

Department of Community Planning and Economic Development – Planning Division
Rezoning, Variance and Site Plan Review
BZZ-4116

Date: September 8, 2008

Applicant: Kevin McGhee with Velmeir Companies

Address of Property: 4419 France Avenue South, 3815 Sunnyside Avenue and 3724 West 45th Street

Project Name: CVS/Pharmacy

Contact Person and Phone: Kevin McGhee with Velmeir Companies, (952) 883-3240

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: July 23, 2008

End of 60-Day Decision Period: September 21, 2008

End of 120-Day Decision Period: A 60-day extension letter was mailed on August 7, 2008, extending the 120-day decision period to November 20, 2008

Ward: 13 **Neighborhood Organization:** Linden Hills Neighborhood Council

Existing Zoning: C1, Neighborhood Commercial District and C2, Neighborhood Corridor Commercial District

Proposed Zoning: C2, Neighborhood Corridor Commercial District

Zoning Plate Number: 29

Legal Description (properties to be rezoned): 4419 France Avenue South: THAT PART OF LOTS 6 AND 7, BLK 19, AND OF SELY 3 FT OF VAC SUNNYSIDE AVE AND OF VAC MCLEAN ST ALL IN WAVELAND PARK AND OF LOT 1 BLK 17 WAVELAND DESC AS FOL BEG AT INTERSECTION OF NWLY LINE OF SELY 3 FT OF VAC SUNNY-SIDE AVE WITH E LINE OF FRANCE AVE S TH S ALONG SAID E LINE TO N LINE OF W 45TH ST TH E ALONG SAID N LINE 69 FT MORE OR LESS TO A PT 101.56 FT E AT R/A FROM W LINE OF SEC 8 T 28 R 24 TH N TO A PT ON NWLY LINE OF SELY 3 FT OF VAC SUNNYSIDE AVE 102 FT E AT R/A FROM SAID W LINE OF SEC 8 TH SWLY ALONG SAID NWLY LINE TO BEG, WAVELAND PARK ADDITION, HENNEPIN COUNTY, MINNESOTA.

Proposed Use: Drug store with a drive-through facility

Concurrent Review:

Rezoning: of the site located at 4419 France Avenue South from the C1 zoning district to the C2 zoning district to allow for a use with a drive-through facility

Variance: to allow signage on a non-primary building wall (northeasterly side of building)

Site plan review

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article IX, Variances, specifically Section 525.520(21) “to vary the number, type, height, area or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown or industrial district, pursuant to Chapter 543, On-Premise Signs” and Chapter 530, Site Plan Review

Background: Velmeir Companies, who represents CVS/Pharmacy, is proposing to demolish the existing Marathon gas station and the former Sunnyside Market and construct a new CVS Pharmacy with a drive-through facility on the site. The drive-through would be located on the northeasterly side of the building and the surface parking area would be located on the south and southeasterly sides of the building.

The corner of the building would be located at the intersection of France Avenue South and Sunnyside Avenue. The building would be located up to the property line along Sunnyside Avenue but would be setback from France Avenue South. In between the building and France Avenue South the applicant is proposing to construct a patio with landscaping, benches and bicycle racks. There would be two principal entrances leading into the building. One would face the intersection of France Avenue South and Sunnyside Avenue and the other would face the parking area. The parking requirement for the development is 32 parking spaces. The applicant is proposing to have 52 spaces on the site.

Three different parcels of land make up this zoning lot: 4419 France Avenue South, 3815 Sunnyside Avenue and 3724 West 45th Street. The properties located at 3815 Sunnyside Avenue and 3724 West 45th Street are zoned C2 which allows uses with drive-through facilities. The property located at 4419 France Avenue South is zoned C1 and does not allow uses with drive-through facilities. Because of the split zoning the applicant has applied to rezone the property at 4419 France Avenue South to C2. In addition, a sign variance and a site plan review application are required for this development.

