

**Department of Community Planning and Economic Development – Planning
Division**

Conditional Use Permits, Site Plan Review
BZZ-2064

Date: November 22, 2004

Applicant: University-Central LLC, Scott M. Tankenoff, 2424 Kennedy Street NE,
Minneapolis, MN 55413

Address of Property: 301 - 323 Central Avenue NE and 13, 25 and 29 University
Avenue SE.

Project Name: Eastgate Redevelopment

Contact Person and Phone: James Stolpestad, Exeter Holdings LLC, 332 Minnesota
Street, Suite W-1710, Saint Paul, MN 55101-1329, (651)690-2001

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

Date Application Deemed Complete: October 14, 2004

End of 60-Day Decision Period: December 13, 2004

End of 120-Day Decision Period: Not applicable for this application

Ward: 5 **Neighborhood Organization:** Nicollet Island - East Bank
Neighborhood Association

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

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 14

Lot area: 82,805 square feet or 1.901 acres

Legal Description: Not applicable for this application

Proposed Use: Mixed use redevelopment with approximately 50,000 square feet of retail
space, approximately 150,000 square feet of housing and parking for approximately 300
vehicles.

Concurrent Review:

- Conditional Use Permit for up to 120 residential dwelling units.

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- Conditional Use Permit to increase the maximum permitted height from 4 stories or 56 feet to 6 stories or 80 feet along Central Avenue NE and to 8 stories or 110 feet along University Avenue SE.
- Conditional Use Permit for the proposed parking facility.
- Conditional Use Permit to extend the operational hours for the proposed grocery store to a 24 hour operation.
- Major Site Plan review.

Applicable zoning code provisions: Chapter 525: Article VII Conditional Use Permits and Chapter 530 Site Plan Review.

Background: The applicant proposes to redevelop the existing Eastgate Shopping Center and Delmac Building sites. All existing improvements will be demolished inclusive of the removal of a 108 stall surface parking lot, removal of a 4-story office building (27,552 GFA), removal of the existing Eastgate Shopping Center (32,532 GFA) and the site will be redeveloped with retail, housing and parking uses. The redevelopment will contain approximately 50,000 square feet of retail space, approximately 150,000 square feet of housing and parking for approximately 300 vehicles. Redevelopment will take place in two phases to allow selected existing uses to remain open during initial construction. An upscale grocery store (15,000 GFA), coffee shop (1,000 GFA), pharmacy, restaurants (7,500 GFA) and other retail uses (21,500 GFA) will be located at the street level of a new structure to be built along University Avenue, Central Avenue and 4th Street. The development will consist of two interconnected multi-story buildings. For-sale condominium housing will be built above the retail on both University and Central Avenue. A triangular shaped patio will be located on the top of the retail space immediately along Central Avenue as a private amenity for the condominiums. A 2-story pay parking ramp with surface parking will be located behind the retail buildings in the middle of the block. Access to the parking will be off 4th Street.

The retail buildings will be brought out to the sidewalks, which will be widened and upgraded with ornamental lighting and other streetscape improvements. The existing transit location will be retained but upgraded in appearance. The corner of University Avenue and Central Avenue will be enhanced with public art or another suitable feature. The applicants will need to work with Planning Staff and the Public Arts Coordinator as this process evolves.

The applicant has worked extensively with the East Hennepin (Eastgate) Task Force, a multi-neighborhood group that was formed in July of 2004 to review the redevelopment proposal. While the site is located within the Nicollet Island East Bank Neighborhood Association (NIEBNA) boundaries, it serves numerous East Bank neighborhoods and near-river neighborhoods in the West Bank, therefore the NIEBNA Board felt that a multi-neighborhood task force should handle the review. The Task Force was created to represent the Nicollet Island East Bank Neighborhood Association, the Old St. Anthony (Business) Association, Marcy Holmes Neighborhood Association (South of Central

Avenue), St. Anthony West Neighborhood Association (North of tracks, near the River), St. Anthony East Neighborhood Association (North of tracks, east of STAWNO), North Loop Neighborhood Association (West Bank, North of Hennepin) and Downtown Minneapolis Neighborhood Association (West Bank, South of Hennepin). The Eastgate Task Force approved the redevelopment of the subject properties. Please see the attached correspondence for further information.

