

Department of Community Planning and Economic Development - Planning Division
Conditional Use Permit, Site Plan Review, Minor Subdivision
BZZ-5040

Date: January 10, 2011

Applicant: Land Ho, LLC

Address of Property: 202-229 West Broadway

Project Name: North Loop Gateway

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

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

Date Application Deemed Complete: November 29, 2010

End of 60 Day Decision Period: January 28, 2011

Ward: 5 Neighborhood Organization: Near North

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

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 13

Legal Description: Not applicable for this application.

Proposed Use: Off-sale liquor store, office and restaurant

Concurrent Review:

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

Site Plan Review: For a building addition resulting in a 17,443 square foot building.

Minor Subdivision: To adjust the common lot line between two properties.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX, Variances and Chapter 530, Site Plan Review, Chapter 598, Land Subdivision.

Background: Land Ho, LLC is proposing a 14,587 square foot addition to the existing building at 229 West Broadway. The building addition will result in a multi-tenant commercial building with 17,443 square feet of gross floor area in the southeast corner of the intersection of West Broadway and Washington Avenue N. The application also includes a minor subdivision to adjust the common lot line between the properties at 217 West Broadway and 202 West Broadway. The existing building at 229

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West Broadway currently contains BJ's Liquor Lounge, an adult entertainment use. This building will be modified to remove an 836 square foot section on the south side to allow for a driveway. The 2,856 square foot portion of the building that remains will contain a restaurant use. The 14,587 square foot building addition to be constructed on the east side of the site will be two stories in height and will contain an off-sale liquor store on the first floor and up to three office tenants on the second floor. The property at 217 West Broadway currently contains accessory parking for BJ's Liquor Lounge.

The applicant previously submitted two land use applications for a similar project on this site containing the same uses. On May 24, 2010 the City Planning Commission approved an application for a conditional use permit for an off-sale liquor store and denied applications for site plan review, a variance to the standards of the West Broadway Pedestrian Oriented Overlay District to reduce the required floor area ratio (FAR) from 1.0 to .46 and a variance to the West Broadway Pedestrian Oriented Overlay District to allow a building that was not two floors for the length of the West Broadway frontage. The most recent application for site plan review only was approved by the City Planning Commission on September 7, 2010. However, the action of the City Planning Commission was appealed and said appeal was granted by the City Council at its meeting on October 8, 2010. The primary issue with the previous plan was the limited amount of functional space on the mezzanine level which was found to be inconsistent with the *West Broadway Alive Plan* and the intent of the West Broadway PO requirement of two floors for the length of the West Broadway frontage. The project has now been revised to include a full second floor on the addition with up to three office tenants.

The existing building at 229 West Broadway has non-conforming rights to maintain its existing single floor design. The applicant has also stated that this existing building cannot structurally accommodate any additional verticality. Section 551.145 of the zoning code relating to the West Broadway PO states, "*New development in Commercial, OR2 and OR3, and Industrial districts shall be subject to a minimum floor area ratio of 1.0. Individual phases of a phased development may be less than this minimum, provided the entire development meets the minimum requirement. This requirement shall not apply to the expansion of buildings existing on the effective date of this section.*" The existing building at 229 West Broadway is non-conforming in terms of the floor area ratio (FAR), and the applicant is retaining approximately 76 percent of the existing building as part of the project. The applicant is greatly reducing the non-conformity by constructing a large addition. The addition is considered an expansion of an existing structure and as such, no variance is required for the minimum FAR. Because the applicant is retaining 76 percent of the existing structure it is considered an expansion of an existing structure and therefore not subject to the minimum floor area ratio.

The site is zoned I1 and an off-sale liquor store is a conditional use in this district. An application for an off-sale liquor store was previously approved in May of 2010. However, the applicant is now expanding the site by adding 777 square feet of land and therefore a new conditional use permit is required. Specifically, the applicant is proposing to adjust the common lot line between the properties of 217 West Broadway and 202 West Broadway by moving the lot line 12.8 feet to the east. An application for a minor subdivision has been submitted accordingly.