REZONING - of the site located at 4419 France Avenue South from the C1 zoning district to the C2 zoning district to allow for a use with a drive-through facility

Findings as Required by the Minneapolis Zoning Code:

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

The site is located on the east side of France Avenue South between Sunnyside Avenue and West 45th Street. The site is one zoning lot south of West 44th Street. According to *The Minneapolis Plan*, West 44th Street is a designated Community Corridor and the area around France Avenue and West 44th Street is a designated Neighborhood Commercial Node. The land use features in the update to *The Minneapolis Plan* are the same. However, France Avenue South is also a designed Community

Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods (Policy 4.1).
- Coordinate land use and transportation planning on designated Community Corridors 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 (Policy 4.2).
- Ensure that commercial uses do not negatively impact nearby residential uses (Implementation Step for Policy 4.2).
- Continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas (Policy 4.4).
- Provide for a range of commercial districts that provide the services required by the residents and businesses (Implementation Step for Policy 4.4).
- Encourage the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas (Implementation Step for Policy 4.4).
- Identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas (Policy 4.5).
- Restrict auto-oriented, industrial or manufacturing activities that generate significant vehicular traffic, noise or air-borne impacts on residential neighbors (Implementation Step for Policy 4.5).

The Planning Division believes that rezoning the parcel of land located at 4419 France Avenue South from the C1 District to the C2 District would be in conformance with the foregoing policies of the comprehensive plan. Although the rezoning is to permit a use with a drive-through facility the majority of the site is already zoned appropriately for such a use. There are no uses with a drive-through facility located within the boundaries of the designated Neighborhood Commercial Node; however, there are two shopping centers within the node boundary which are auto-oriented in nature. Please note that the applicant could choose to construct the drug store with the drive-through facility on the two properties that are zoned C2 and not need the rezoning.

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

The amendment will allow the applicant to demolish the existing Marathon gas station and the former Sunnyside Market and construct a new CVS Pharmacy with a drive-through facility. Although this rezoning is in the interest of the property owner the majority of the site is already zoned appropriately for a use with a drive-through facility. In addition, the majority of the surrounding properties are zoned C2.

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 property is bordered by C1 zoning to the north and C2 zoning to the east and south. West across France Avenue South from the site is the City of Edina. The majority of the commercial properties in the area are zoned C2. Uses in the area include a greenhouse, two shopping centers, food and beverage uses, a secondhand goods store, a liquor store, other retail stores and residential dwellings of varying densities. Given the mixture of surrounding zoning classifications and uses in the area the Planning Division believes that the C2 zoning district would be compatible with the surrounding area.

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.

There are reasonable uses of the property permitted under the C1 zoning district. The C1 zoning district is a neighborhood corridor district. Permitted uses in the C1 district include, but are not limited to, the following:

- General retail sales and services
- Bank or financial institution
- Child care center
- Performing, visual or martial arts school
- Veterinary clinic
- Offices
- Coffee shop, with limited entertainment
- Restaurant, sit down
- Sport and health facility, minor
- Clinic, medical or dental
- Multiple-family dwellings, three and four units
- Place of assembly

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.

There has not been a change in the character of development in the area. Historically, a mixture of commercial uses have been located in and around the intersection of France Avenue South and Sunnyside Avenue.

VARIANCE - to allow signage on a non-primary building wall (northeasterly side of building)

Findings as Required by the Minneapolis Zoning Code for the Variance:

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

Sign location variance: The applicant is seeking a variance to allow signage on a non-primary building wall (northeasterly side of building). A primary building wall is defined in the zoning code as “an exterior building wall that faces a street or that faces an accessory parking area and contains a public entrance”. The northeasterly side of the building does not face a street or an accessory parking area. However, because of the angle of Sunnyside Avenue the northeasterly side of the building is what a person would see when heading west on the street. The applicant has indicated that strict adherence to the regulations of the zoning code would cause undue hardship if signs could not be placed on the northeasterly side of the building as advanced identification of the use to persons on the street could not be given.

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.

Sign location variance: The site is unique in that although the northeasterly side of the building does not face a street it is the side of the building that a person would see when heading west on Sunnyside Avenue because of its orientation.

