

Department of Community Planning and Economic Development - Planning Division
Site Plan Review
BZZ-4865

Date: September 7, 2010

Applicant: Land Ho, LLC

Address of Property: 217-229 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: July 1, 2010

End of 60 Day Decision Period: August 30, 2010

End of 120 Day Decision Period: On August 6, 2010 staff sent a letter to the applicant extending the decision period to no later than October 19, 2010.

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 and restaurant

Concurrent Review:

Site Plan Review: For a building addition resulting in an 11,896 square foot building.

Applicable zoning code provisions: Chapter 530, Site Plan Review; Chapter 448, Commercial Districts.

Background: Land Ho, LLC is proposing a 9,068 square foot addition to the existing building at 229 West Broadway. The building addition will result in a multi-tenant commercial building with 11,887 square feet of gross floor area in the southeast corner of the intersection of West Broadway and Washington Avenue N. The existing building at 229 West Broadway currently contains BJ's Liquor Lounge, an adult entertainment use. This building will be modified to remove an 836 square foot

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section on the south side to allow for a driveway. The 2,828 square foot portion of the building that remains will contain a restaurant use. The 9,068 square foot building addition to be constructed on the east side of the site, at 217 West Broadway, will be two stories in height and will contain an off-sale liquor store. The property at 217 West Broadway contains accessory parking for BJ's Liquor Lounge. The only land use application required at this time is for site plan review.

The applicant previously submitted land use applications for an 11,503 square building on this site containing the same uses. Applications required at that time included a conditional use permit for an off-sale liquor store, 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 conditional use permit for the off-sale liquor store was approved by the Planning Commission on May 24, 2010, notwithstanding staff recommendation. The conditional use permit approval is final and not part of the current application. The remaining applications were denied.

The project has now been revised to include a 2,039 square foot mezzanine on the liquor store for the length of the West Broadway frontage. The applicant's intent is to design the second floor space to be small enough so that an elevator is not required under the building code. While this may not be consistent with the spirit of the requirement of the zoning code's requirement for a second floor, the proposal would comply with the plain language of the ordinance. The existing building at 229 West Broadway has non-conforming rights to maintain its existing single floor design. These changes eliminate the need for a variance to the 2-floor minimum requirement in the West Broadway Pedestrian Oriented Overlay District. Retaining the existing building at 229 West Broadway also eliminates the need for a variance to the minimum floor area ratio. 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.*" 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 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 recycling/salvage yard use. The property to the north, across West Broadway, contains an automobile repair use.

Staff received a letter from the Northside Residents Redevelopment Council dated July 19, 2010. The letter from the neighborhood was supportive of the building design and tenant plan; provided that both proposed tenants actually locate in the building. Staff will forward any additional comments from the neighborhood group, if received, to the City Planning Commission.

SITE PLAN REVIEW

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

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances, 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

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- more than four (4) feet above the adjacent grade.
- d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.
 - 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 proposed addition will extend east from the existing building with a maximum setback of 5.5 feet from the front lot line. The placement of the building and the design of the building allow for natural surveillance and visibility. The liquor store addition is proposed to have a mezzanine for the entire length of the West Broadway frontage with a maximum depth of 11'7". The mezzanine wraps around the west side to the back building wall and will house office and support space. 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 along the Washington Avenue frontage and on the back side of the building, between the restaurant and the parking area. Landscaped areas approximately 3 feet in depth are also shown between the building and West Broadway.

The principal entrance for the restaurant use is on the north side of the building, facing West Broadway. An additional entrance to this use is located in the southwest corner of the building, facing Washington Avenue N and service entrance is proposed on the south side. 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 applicant has provided a survey showing that the location of the entry door currently meets the required 2,000 spacing per the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances. Both entrances facing West Broadway are defined with awnings, signage, windows and a change in materials. The secondary entrance to the liquor store is defined in a similar manner.

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The building addition is proposed to be constructed primarily of black cast stone, with a band of lighter gray stucco on the second floor. Bands of red stucco are also proposed between floors to add visual interest. The plain face concrete block on the existing building at 229 West Broadway will be resurfaced with masonry veneer and stucco, matching the addition. The entire roofline will contain a prefinished metal cap. All materials proposed are durable materials. The building is articulated with multiple recesses and projections along the West Broadway frontage and the south elevation, facing the parking lot. There are height increases approximately every 36 feet along the roofline of the building addition. 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 applicant is providing windows for 53 percent of the first floor facing West Broadway and 21 percent of the second floor. The west elevation of the existing building, facing Washington Avenue, though not subject to the minimum requirements of this section, contains glazing for 72 percent of the first floor. On the south elevation facing the parking lot, glazing is provided in an amount equivalent to 34 percent of the first floor and 21 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. When each tenant space is calculated individually, the ground floor of the liquor store contains glazing for 42.7 percent of the elevation facing West Broadway and 30 percent of the elevation facing the parking lot. The existing building would be modified so that the restaurant use contains windows for 67.9 percent of the building wall facing West Broadway, 72 percent of the wall facing Washington Avenue N and 36.2 percent of the wall facing the parking lot.