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

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recycling/salvage yard use. The property to the north, across West Broadway, contains an automobile repair use.

Staff received an e-mail from the Northside Residents Redevelopment Council dated December 21, 2010 indicating that they approved the site plan and conditional use permit application at their December 20th meeting.

CONDITIONAL USE PERMIT (to allow an off-sale liquor store in the I1 Light Industrial district)

Findings as Required by the Minneapolis Zoning Code:

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

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

An off-sale liquor store in this location is not expected to be detrimental to the public health, safety or general welfare, provided the use complies with all licensing requirements, life safety ordinances and Public Works Department standards. In terms of public safety, the applicant has worked with the 4th Police Precinct to develop a security plan that is expected to mitigate most potential public safety concerns. Converting this parking lot to an active use that will have employees and customers coming and going will increase surveillance of the surrounding area, including public streets and sidewalks. The site is on a commercial corridor in an area that predominantly contains commercial and industrial uses. Allowing this type of retail use within a multi-tenant commercial building is appropriate in this location.

Off-sale liquor stores are subject to specific development standards. One such standard requires the use to comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter. One of the requirements for off-sale liquor stores in Title 14 is that each store must be no less than 2,000 feet from other off-sale establishments. There is another off-sale liquor store at 700 West Broadway. License and Consumer Services staff will verify the spacing requirement as part of the process for issuing a liquor license. As a condition of approval for this application, all requires of Title 14, Liquor and Beer shall be met.

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

The proposed off-sale liquor store is not expected to be injurious to the use and enjoyment of other property in the vicinity. The surrounding area is fully developed and includes commercial and industrial uses. The mixed-use building to the south contains the only residential uses in the vicinity. A retail use within a multi-tenant commercial building will not impede the normal and orderly development of surrounding properties.

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

Roads and utilities are existing and adequate. The applicant will be working closely with the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements. Utilities, access roads and drainage facilities were also reviewed as part of the Preliminary Development Review process.

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

The applicant is providing adequate off-street parking and eliminating a curb cut along the property's West Broadway frontage. The use is not expected to contribute to traffic congestion in the public streets. The parking requirements for the development are further evaluated in the Site Plan Review findings below.

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

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

Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

1.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.

1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

1.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.

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Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

- 1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.
- 1.4.2 Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.

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

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

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

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

While the use is within an Industrial Employment District, it is designated for commercial land use and located on a commercial corridor, along which retail uses are encouraged. The applicant is providing a liquor store within a multi-tenant building that is two stories in height. Although there is mixed policy guidance for the site, the proposed use is consistent with the Comprehensive Plan by providing a commercial development in this location. The off-sale liquor store will improve the mix of commercial uses available in the area

In addition to the comprehensive plan policies, the site is located within the study area of the *West Broadway Alive* Plan. This plan also identifies the site as being an appropriate industrial/business park opportunity area. The plan calls for transit scale development in this location, meaning intense or dense

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development. The *West Broadway Alive* Plan also states the following with regard to development intensity, site design and commercial uses:

- *The industrial areas on either side of West Broadway between Interstate 94 and the Mississippi River are part of an Employment District. This plan recommends the retention of the Employment District that spans West Broadway, but notes that commercial redevelopment along West Broadway is still permissible in an Employment District.*
- *Because West Broadway is served by high frequency transit service, higher density development is appropriate along most of the street. All new buildings should be at least two stories in height.*
- *In general, buildings facing West Broadway should have an urban frontage, which means the building is immediately accessible to the public sidewalk, and there are active ground floor uses.*
- *Parking for new buildings should not be located between the building and the street. It should be located in a parking structure or on a surface lot situated adjacent to or behind the new building.*
- *Building types appropriate for the area include commercial, mixed-use, or multi-family residential buildings.*
- *Facades should include prominent front entrances and abundant window glass. Principal entrances to West Broadway buildings, commercial or residential, should face the street. They should be clearly defined and emphasized through the use of architectural design features. Storefronts should have an abundance of large display windows with transparent glass.*
- *Building owners have invited the creation of murals on the facades of certain buildings on Broadway.*

The plan identifies that commercial uses, such as the one proposed, are appropriate on the subject site. The applicant is proposing a two-story commercial building with significant glass coverage and entrances facing West Broadway. The parking for the building will be behind the building and the building entrances will be connected to the public sidewalk. A mural is also proposed on the West Broadway façade. All of these design elements are consistent with the policies of the *West Broadway Alive* Plan.