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.

Sign location variance: The Planning Division believes that the granting of this variance would 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 south side of the building is a primary building wall but because it faces the residential neighborhood south of West 45th Street the applicant is not installing any signs on this side of the building.

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.

Sign location variance: The Planning Division believes that the granting of the variance would have not have an impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

543.420. Approval criteria. Adjustments to the number, type, height, area or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown or industrial district may be approved if the following criteria are met:

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

The applicant is proposing to have one freestanding sign on the site and wall signs located on the France Avenue South, Sunnyside Avenue and northeasterly sides of the building. The amount of signage that will be on the individual building walls does not exceed what is allowed by the zoning code. As stated above, the south side of the building is a primary building wall but because it faces the residential neighborhood south of West 45th Street the applicant is not installing any signs on this side of the building. Given all of this the Planning Division does not believe that the sign adjustment will significantly increase or lead to sign clutter.

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

The sign will be made up of individual letters and affixed to the wall. The sign will be internally lit and will be red in color. Although this sign is a typical type of sign found all of the City of Minneapolis it is of a higher quality than a back lit sit.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- 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.
 - 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.

PLANNING DEPARTMENT RESPONSE:

- The placement of the building reinforces the street wall along Sunnyside Avenue, maximizes natural surveillance on three sides of the building and facilitates pedestrian access by connecting the principal entrances to the public sidewalks via walkways on the site.
- The shape of the lot is irregular. Of the three streets surrounding the site the building is located up to the property line along Sunnyside Avenue. The building wall along France Avenue South is placed at an angle to the property line with a setback ranging between one foot and 65 feet. However, the plaza that is located between the building and the property line encourages pedestrian activity in this space. The building wall along West 45th Street is setback in order to accommodate the parking area. Given the unique shape of the lot the Planning Division is recommending that the City Planning Commission grant alternative compliance to allow the building to be setback more than eight feet from both France Avenue South and West 45th Street.
- There are two principal entrances leading into the building. One is oriented towards the intersection of France Avenue South and Sunnyside Avenue and the other is oriented to the parking area on the south side of the building. The receiving door is located on the northeasterly side of the building and there is one emergency exit door located on the south side of the building facing the parking area.
- All of the required parking for the development is located on the south and southeasterly sides the building.
- The majority of the building's exterior will be made out of brick. However, there are areas of the building that will be made out of EIFS. EIFS is not considered to be a durable material. The Planning Division is recommending that EIFS not be used as an exterior material and instead a masonry material be used.
- There are no areas of the building that contain blank, interrupted walls over 25 feet in length and void of any windows, entries, recesses or projections, or other architectural elements.
- At least 30 percent of the first floor and at least 10 percent of the upper floors of the building walls on France Avenue South, Sunnyside Avenue and the south wall of the building facing the on-site parking lot are required to be windows. Please note that there is a mezzanine located within the building. The mezzanine level is located towards the rear of the building. Given this the upper floor window requirements only apply to the Sunnyside Avenue and the south building wall sides of the building. The project's compliance with these requirements is as follows:
 - France Avenue South: the percentage of windows on the first floor of the building is 52 percent.
 - Sunnyside Avenue: the percentage of windows on the first floor of the building is 30 percent. Along the Sunnyside Avenue side of the building there is a mezzanine level inside the building. Along this side of the building the mezzanine occupies only 21 feet of the building wall. There are no windows located on the second floor of the building. To maintain the architectural consistency along this side of the building no windows were added to the second floor of the building. The Planning Division is recommending that the City Planning Commission grant

alternative compliance to allow less than 10 percent windows on the second floor of the building facing Sunnyside Avenue.