Another issue that the applicant dealt with prior to formal submission was the verification of historical status of the Delmac Building. The Historic Preservation Committee (HPC) Staff recommended approval of the demolition of the Delmac Building. At its meeting on October 12, 2004 the HPC unanimously approved the staff recommendation that the demolition of the Delmac Building be allowed to go forward. The report has been attached for reference.

CONDITIONAL USE PERMIT – to allow up to 120 dwelling units

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 above concludes that the establishment, maintenance, or operation of the proposed conditional use:

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

Staff does not believe that 110-120 units of for-sale condominiums would be detrimental to or endanger the public health, safety, morals or general welfare. The proposed development compliments other uses in the area and the additional residential units will strengthen the commercial base within the neighborhood. The proposal is under the allowable density for the site as 128 units are permitted with density bonuses for enclosed parking and for mixed commercial and residential uses proposed for the structure.

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.

Staff does not believe that 110-120 dwelling units will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. Utilizing the site for 110-120 units of for-sale condominiums would provide additional opportunities for housing within the neighborhood. This property is surrounded by a number of commercial uses, restaurants, bars, offices, etc. This development will replace a dilapidated

building, strip mall and a surface parking lot with a large mixed use development that will provide needed commercial goods and services.

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

The applicant will be required to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development should the applications be approved. This would be required to ensure that all procedures are followed and that the development complies with all city and other applicable requirements.

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

The parking requirement for this development is 302 parking spaces: 120 parking spaces for the residential aspect of the project and 182 parking spaces (84 for two restaurants at a total of 280 seats, 4 for the coffee shop, 36 for the proposed grocery store and 58 for other retail) for the commercial/retail aspect of the project. This calculation is assuming that two of the commercial/retail spaces would be leased by tenants who would operate a restaurant which has the highest parking calculation of any commercial use. The applicant is providing a total of 315-320 parking spaces in the enclosed surface parking lot and 2-story parking ramp which is accessed off 4th Street SE.

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

According to Map 9.7 found in the *Minneapolis Plan*, this property is located in a retail-commercial area, along community corridors and adjacent to an activity center.

In the Marketplaces: Neighborhoods chapter found in *The Minneapolis Plan*, Policy 4.2 states that “Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, and pedestrian character and residential livability of the streets and the type of transit service provided on these streets.”

Relevant Implementation Steps:

- Discourage the conversion of existing residential uses to commercial uses, but encourage the development of mixed-use residential dwelling units in commercial buildings where appropriate.
- Promote more intensive residential development along these corridors where appropriate.

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

In the Marketplaces: Neighborhoods chapter found in *The Minneapolis Plan*, Policy 4.7 states that “Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that gives it a unique and urban character.”

In the City Form chapter found in *The Minneapolis Plan*, Policy 9.5 states the “Minneapolis will support the development of residential dwellings of appropriate form and density.”

In the City Form chapter found in *The Minneapolis Plan*, Policy 9.6 states that “Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.”

In the City Form chapter found in *The Minneapolis Plan*, Policy 9.11 states that “Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.”

Policy 9.22 states that “Minneapolis will promote increased housing production in designated areas of the City in order to accommodate population growth.”

The development is providing 110-120 units of owner occupied condominiums, the building is located close to the property line and is enclosing all of its parking which keeps the focus of the project on the pedestrian. This development also has commercial and retail spaces located along University Avenue and Central Avenue.

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

With the approval of the conditional use permits and the major site plan review this development would be in conformance with the applicable regulations of the zoning code.

CONDITIONAL USE PERMIT - to increase the maximum permitted height from 4 stories or 56 feet to 6 stories or 80 feet along Central Avenue NE and to 8 stories or 110 feet along University Avenue SE.

