic feasibility

Design standards for the site include the following:

Specific Design Standards

a) Building height and intensity should be greatest near the southeast corner of the site which is nearest the station entrance, and preserve lower heights and lesser massing on the sites western (21st Avenue) and northern (29th Street) boundaries.

b) The specific design standards are advisory, illustrating a preferred approach for design and planning new development on the site. The standards address issues such as site design, building massing and height, building placement, public infrastructure and streets as well as environmental design and construction objectives.

Copies of the specific design standards can be found in the *Guidelines for Transit Oriented Development at the Hi-Lake Center (July 2001)*, available on request

from the Planning Department and the MCDA. The Vision section of this document is included for reference in the Appendix.

In addition to the plans noted above, the *Corcoran Midtown Revival Plan* was adopted by the City Council on October 11, 2002. The plan states that, “Along Lake Street between Cedar and Hiawatha the street should be an active street with retail uses at street level and generally two or three stories of housing above.” The Corcoran neighborhood is directly across Lake Street from the site in question.

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

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

PRELIMINARY PLAT -

Required Findings for a Preliminary Plat:

1. **Subdivision is in conformance with the land subdivision regulations including the requirements of section 598.80 relating to protection of natural resources, applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.**

Planning staff has found no conflict between the plat and the City’s subdivision regulations or zoning code. There is no minimum lot area in the C2 District. There are no significant natural features that would be altered by the plat. The plat would not create nonconformities related to the zoning regulations of the C2 District or the PO Overlay District. The land would be divided into two parcels having the following area:

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Lot 1: 34,840 square feet
Lot 2: 311,298 square feet

Staff has found that the proposed plat is consistent with the applicable zoning code regulations and the comprehensive plan. While staff is somewhat concerned about dividing a site that has been identified in adopted plans as a catalyst development opportunity, the proposed plat does not appear to conflict with specific policies of adopted plans. Platting the parcel as proposed would not necessarily prevent development of the land in a manner consistent with the comprehensive plan or the adopted station area plan.

- 2. 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.**

Approving the plat would have no appreciable impact on surrounding properties. The proposed plat, which is oriented in a north-south manner, preserves the opportunity for mixed use development up to the front lot line along Lake Street on the larger parcel.

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

All of the land in the subdivision could be used safely without endangering the public, patrons or employees of the proposed commercial uses, or future residents of the site.

- 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.**

The parcel is relatively flat. Staff has identified no unique conditions that would prevent normal access to either property or that would prevent orderly development of the block. The Public Works Department has indicated that it may be prudent to show the Metro Transit right of way on the plat.

- 5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The storm water drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.**

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A stormwater management plan for the entire site was previously reviewed and approved by the Public Works Department. The Public Works Department has reviewed the applicant's preliminary plans for the new construction and has recommended that the applicant consider directing some of the site's stormwater to the landscaped area east of the parking lot.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Major 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 major site plan review to allow a new grocery store at 2104 East Lake Street, subject to the following conditions:

1. The building shall be oriented so that at least one (1) principal entrance faces the public street rather than the interior of the site.
2. Shopping cart storage shall not be located between the retail area and the public sidewalk.
3. Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as required by Chapter 530 of the zoning code.
4. The development shall have a minimum floor area ratio (FAR) of not less than five-tenths (0.5).
5. A minimum of four (4) bicycle parking spaces shall be provided in a convenient and visible area no farther from a principal entrance to the building served than the closest automobile parking space.
6. Planning Department staff review and approval of the final site and landscape plans.
7. If improvements required by Site Plan Review exceed two thousand (2000) dollars, the applicant shall submit a performance bond in the amount of 125 percent of the estimated site improvement costs prior to obtaining permits for site improvements or the permit may be revoked for non-compliance.
8. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by September 27, 2005, or the permit may be revoked for non-compliance.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary plat application for the property located in the vicinity of 2104-2218 E. Lake St.

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Attachments:

1. Statements submitted by the applicant
2. Letter to the Council office and neighborhood groups
3. Site data
4. Excerpts from adopted LRT station area plan
5. Excerpts from adopted development objectives
6. Zoning map
7. Aerial photograph
8. Site plan
9. Landscape plan
10. Floor plan
11. Building elevations
12. Preliminary plat
13. Photos