- South building wall facing the on-site parking lot: the percentage of windows on the first floor of the building is 32 percent. Along the south building wall there is a mezzanine level inside the building. Along this side of the building the mezzanine occupies only 21 feet of the building wall. There are no windows located on the second floor of the building. To maintain the architectural consistency along this side of the building no windows were added to the second floor of the building. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than 10 percent windows on the second floor of the building facing Sunnyside Avenue.
- For non-residential uses, the zoning code requires that at least 30 percent of the windows allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views. The Planning Division is recommending that at least 30 percent of the window area allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views so as to comply with the regulations of the zoning code.
- The roof line of the building will be flat which is similar to the roof line of other commercial buildings in the area.

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.**

PLANNING DEPARTMENT RESPONSE:

- The principal entrances are connected to the public sidewalks via walkways on the site. There is a walkway that runs along the south side of the building. The Planning Division is recommending that the walkway on the south side of the building continue around to the receiving door that is located on the northeasterly side of the building in order to provide protection for those loading and unloading materials.
- The existing bus bench located along France Avenue South near Sunnyside Avenue will remain in its current location. Since the site is being redeveloped, the Planning Division encourages the applicant to consider coordination with Metro Transit on integrating a transit shelter into the building.
- The number of curb cuts leading to and from the site will be reduced from six to four which will help minimize vehicular conflicts with pedestrians.
- There is no public alley located on this block.
- Although there is no maximum impervious surface requirement in the C2 zoning district the City of Minneapolis has a policy to reduce the amount of impervious surfaces on sites. Eighty-five percent of the site is impervious. In addition, the applicant is providing 52 parking spaces, which is 20 more

spaces than what is required by the zoning code. The Planning Division is recommending that the number of parking spaces be reduced to no more than 150 percent of what is required by the zoning code. This maximum on parking is the standard used in the Pedestrian Oriented Overlay District and the Downtown Parking Overlay District. Given this condition the maximum amount of parking spaces that could be provided on site would be 48.

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.**

PLANNING DEPARTMENT RESPONSE:

- **The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 51,716 square feet. The footprint of the building is 13,600 square feet. When you subtract the footprint from the lot size the resulting number is 38,116 square feet. Twenty percent of this number is 7,623 square feet. The applicant has a total of 7,692 square feet, or 20 percent of the site is landscaped.**

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- The zoning code requires at least one 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 15 and 76 respectively. The applicant is providing a total of eight canopy trees, five ornamental trees, three evergreen trees, 152 shrubs and 245 perennials on the site. The Planning Division is recommending that seven additional canopy trees be planted on the site in order for the minimum canopy tree requirement to be met.
- Of the eight canopy trees proposed to be planted on site, three of them are proposed to be Fallgold Ash. The forestry division of the Minneapolis Park and Recreation Board does not recommend planting any species of ash trees given the ash boar epidemic spreading across the United States. The Planning Division is recommending that another species of canopy tree be used instead of the proposed Fallgold Ash.
- The zoning code requires that a seven-foot wide landscaped yard be provided along a public street, sidewalk or pathway when adjacent to a parking lot or a loading area. This requirement is being met.
- Screening three feet in height and equal to 60 percent opacity is required around parking lots and loading areas in order to screen them from a public street, sidewalk or pathway. According to the landscaping plan the majority of the parking lot will be screened from the surrounding public streets and sidewalks. However, along Sunnyside Avenue and West 45th Street there are portions of the landscaped yard around the parking area that does not incorporate any type of landscape material that would provide 60 percent opacity. The Planning Division is recommending that screening equal to 60 percent opacity be provide around the entire perimeter of the parking area.
- Not less than one tree shall be provided for each 25 linear feet, or fraction thereof, of parking or loading area lot frontage.
 - The required amount of trees along France Avenue South is two. The applicant is not providing any trees along France Avenue South. Along France Avenue South there is room for two canopy trees.
 - The required amount of trees along Sunnyside Avenue is five. The applicant is providing one tree along Sunnyside Avenue. Along Sunnyside Avenue there are two driveways; one for the drive-through and one for access to the site. Given this there is room for only two canopy trees. Because of the site layout the Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than five canopy trees along Sunnyside Avenue.
 - The required amount of trees along West 45th Street is 11. The applicant is providing two canopy trees and three evergreen trees along West 45th Street. Along this side of the site there is room for two additional canopy trees. Along West 45th Street the applicant is proposing to install a public sidewalk and a green boulevard as part of the reconstruction of the site. Please note that there is no public sidewalk on the north side of West 45th Street for the entire length of the block. As part of the installation of the green boulevard a total of five canopy trees will be planted. Because of the site layout and the proposed boulevard trees the Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than 11 canopy trees along West 45th Street.