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

The proposed use and building addition comply with all other regulations of the I1 and PO Districts. The specific district requirements are evaluated below.

SITE PLAN REVIEW

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

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**

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- 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, windows, and active functions:
 - 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

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level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.

- f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.
- g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.

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

- **Ground floor active functions:**

Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

Conformance with above requirements:

The existing building is located at the corner of Washington Avenue and West Broadway, directly adjacent to the lot lines. The existing building will contain a restaurant use. The proposed addition will extend east from the existing building with a maximum setback of five feet from the front lot line. The addition will contain an off-sale liquor store on the first floor and up to three office tenants on the second floor. The addition will extend to the east lot line and the east wall of the addition will directly abut the west wall of the existing building at 201 West Broadway. The placement, design and interior layout of the building allow for natural surveillance and visibility. An outdoor seating area for the restaurant is proposed between the building and West Broadway on the north side of the site with additional seating proposed on the back side of the building, between the restaurant and the parking area. Both outdoor seating areas are more than 20 feet from any residential uses or residentially zoned properties. A balcony is proposed on the south side of the second floor. Landscaped areas approximately 3 feet in depth are also shown between the building and West Broadway.

Multiple entrances are proposed for the restaurant tenant, including two primary entrances onto the sidewalk adjacent to West Broadway. The applicant has indicated that the restaurant space could potentially include two restaurant tenants, thus two entrances are proposed. One additional entrance to the restaurant tenant opens to Washington Avenue N and two entrances are proposed facing the parking lot. The principal entrance to the off-sale liquor store is located in the northeast corner of the building facing West Broadway with a secondary entrance opening toward the parking lot on the south side of the building. The liquor store entrance is proposed in this location in an attempt to meet the required 2,000 spacing per the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances. As previously noted, Licensing staff will make a determination on the spacing requirement as part of the liquor licensing process. All entrances facing West Broadway are defined with awnings, signage and

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windows. The secondary entrance to the liquor store is defined in a similar manner. The restaurant entrance facing Washington Avenue is defined with an awning. An entrance in the center of the building, facing West Broadway, will provide access into the stairwell and elevator lobby for the office tenants. The second floor office tenants will also be accessible via an entrance on the south side of the building. A second stairwell is located on the east side of the building to provide access to the second floor and exterior entrances that open onto the proposed balcony on shown on the south side of building.

The addition will utilize stucco and utility brick as primary materials. The long length of the West Broadway façade will be visually broken up to give the appearance of smaller storefronts by alternating these primary materials. The plain face concrete block on the existing building at 229 West Broadway will be resurfaced with brick on all three sides to match the addition. The south elevation of the addition, facing the parking lot, will be primary surfaced with stucco. All materials proposed are durable. The building is articulated with multiple recesses and projections along the West Broadway frontage that coincide with the changes in materials. The south elevation is articulated in a similar manner. Black canvas awnings are proposed above most of the windows on the West Broadway elevation. There are no blank, uninterrupted walls that exceed 25 feet.

The window requirements of the site plan chapter call for 30 percent window coverage on the first floors facing the street and 10 percent on the second floors facing the street or on-site parking lot. The Pedestrian Oriented Overlay District increases the window requirement to 40 percent on the first floors facing the street. The *West Broadway Alive Plan* further recommends that facades facing West Broadway contain a minimum of 50% window space for the first floor. The applicant is providing windows for 59 percent of the first floor of the addition facing West Broadway and 41 percent of the second floor. The existing building, while not subject to the minimum window requirements, will have glazing provided for 80 percent of the West Broadway elevation. The west elevation of the existing building, facing Washington Avenue, is also not subject to the minimum requirements of this section, but will contain glazing for 66 percent of the facade. The second floor of the addition will be visible from Washington Avenue and no windows are proposed. Alternative compliance has been requested and staff recommends granting alternative compliance for this situation. The wall of the addition will be approximately 58 feet from the west property line and this portion of the building contains the stairs and elevator. Therefore, windows may not be practical. On the south elevation facing the parking lot, glazing is provided in an amount equivalent to 51 percent of the liquor store tenant on the first floor and 80 percent of the façade for the restaurant tenants. The second floor contains glazing for 31.9 percent of the second floor. There is no window requirement for the east side of the building. All windows proposed are distributed an even manner and are vertical in proportion.