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 above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Staff does not believe that a six-story, 80-foot development along Central Avenue NE or an 8-story 110-foot development along University Avenue SE will be detrimental to the surrounding area. The height limit for buildings in the C2 zoning district is four stories or 56 feet, whichever is less. The submitted shadow survey does indicate some shadowing of adjacent properties, however, it is likely that any building constructed at or over the district requirement would cast some shadows.

2. Will be injurious to the use and enjoyment of other property in the vicinity and will impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

This property is located in a relatively high-density commercial/retail area. The additional height of the development should not be injurious to the use and enjoyment of other property in the area nor should it impede on possible future development. There are some buildings in the general vicinity that are as tall or nearly as tall as the proposed development.

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

The applicant will be required to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development should the plan be approved. This would be required to ensure that all procedures are followed in order to comply with city and other applicable requirements. The applicant has submitted a TDM (Travel Demand Management) Plan which is currently under review by the Public Works Department. The applicant will be expected to incorporate any applicable comments or modifications required by the Public Works Department.

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

The additional height of the development should have no effect on the traffic congestion in the area. Measures have been provided in regard to minimizing traffic congestion from a parking perspective as the applicant would be providing all required parking in an enclosed 2-story ramp with surface parking.

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

See the above listed response to finding #5 in the conditional use permit application.

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

With the approval of the conditional use permits and the major site plan review this development would be in conformance with the applicable regulations of the zoning code.

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the maximum height:

1. Access to light and air of surrounding properties.

According to the applicant, this development should have minimal impact on the amount of light and air that surrounding properties receive as this development occupies one-half of a block that is surrounded by three public streets and a public alley.

2. Shadowing of residential properties or significant public spaces.

The shadow study that was submitted as part of this application indicates that there will be some shadowing cast on adjacent properties, however it does not appear that it will impact any residential uses or significant public spaces. The shadow study has been included as an attachment to the staff report. The shadow study analyzes shadowing twice daily on a quarterly basis throughout the year. The largest shadows cast by the proposed development occur as expected during December.

3. The scale and character of surrounding uses.

The scale of the buildings in this area are varied as there are taller buildings located along and near the riverfront, as well as scattered among the immediate neighborhood. The architectural style of the surrounding properties also vary. The applicant continues to work with the neighborhood to work out design related issues in regard to the architecture of the proposed structure. Staff has analyzed the proposed application and has determined that application is compatible with the scale and character of other buildings in the area. The modern design and overall layout proposed for the site will be an asset to the surrounding neighborhood.

4. Preservation of views of landmark buildings, significant open spaces or water bodies.

There are no landmark buildings, significant open spaces or water bodies near the development site that would be affected by significant shadows.

CONDITIONAL USE PERMIT –for the proposed parking facility.

Required Findings for the Conditional Use Permit:

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

The proposed parking facility should not be detrimental or endanger the public health, safety, comfort or general welfare. The proposed parking facility has surface parking and two levels of parking above in a ramp with an entry/exit portal off of 4th Street SE. The ramp has been designed to accommodate the required amount of parking for the development while not being a visible part of the façade of the buildings. The ramp will not be visible from the street as it is located interior to the surrounding commercial and residential units which line the street. As the active uses line the street, the design of the buildings engages pedestrians and reinforces the overlay district's intent.

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.

Staff does not believe that a non-visible parking facility will be injurious to the use and enjoyment of other property in the vicinity nor impede the normal and orderly development. The design of the structure will meet all required parking needs for the proposed development with minimum visual presence.

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

The applicant will be required to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development should the plan be approved. This would be required to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

The applicant is providing adequate parking for the proposed development all within an enclosed parking facility that will not visually impact the site. By providing all necessary parking for the development, the applicant has taken adequate measures to minimize traffic congestion in the public streets.

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

See the above listed response to finding #5 in the conditional use permit application.

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

With the approval of the conditional use permits and the major site plan review this development would be in conformance with the applicable regulations of the zoning code.

CONDITIONAL USE PERMIT –to extend the operational hours for the proposed grocery store to a 24 hour operation.