The Planning Division is recommending that there be two canopy trees along France Avenue, two canopy trees along Sunnyside Avenue and four canopy trees and three evergreen trees along West 45th Street.

- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. This requirement is being met. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. This requirement is being met.
- Rock mulch is proposed to be used in the landscaped beds. The Planning Division is recommending that wood mulch be used in all landscaped beds.

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.**

PLANNING DEPARTMENT RESPONSE:

- Due to ground contamination stormwater runoff from the site will drain to a series of catch basins on the site. The catch basins will then drain to an underground storage tank which will treat the runoff before being released to the City of Minneapolis' storm water system.
- This building should not block views of important elements in the city.
- This building should have minimal shadowing effects on the surrounding area.
- This building should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as the entrances are clearly visible from the public sidewalk, walkways provide direct access to the principal entrances from the public sidewalks, there are windows where people can see in and out along three sides of the building and the site is well lit.
- Neither the site nor the building is historically designated or located in a historic district.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE:

- **Use:** Drug stores are classified as a general retail sales and services use in the zoning code. This use is a permitted use in the C2 zoning district.

- **Off-Street Parking and Loading:**

Parking: The parking requirement for a general retail sales and services use is one space per 300 square feet of gross floor area in excess of 4,000 square feet. The building is 13,600 square feet in size. Given this the parking requirement for the development is 32 parking spaces. The applicant is proposing to have 52 spaces on the site. Please note that the Planning Division is recommending that the number of parking spaces be reduced to no more than 150 percent of what is required by the zoning code. This maximum on parking is the standard used in the Pedestrian Oriented Overlay District and the Downtown Parking Overlay District. Given this condition the maximum amount of parking spaces that could be provided on site would be 48.

Loading: Trucks will load and unload from an area located along the east property line.

- **Maximum Floor Area:** The maximum FAR in the C2 zoning district is 1.7. The lot in question is 51,716 square feet in area. The applicant proposes a total of 13,600 square feet of gross floor area, an FAR of .26.
- **Building Height:** The height requirement in the C2 zoning district is four stories or 56 feet, whichever is less. The building is one story with a mezzanine level over the back 22 feet of the building. The overall height of the building is 26 feet.
- **Minimum Lot Area:** There is no minimum lot area for a general retail sales and services use in the C2 zoning district.
- **Yard Requirements:** The setback requirement for the building is zero feet along all four property lines and where there is a parking or loading area the site plan review chapter requires a seven-foot landscaped yard. All of the required setbacks for the development are being met.
- **Specific Development Standards:** General retail sales and services uses are not submit to specific development standards.
- **Hours of Operation:** The hours of operation for the C2 zoning district are Sunday through Thursday, 6 am to 10 pm, and Friday and Saturday, 6 am to 11 pm. The application that was submitted indicates that the use will be open 6 am to 11 pm, seven days a week. The Planning Division informed the applicant that if the use is to stay open until 11 pm, seven days a week that a conditional use permit for extended hours will need to be applied for. The applicant responded in an e-mail that the use will comply with the hours of operation as allowed in the C2 zoning district.
- **Signs:** Signs are subject to the requirements of Chapter 543, On-premise Signs. In the C2 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall. However, if there is a freestanding sign on the zoning lot then there can only be one square

foot of signage for every one foot of primary building wall. Wall signs are limited to 180 square feet in size. Projecting signs are limited to 16 square feet in size. The height limitation for both wall signs and projecting signs is 24 feet and neither are permitted to extend above the roofline of the building. Freestanding signs are limited to 80 square feet and can be no taller than 25 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one.