First floor or ground floor windows shall be required to have clear or lightly tinted glass and allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. The applicant shall be required to submit a merchandising plan with the final plans to verify that eye-level views into the building will be preserved.

Active functions are proposed for more than 70 percent of each building wall facing a public street.

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

No parking garages are proposed for the site.

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ACCESS AND CIRCULATION:

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

Conformance with above requirements:

Entrances would open directly on to the adjacent public sidewalks. All south-facing entrances are connected to the parking lot with sidewalks a minimum of four feet in width. A 5-foot sidewalk clearance is maintained between the outdoor seating area on the south side of the building and the south facing restaurant entrance. An 8-foot sidewalk exists in front of the existing building and the addition, in the right-of-way adjacent to West Broadway. The applicant is proposing to continue this sidewalk in the location where an existing curb cut is being removed. A sidewalk with a minimum width of 12 feet is located on the west side of the site, within the Washington Avenue right-of-way.

There are no transit shelters adjacent to the site.

Access into the site is proposed via a curb cut off Washington Avenue. This access would be right-in, right-out only and is limited to a width of 20 feet per the standards of the Pedestrian Oriented Overlay District. The applicant is removing an existing curb cut into the site from West Broadway as part of the project. A drive easement is proposed through the property to the east to allow vehicles from the site to exit onto Second Street N. There is an existing curb cut on the south side of the site that provides access for a garage on the neighboring property. A curb cut will be retained in this location to continue allowing access to this structure. The applicant is showing a loading space in this area as well. The access and circulation is designed to minimize conflicts with pedestrian traffic and adjacent uses.

There are no public alleys adjacent to the site.

The site plan has been designed to minimize the use of impervious surfaces. The property at 217 West Broadway is nearly 100 percent impervious in its current state. As part of the project the applicant is proposing a landscaped area equivalent to 20.3 percent of the site area not occupied by buildings.

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:

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- A decorative fence.
- A masonry wall.
- A hedge.
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

Conformance with above requirements:

The lot area is 26,356 square feet and the footprint of the building with the proposed addition is approximately 10,471 square feet. Therefore, the net lot area is 15,878 square feet, of which 20 percent (3,176 square feet) is required to be landscaped. The site requires 6 canopy trees and 32 shrubs to satisfy the minimum planting requirement.

The applicant is proposing a landscaped area of 3,229 square feet, or 20.3 percent of the total site area not occupied by buildings. The landscaping includes six on-site canopy trees and one ornamental tree. One additional canopy tree and three ornamental trees are proposed within the public right-of-way directly adjacent to the site. The landscape plan also includes 34 shrubs and additional perennials. The majority of the shrubs are proposed along the building foundation and between the building addition and the parking area. The minimum landscaped area and planting requirements have been satisfied. All parking stalls are within 50 feet of the center of an on-site deciduous tree.

The property to the south of the site at 1914 Washington Avenue N is a mixed use building with two residential units. Thus, a 7-foot landscaped yard with screening that is a minimum of 90 percent opaque is required between the parking lot and this parcel. This equates to a landscaped yard requirement for the west 94 feet of property line. The applicant has provided a landscaped yard accordingly, with three shrubs and two day lily plants. The proposed plantings and will not equate to an opacity level of 90 percent as required. Alternative compliance has been requested accordingly. Staff recommends granting alternative compliance for this requirement. The residential units in the adjacent building are in the upper floors only and the adjacent building is located right up to the property line, making the space between the adjacent building and the parking lot inaccessible for pedestrians.