Required Findings for the Conditional Use Permit:

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

The use is located along a Community Corridor and within close proximity to an Activity Center. The anchor tenant of the retail facility will be a high-quality grocery store, most likely Lunds. Most Lunds stores in the Twin Cities remain open for business 24 hours a day. Staff believes that it is unlikely, based on the layout of the proposed grocery store which provides active uses at the corner, that the development will be detrimental or endanger the public health, safety, comfort or general welfare.

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.

Staff believes that it is unlikely that the 24 hour operation of a grocery store will be injurious to the use or enjoyment of other property in the vicinity and extending the hours should not impede development of surrounding properties.

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

Utilities, access roads, drainage and other facilities would not be affected by extended hours of operation.

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

The scale of the use is such that congestion of the public streets would not be substantially affected during the hours the applicant has requested.

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

See the above listed response to finding #5 in the conditional use permit application. Additionally, one of the characteristics of Activity Centers is that they “have uses that are active all day long and into the evening.”

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

With the approval of the conditional use permits and the major site plan review this development would be in conformance with the applicable regulations of the zoning code.

In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the hours open to the public:

(1) Proximity to permitted or conditional residential uses.

The use is not adjacent to or located on the same block as residential uses. The main entry to the grocery store will be located off of University Avenue away from the residential housing located south of University Avenue.

(2) Nature of the business and its impacts of noise, light and traffic.

The applicant has agreed not to have trash pick-up or major deliveries between the hours of 12:00 a.m. and 6:00 a.m. The grocery store being part of a larger mixed use commercial and residential development will take necessary action to minimize noise, light and traffic. The signage and lighting will be designed to not overpower the adjacent and surrounding uses in the area. The applicant has also agreed to dim exterior lighting during the late night/early morning hours so as not to create a nuisance to its neighbors, while still providing adequate site lighting.

(3) Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.

The project appears to be in conformance with general standards of the zoning ordinance. The applicant has submitted the necessary conditional use permit applications for additional conformance.

(4) History of complaints related to the use.

Staff reviewed police incidents associated with the property. There have not been many calls during the late night or early morning hours. The majority of the calls have been traffic stops, personal injury accidents and damage to property. There have been a few incidents with intoxicated individuals, customer trouble, etc., however, there does not appear to be any pattern in regard to the timetable for those incidents.

Required Findings for Major Site Plan Review

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**
- **The building shall be oriented so that at least one (1) principal entrance faces the public street.**
- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.**
- **In larger buildings, architectural elements shall be emphasized.**

- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.**
- **Entrances and windows:**
 - **Residential uses shall be subject to section 530.110 (b) (1).**
 - **Nonresidential uses shall be subject to section 530.110 (b) (2).**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

This proposed development does reinforce the street wall, maximizes natural surveillance and facilitates pedestrian access, as the building is located close to the property lines. This development is located in the C2 zoning district and has a zero-foot setback requirement on University Avenue, Central Avenue and 4th Street SE as well as a zero-foot setback requirement along the alley as there are no windows on that side of the building. The building is setback approximately 7 feet on University Avenue, approximately 7 feet on Central Avenue, approximately 5 feet on 4th Street SE and 5 feet on the alley side. The area between the building walls and the property lines along the streets have sidewalks and curbside landscaping. The applicant proposes to install approximately 2,000 square feet of landscaping on the site with approximately 28 sidewalk trees along University Avenue, Central Avenue and 4th Street SE. The applicant also proposes to install additional plantings adjacent to the plaza entrance at the corner of University and Central Avenue.

All of the commercial and residential portions of the development have separate entrances. The principal entrance for the proposed grocery store is oriented towards University Avenue. The principal entrance for the residential lobby is located along the University Avenue frontage as well. The entrances for the commercial/retail/restaurant spaces are oriented towards the corner and along Central Avenue.

All of the parking for this development is located in an entirely enclosed parking ramp which will not be visible from the street. The building is proposed to be a modern architectural urban design composed primarily of glass with some limestone and aluminum elements. The sides and back of the building will be compatible with the front of the building. The applicant is more than able to meet the window requirements along University Avenue, Central Avenue and 4th Street SE. All ground level windows must be transparent (non-reflective). The submitted building elevations and renderings don't clearly call out this requirement.