The applicant is proposing to have one freestanding sign on the site. The freestanding sign is 80 square feet and stands 20 feet tall. Given that there is a freestanding sign on the site only one square foot of signage is allowed for every one foot of primary building wall. The primary building walls are France Avenue South, Sunnyside Avenue and the south side of the building. Along the France Avenue South side of the building 97 square feet of signage is allowed and along the Sunnyside Avenue and south building wall 149 square feet of signage is allowed. Although the south side of the building is a primary building wall the applicant is not installing any signs on it because it faces the residential neighborhood south of West 45th Street. The amount of signage that will be on the France Avenue South and Sunnyside Avenue sides of the building does not exceed what is allowed by the zoning code. The applicant is seeking a variance to allow a sign on the northeasterly side of the building which is a non-primary building wall.

- **Refuse storage:** The refuse storage containers will be located in an enclosure located along the east property line. The enclosure will be made out of brick and EIFS that matches the building. Because EIFS can be easily damaged if vehicles run into it the Planning Division is recommending that the entire refuse storage enclosure be made out of brick.
- **Lighting:** A lighting plan showing footcandles was submitted as part of the application materials. The proposed lighting levels are in compliance with the standards of Chapter 535, Rules of General Applicability.

MINNEAPOLIS PLAN:

The site is located on the east side of France Avenue South between Sunnyside Avenue and West 45th Street. The site is one zoning lot south of West 44th Street. According to *The Minneapolis Plan*, West 44th Street is a designated Community Corridor and the area around France Avenue and West 44th Street is a designated Neighborhood Commercial Node. The land use features in the update to *The Minneapolis Plan* are the same. However, France Avenue South is also a designed Community Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character (Policy 9.10).
- Support urban design standards that emphasize a traditional urban form in commercial areas (Policy 9.11).
- 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 (Implementation Step for Policy 9.11).
- Enhance pedestrian and transit-oriented commercial districts with street furniture, tree planting and improved transit amenities (Implementation Step for Policy 9.11).

- Orient new buildings to the street to foster safe and successful commercial nodes and corridors (Implementation Step for Policy 9.11).
- Require storefront transparency to assure both a natural surveillance and an inviting pedestrian experience (Implementation Step for Policy 9.11).
- Promote design solutions for automobile parking facilities that reflect principles of traditional urban form (Policy 9.12).
- Require the landscaping of parking lots (Implementation Step for Policy 9.12).
- Establish reduced parking minimum and new maximum parking standards to discourage auto over-reliance (Implementation Step for Policy 9.12).
- Protect residential areas from the negative impact of non-residential uses by providing appropriate transitions (Policy 9.15).
- Require screening and buffering for new developments next to residential areas (Implementation Step for Policy 9.15).
- Promote quality design and building orientation of commercial and industrial development that is appropriate with the surrounding neighborhoods (Implementation Step for Policy 9.15).
- Use the site plan review process to ensure that lighting and signage associated with non-residential uses do not create negative impacts for residentially zoned property (Implementation Step for Policy 9.15).
- Encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs (Policy 9.16).

With the implementation of the conditions of approval associated with the site plan review application the Planning Division believes that the proposed project will be in conformance with the above policies of *The Minneapolis Plan*.

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.**

PLANNING DEPARTMENT RESPONSE:

- **The first floor of the building shall be located not more than eight feet from the front lot line. If located on corner lot, the building wall abutting each street shall be subject to this**

requirement: The shape of the lot is irregular. Of the three streets surrounding the site the building is located up to the property line along Sunnyside Avenue. The building wall along France Avenue South is placed at an angle to the property line with a setback ranging between one foot and 65 feet. However, the plaza that is located between the building and the property line encourages pedestrian activity in this space. The building wall along West 45th Street is setback in order to accommodate the parking area. Given the unique shape of the lot the Planning Division is recommending that the City Planning Commission grant alternative compliance to allow the building to be setback more than eight feet from both France Avenue South and West 45th Street.