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

ADDITIONAL STANDARDS:

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

Conformance with above requirements:

The parking area contains continuous curbing and on-site retention and filtration of stormwater is not proposed. On-site stormwater retention may not be practical due to the size and layout of the site. Public Works- Sewer Division did not recommend on-site retention in the Preliminary Development Review report. Said report has been attached for reference.

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

The plan meets the CPTED guidelines. The site is well lit and designed with opportunities for people to observe adjacent spaces and public sidewalks. All window requirements have been exceeded, allowing for natural observation of exterior spaces. Landscaping, sidewalks and building features are designed to direct pedestrian movements. The interior merchandising plan allows for views through the building, as one looks from north to south. As stated above, the applicant has also worked with the Police Department to develop a security plan for the site and the off-sale liquor store.

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

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

ZONING CODE: The proposed uses are permitted uses in the I1 Light Industrial District and West Broadway Pedestrian Oriented Overlay District. The off-sale liquor store is a permitted conditional use and a conditional use permit application is being processed. The maximum size of food and beverage uses in the I1 District is 5,000 square feet. The restaurant proposed is 2,814 square feet in area.

Off-Street Parking and Loading:

Minimum automobile parking requirement:

The applicant is proposing a restaurant use at the corner with an off-sale liquor store and offices

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proposed in the addition. The site is located within the boundaries of the Pedestrian Oriented Overlay District and is eligible for a 25 percent parking reduction for non-residential uses. The minimum vehicle parking requirement for the uses is as follows:

Use	Requirement	Size	Spaces required
Off-sale liquor store	1 space per 500 sq. ft. of GFA, with 25% reduction	7,449 square feet	11 spaces
Restaurant	1 space per 500 sq. ft. of GFA up to 2,000 sq. ft. + 1 space per 300 sq. ft. of GFA in excess of 2,000 sq. ft., with 25% reduction	2,814 square feet	5 spaces
Office	1 space per 500 sq. ft. of GFA in excess of 4,000 sq. ft.	6,642 square feet	4 spaces
Total			20 spaces

The applicant is providing 31 parking spaces, exceeding the minimum requirement. In the event that the restaurant space is divided into two tenants, each one would require 3 parking stalls. In that case, the parking requirement would still be exceeded. All of the required parking for the building will be provided in back of the building, on the south side of the property.

Maximum vehicle parking requirement:

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

Use	Requirement	Size	Maximum allowed
Off-sale liquor store	1 space per 200 sq. ft. of GFA, and 25% reduction	7,449 square feet	28 spaces
Restaurant	1 space per 75 sq. ft. of GFA, and 25% reduction	2,814 square feet	28 spaces
Office	1 space per 200 sq. ft. of GFA, and 25% reduction	6,642 square feet	25 spaces
Total			81 spaces

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

Minimum bicycle parking requirement:

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

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Use	Spaces required
Off-sale liquor store	3 spaces
Restaurant	3 spaces
Office	3 spaces or 1 space per 15,000 sq. ft. of GFA, whichever is greater
Total	9 spaces

A minimum of nine bicycle parking spaces are required for the building. At least 50 percent of the required bicycle parking for the restaurant and off-sale liquor stores must meet the standards for short-term bike parking. The office use requires 50 percent of the bicycle parking to meet the standards for long-term bike parking. Three bicycle racks are proposed to meet this requirement. One is shown on the north side of the building near the liquor store entrance. One is shown within the public sidewalk adjacent to Washington Avenue N and one is proposed on the south side of the building both on the north side of the building adjacent to West Broadway. As a condition of approval, provisions shall be required for at least one long-term bicycle parking space for the office use.

Loading

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

Minimum and Maximum Floor Area: The site is located within the boundaries of the West Broadway Pedestrian Oriented Overlay District, which has a minimum floor area ratio requirement of 1.0. However, because the applicant is proposing an addition to the existing building and coming closer in to compliance with this requirement, the project is not subject to this minimum floor area ratio. The applicant is proposing a 17,443 square foot building on a 26,356 square foot site for an FAR of .66. This is an increase over the existing FAR of .143. The maximum FAR in the I1 District is 2.7.