ACCESS AND CIRCULATION:

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

This development conforms to the walkway and sidewalk requirements of the zoning code. There are no new bus stops being proposed as part of this development, however the existing bus stop located on Central Avenue will be retained but refurbished and upgraded.

The submitted Travel Demand Management Plan for the proposed development is currently being reviewed by the Public Works Department for conformance with regard to vehicular access and circulation. The applicant will be expected to incorporate any applicable comments or modifications into the design/layout of the proposed development.

There is one level of surface parking and 2 levels located within the ramp. The entrance to the parking garage is accessed from 4th Street SE. The alley between the proposed development and Hennepin Avenue will be widened and improved. The loading docks for all stores will be located within the center of the block with access from the alley. The alley should not be utilized for maneuvering into or out of parking spaces. The parking spaces that appear to line the alley are of concern to Planning Staff. All trash services will be located to the interior of the block, out of public view.

According to the applicant, all snow will be removed from the site.

LANDSCAPING AND SCREENING:

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

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

Currently there is no existing landscaping on the site. The applicant is proposing to add approximately 2,000 square feet on the site, inclusive of street trees along Central Avenue, University Avenue and 4th Street SE. There will also be landscaped terraces located on the residential housing levels. Based on the applicant's calculation, approximately 2,000 square feet will be landscaped. According to that calculation, the site would be just under the minimum 20 percent requirement as 2,056 square feet would

be required. Staff will continue to work with the applicant to find locations for additional landscaping potentially in the form of permanent planters on site to meet the requirement. No fencing is proposed for this site at this time.

ADDITIONAL STANDARDS:

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

The applicant shall submit a lighting plan showing foot candle measurements before final plans are approved. All lighting will need to be downcast and shielded to avoid undue glare. All lighting will comply with Chapters 535 and 541. The entry and exit portal to and from the surface parking and parking ramp is located off of 4th Street SE. It is unlikely that headlight glare from vehicles entering or leaving the parking lot would have much of an impact on the adjacent properties. The City's CPTED officer indicated that there should be lighting near all of the entrances to the building. The City's CPTED officer also has recommended that any additional plantings follow the 3' – 7' rule to allow visibility on site.

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

ZONING CODE:

Section 536, Specific Development Standards, requires the following for a Restaurant, sit down:

- (1) Where alcoholic beverages are served, not less than sixty (60) percent of total gross sales revenue shall be from the sale of food and beverages not containing

alcohol, and 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 purposed of removing any litter found thereon.

Section 536, Specific Development Standards, requires the following for a Coffee shop:

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

Section 536, Specific Development Standards, requires the following for a Grocery store:

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

Hours of Operation: Hours that the facilities can be open to the public under the C2 zoning are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday. The applicant has applied for a conditional use permit for an extension of the above listed hours to a 24 hour operation for the proposed grocery store only. The applicant has expressed an interest in possibly extending the operational hours of the proposed restaurants, however, the applicant is aware that a new conditional use permit will be required for each request over the allowable district requirements.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The trash services for the proposed development will be located in the interior of the block and will not be visible from the public streets.

Window obstructions: 543.350. Window signs. Window signs shall be allowed, provided that such signage shall not exceed thirty (30) percent of the window area, whether attached to the window or not, and shall not block views into and out of the building at eye level. Window signs shall be included in the calculation of the total permitted building sign area, except as provided for temporary signs in section 543.330. The applicant is not proposing any window signs at this time.

Signage: No specific signage is proposed at this time. All new signage is required to meet the requirements of the code. The applicant shall submit a sign inventory, so the

Zoning Office can review all new signage for compliance with the code before any new sign permits are issued.