- **Thirty percent of the walls on the first floor and ten 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:** Along the Sunnyside Avenue side of the building there is a mezzanine level inside the building. Along this side of the building the mezzanine occupies only 21 feet of the building wall. There are no windows located on the second floor of the building. To maintain the architectural consistency along this side of the building no windows were added to the second floor of the building. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than 10 percent windows on the second floor of the building facing Sunnyside Avenue.
- **Thirty percent of the walls on the first floor and ten 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:** Along the south building wall there is a mezzanine level inside the building. Along this side of the building the mezzanine occupies only 21 feet of the building wall. There are no windows located on the second floor of the building. To maintain the architectural consistency along this side of the building no windows were added to the second floor of the building. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than 10 percent windows on the second floor of the building facing Sunnyside Avenue.
- **Not less than one tree shall be provided for each 25 linear feet, or fraction thereof, of parking or loading area lot frontage:** The required amount of trees along Sunnyside Avenue is five. The applicant is providing one tree along Sunnyside Avenue. Along Sunnyside Avenue there are two driveways; one for the drive-through and one for access to the site. Given this there is room for only two canopy trees. Because of the site layout the Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than five canopy trees along Sunnyside Avenue.
- **Not less than one tree shall be provided for each 25 linear feet, or fraction thereof, of parking or loading area lot frontage:** The required amount of trees along West 45th Street is 11. The applicant is providing two canopy trees and three evergreen trees along West 45th Street. Along this side of the site there is room for two additional canopy trees. Along West 45th Street the applicant is proposing to install a public sidewalk and a green boulevard as part of the reconstruction of the site. Please note that there is no public sidewalk on the north side of West 45th Street for the entire length of the block. As part of the installation of the green boulevard a total of five canopy trees will be planted. Because of the site layout and the proposed boulevard trees the Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than 11 canopy trees along West 45th Street.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the rezoning of the site located at 4419 France Avenue South from the C1 zoning district to the C2 zoning district to allow for a use with a drive-through facility.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to allow signage on a non-primary building wall (northeasterly side of building) located at 4419 France Avenue South, 3815 Sunnyside Avenue and 3724 West 45th Street subject to the following conditions:

1. There shall only be one wall identification sign located on the northeasterly building wall.
2. The wall identification sign shall be of the same design and size as identified on the sign plan dated July 16, 2008.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the 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 site plan review for a CVS/Pharmacy with a drive-through facility located at 4419 France Avenue South, 3815 Sunnyside Avenue and 3724 West 45th Street subject to the following conditions:

1. EIFS shall not be used as an exterior material. Instead a masonry material shall be used.
2. At least 30 percent of the window area in the commercial portions of the building facing the public streets shall allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views so as to comply with the regulations of Section 530.120 of the zoning code.
3. The walkway on the south side of the building shall continue around to the receiving door that is located on the northeasterly side of the building in order to provide protection for those loading and unloading materials.
4. The number of parking spaces shall be reduced to 48, which is no more than 150 percent of the number of spaces required by the zoning code.
5. The species of the canopy trees used on the site shall not be ash.

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6. There shall be a minimum of 15 canopy trees located on the site. At a minimum there shall be two canopy trees along France Avenue, two canopy trees along Sunnyside Avenue and four canopy trees and three evergreen trees along West 45th Street.
7. Screening equal to 60 percent opacity shall be provided around the entire perimeter of the parking area as required by section 530.170 of the zoning code.
8. Wood mulch shall be used in all landscaped beds.
9. The entire refuse storage enclosure shall be made out of brick.
10. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
11. All site improvements shall be completed by October 10, 2009, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Preliminary Development Review report
2. Statement of proposed use and description of the project
3. Comparison table for rezoning
4. Zoning map and comprehensive plan maps
5. Variance findings
6. Correspondence regarding hours of operation
7. Correspondence with Council Member Hodges and the Linden Hills Neighborhood Council
8. Correspondence from surrounding property owners
9. Zoning Map
10. Architectural and civil plans
11. Lighting plans
12. Photos of the property