Building Height: The maximum height for structures in all industrial districts is 4 stories or 56 feet, whichever is less. The West Broadway Pedestrian Oriented Overlay District calls for a minimum building height of two floors for the entire length of the West Broadway frontage. The building addition will be two functional floors for the length of the West Broadway frontage, satisfying the two-floor requirement. The maximum height of the building is approximately 35'5".

Minimum Lot Area: There is not a minimum lot area requirement for any of the proposed uses in the I1 District.

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

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

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

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

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Specific development standards for the off-sale liquor store are as follows:

- (1) The use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.
- (2) 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 Open to the Public: In the I1 District, uses may be open to the public during the following hours: Sunday through Thursday from 6:00 a.m. to 10:00 p.m. and Friday and Saturday from 6:00 a.m. to 11:00 p.m. The proposed use will comply with the required hours open to the public.

Signs: Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. The building elevations illustrate generic signs for both uses. The applicant is proposing four wall signs on the north side of the building with a total of 371 square of signage. Up to 396 square feet of signage is allowed on this elevation. On the south elevation, facing the parking lot, a 34 square foot canopy sign is proposed and a second 56 square foot sign with the building address is proposed. On the west elevation, two wall signs are proposed. The size of these wall signs is not known at this time. One 8 square foot canopy sign is also proposed facing Washington Avenue. The remainder of the signage proposed is within the parameters allowed for the site.

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

Lighting: The applicant has not submitted a lighting plan. All lighting shall be required to comply with Chapters 535 and 541 including the following standards:

535.590. Lighting. (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as to not directly or indirectly cause illumination or glare in excess of one-half footcandle measured at the closest property line of any permitted or conditional residential use, and five footcandles measured at the street curb line or nonresidential property line nearest the light source.

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- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH:

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

Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

- 1.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.
- 1.1.6 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

- 1.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.

Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

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- 1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.
- 1.4.2 Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.

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

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

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

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

While the use is within an Industrial Employment District, it is designated for commercial land use and located on a commercial corridor, along which retail uses are encouraged. The applicant is providing a liquor store within a multi-tenant building that is two stories in height. Although there is mixed policy guidance for the site, the proposed use is consistent with the Comprehensive Plan by providing a commercial development in this location. The off-sale liquor store will improve the mix of commercial uses available in the area.

SMALL AREA PLANS ADOPTED BY COUNCIL:

In addition to the comprehensive plan policies, the site is located within the study area of the *West Broadway Alive* Plan. This plan also identifies the site as being an appropriate industrial/business park opportunity area. The plan calls for transit scale development in this location, meaning intense or dense

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development. The *West Broadway Alive* Plan also states the following with regard to development intensity, site design and commercial uses:

- *The industrial areas on either side of West Broadway between Interstate 94 and the Mississippi River are part of an Employment District. This plan recommends the retention of the Employment District that spans West Broadway, but notes that commercial redevelopment along West Broadway is still permissible in an Employment District.*
- *Because West Broadway is served by high frequency transit service, higher density development is appropriate along most of the street. All new buildings should be at least two stories in height.*
- *In general, buildings facing West Broadway should have an urban frontage, which means the building is immediately accessible to the public sidewalk, and there are active ground floor uses.*
- *Parking for new buildings should not be located between the building and the street. It should be located in a parking structure or on a surface lot situated adjacent to or behind the new building.*
- *Building types appropriate for the area include commercial, mixed-use, or multi-family residential buildings.*
- *Facades should include prominent front entrances and abundant window glass. Principal entrances to West Broadway buildings, commercial or residential, should face the street. They should be clearly defined and emphasized through the use of architectural design features. Storefronts should have an abundance of large display windows with transparent glass.*
- *Building owners have invited the creation of murals on the facades of certain buildings on Broadway.*

The plan identifies that commercial uses, such as the one proposed, are appropriate on the subject site. The applicant is proposing a two-story commercial building with significant glass coverage and entrances facing West Broadway. The parking for the building will be behind the building and the building entrances will be connected to the public sidewalk. A mural is also proposed on the West Broadway façade. All of these design elements are consistent with the policies of the *West Broadway Alive* Plan.