Maximum Floor Area: The maximum F.A.R. for multiple-family dwelling units in the C2 District is the gross floor area of the building which is approximately 193,275 square feet divided by the area of the lot which is 82,805 square feet. The outcome is 2.3 which is greater than the maximum of 1.7 that is permitted in the C2 District. The proposed development is eligible for two density bonuses as the parking for the proposed development is enclosed and consists of a 2-story ramp and the proposal is a mixed use commercial/residential building with 50% of the ground floor uses proposed as commercial which would allow a maximum F.A.R. of 2.4. The proposal meets the requirement.

MINNEAPOLIS PLAN:

See the above listed response to finding #5 in the conditional use permit application.

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

Staff is unaware of any conflict between the proposal and any development plan or objective adopted by the city council.

The planning document, “Opportunities for Creativity: The East Hennepin Charrette” speaks to the preferred land use for the area. The document was done in conjunction with an East Hennepin rezoning study adopted by the City Council. The East Hennepin Charrette document calls for a mix of uses and activities in the area with commercial at street level and residential on upper floors. It identifies the Eastgate Mall as a potential development and redevelopment site and notes that “proposed redevelopment of Eastgate should bring buildings back to the street, incorporate public parking into the redevelopment with retail at street level residential/office above.”

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

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**

- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Alternative compliance is necessary for this site as the site is just under the 20% landscape requirement. Staff will continue to work with the applicant to find locations for additional landscaping potentially in the form of permanent planters on site to meet the requirement.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the application for a conditional use permit for up to 120 residential dwelling units for property located at 301 - 323 Central Avenue NE and 13, 25 and 29 University Avenue SE.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the application for a conditional use permit to increase the maximum permitted height from 4 stories or 56 feet to 6 stories or 80 feet along Central Avenue NE and to 8 stories or 110 feet along University Avenue SE. for property located at 301 - 323 Central Avenue NE and 13, 25 and 29 University Avenue SE subject to the following conditions:

1. The building shall not exceed a height of 6 stories or 80 feet along Central Avenue NE.
2. The building shall not exceed a height of 8 stories or 110 feet along University Avenue SE.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the application for a conditional use permit for the proposed parking facility for property located at 301 - 323 Central Avenue NE and 13, 25 and 29 University Avenue SE.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the application for a conditional use permit to extend the maximum hours open to the public to 24 hours a day for a proposed grocery store for property located at 301 - 323 Central Avenue NE and 13, 25 and 29 University Avenue SE subject to the following conditions:

1. The 24 hour operation is for the proposed grocery store only. Any other retail or commercial uses located within the proposed development will need to attain a conditional use permit to extend the operational hours beyond the C2 district requirements.
2. The grocery store will not have trash pick-up or major deliveries between the hours of 12:00 a.m. and 6:00 a.m.

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 **approve** the site plan review application for property located at 301 - 323 Central Avenue NE and 13, 25 and 29 University Avenue SE subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation and landscaping plans.
2. If improvements required by Site Plan Review exceed two thousand (2000) dollars, the applicant shall submit a performance bond in the amount of 125 percent of the estimated site improvement costs prior to obtaining a building permit.
3. All site improvements shall be completed by November 25, 2006 unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
4. The applicant shall submit a lighting plan showing foot candle measurements before final plans are approved.
5. The Travel Demand Management Plan must be approved by the Public Works Department prior to submission of plans for final approval and building permit issuance. All requirements by the Public Works Department must be incorporated into the final design inclusive of all required easements for the proposed alley widening and any public sidewalks if applicable.

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6. All ground level windows must be transparent (non-reflective).
7. A merchandising plan for the proposed grocery store must be submitted with the final plans. No shelving stocked with merchandise will be permitted in front of the windows along University Avenue.
8. Should the applicant pursue public art for the proposed development, the applicant will need to work with Planning Staff and the Public Arts Coordinator as this process evolves.

Attachments:

1. Statement of use
2. Findings for the Conditional Use Permit applications
3. Correspondence – from Eastgate Task Force, Marcy Holmes Neighborhood Assn, and Council Member Johnson Lee
4. HPC report regarding the Delmac Building
5. Police reports for the property 2003 & 2004
6. Zoning map
7. Plans – site survey, site plan, floor plans and elevations
8. Photos