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

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

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- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Alternative compliance has been requested for the window requirements on the second floor of the west elevation of the addition. The second floor of the addition will be visible from Washington Avenue and no windows are proposed. Staff recommends granting alternative compliance for this situation. The wall of the addition will be approximately 58 feet from the west property line and this portion of the building contains the stairs and elevator. Therefore, windows may not be practical. Extensive glazing has been provided on the first floor as an alternative.

Alternative compliance has been requested for the screening required within the 7-foot landscaped yard between the parking area and the property to the south. Staff recommends granting alternative compliance to allow screening that is less than 90 percent opaque in this area. The residential units in the adjacent building are in the upper floors only and the adjacent building is located right up to the property line, making the space between the adjacent building and the parking lot inaccessible for pedestrians.

MINOR SUBDIVISION: to adjust the common lot line between the properties at 201 West Broadway and 217 West Broadway.

Required Findings:

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

The applicant is proposing a minor subdivision to adjust the common lot line between the properties at 201 West Broadway and 217 West Broadway. Specifically, a section of land that is 12.85 feet wide and 60.49 feet deep will be subdivided from the property at 201 West Broadway. This will result in the common lot line shifting 12.85 feet to the east. The property at 201 West Broadway contains an office use which does not have a minimum lot area or lot width requirement in the I1 District. Therefore, reducing the size of this parcel will not create any non-conformities. The proposed building addition at 217 West Broadway will directly abut the existing building at 201 West Broadway. Neither of the sites site or uses have a minimum side yard setback requirement. The proposed subdivision is in conformance with the design requirements of the zoning code and the land subdivision regulations.

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

Adjusting the common lot line between these two properties will not be injurious to the use and enjoyment of other property in the vicinity or increase congestion in the adjacent public streets. The surrounding area is fully developed with a mix of commercial and residential uses. The proposed subdivision would accommodate a multi-tenant commercial building addition, which is consistent with the character of the surrounding area. Adequate off-street parking is provided and therefore no traffic congestion is expected to result from the subdivision.

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

The site is level, and does not present the above hazards.

- (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.**

Each lot will have street frontage and access is existing. A drive easement through the property at 201 West Broadway is proposed as part of the application to allow traffic to circulate through the adjacent property and exit onto 2nd Street N. No alterations are proposed to the property at 201 West Broadway as part of the subdivision, with the exception of demolishing a wood frame covered deck. The function of office use and parking lot on this property will not be hindered by the subdivision. Both properties are flat and no difficulties are foreseen in obtaining building permits for the proposed building addition.

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

Existing utility and drainage provisions are adequate for the existing and proposed development.

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit to allow an off-sale liquor store in the I1 District for the property located at 201-229 West Broadway, subject to the following conditions.

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. The use shall comply with all requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the site plan review for a building addition for a multi-tenant commercial building at the property of 201-229 West Broadway, subject to the following conditions:

1. CPED Planning staff review and approval of the final site, elevation, floor and landscaping plans.
2. All site improvements shall be completed by January 10, 2012, unless extended by the Zoning Administrator, or the approvals may be revoked for noncompliance.
3. A merchandising plan shall be submitted illustrating that first floor or ground floor windows will 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 feet and seven feet above the adjacent grade, in compliance with Section 530.120 of the zoning code.
4. In addition to the required short-term bicycle parking spaces, a minimum of one long-term bicycle parking space shall be provided for the office use, in compliance with Section 541.180 of the zoning code.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the minor subdivision to adjust the common lot line for properties at 201-229 West Broadway.

Attachments:

1. Statement and findings from applicant.
2. Zoning map.
3. E-mail from the Northside Residents Redevelopment Council dated December 21, 2010.
4. Correspondence.
5. PDR report.
6. Site plans and elevations.
7. Proposed floor plans.
8. Survey.
9. Operations and Security plan.
10. Photos.