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.

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.**

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Conformance with above requirements:

Entrances would open directly on to the adjacent public sidewalks. The parking lot is connected to the liquor store entrance with a 4-foot concrete sidewalk on the west side of the site. Due to the location of the outdoor dining space, the restaurant entrance that is most accessible from the parking lot would be the service entrance. Staff recommends that the outdoor dining space on the south side of the building be relocated or redesigned to allow for a more visible pedestrian connection from the parking lot to the entrance facing Washington Avenue. 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. Two drive easements are proposed through the property to the east to allow vehicles from the site to exit onto Second Street N and to allow vehicles to enter from West Broadway. The access from West Broadway will be a right-in only. As part of the Preliminary Development Review process, Public Works-Traffic division required the applicant to work with Hennepin County on extending the median in West Broadway to limit turning movements for this access. The applicant is continuing to work with Hennepin County and Public Works on a design that would allow them to retain this access. 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 20.6 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:**
 - **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.**

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- 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 25,573 square feet and the footprint of the building with the proposed addition is approximately 9,857 square feet. Therefore, the net lot area is 15,716 square feet, of which 20 percent (3,238 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 3,238 square feet, or 20.6 percent of the total site area not occupied by buildings. The landscaping includes eight on-site canopy trees, four on-site ornamental trees, five canopy trees in the right-of-way and 50 shrubs. The majority of the shrubs are proposed along the building foundation and between the building addition and the parking area. More than 200 perennials are also proposed throughout the site. The minimum landscaped area and planting requirements have been satisfied. As a graffiti prevention measure, staff recommends that the honeysuckle shrubs on the east side of the building be replaced with a columnar evergreen shrub that is a minimum of four feet in height.

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 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 only provided a landscaped yard for the first 24 feet in this location, after which parking stalls are proposed directly adjacent to the common property line. Alternative compliance is requested for this requirement. The applicant has proposed a larger landscaped area on the north side of the parking lot, between the parking area and the building wall, as an alternative for this requirement. The applicant has provided the landscaped area in this location so that it will be visible from the adjacent residential units. 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:

- 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.

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- 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 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 maximum size of food and beverage uses in the I1 District is 5,000 square feet. The restaurant proposed is 2,828 square feet in area.

Off-Street Parking and Loading:

Minimum automobile parking requirement:

The applicant is proposing a restaurant use at the corner and an off-sale liquor store on the east side of the building. 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:

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Use	Requirement	Size	Spaces required
Off-sale liquor store	1 space per 500 sq. ft. of GFA, with 25% reduction	9,068 square feet	13 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	2,828 square feet	4 spaces
Total			17 spaces

The applicant is providing 32 parking spaces, exceeding the minimum requirement. 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	9,068 square feet	34 spaces
Coffee Shop	1 space per 75 sq. ft. of GFA, and 25% reduction	2,828 square feet	28 spaces
Total			62 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:

Use	Spaces required
Off-sale liquor store	3 spaces
Restaurant	3 spaces
Total	6 spaces

A minimum of six bicycle parking spaces are required for the building. At least 50 percent of the required bicycle parking must meet the standards for short-term bike parking. Two bicycle racks are proposed to meet this requirement, both on the north side of the building adjacent to West Broadway. Both bike racks are located in close proximity to the principal building entrances.

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

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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 an FAR of .347. 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 have a mezzanine for the length of the West Broadway frontage, satisfying the two-floor requirement. The entire addition will have the appearance of a two-story building.

Minimum Lot Area: There is not a minimum lot area requirement for either use 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.

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 three wall signs on the north side of the building with a total of 106 square of signage. On the south elevation, facing the parking lot, two wall signs are proposed with a total of 70 square feet. On the west elevation, two wall signs are proposed for a total of 70 square feet. 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. The refuse storage contained will be further screened with landscaping.

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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.
- (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. The site is also located within the boundaries of the Upper River industrial 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 1.14: 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.

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- 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.

The applicant is proposing a two-story building addition along this commercial corridor, in keeping with the intent of the Comprehensive Plan and the *West Broadway Alive* Plan. While the uses proposed are not industrial uses per the policies of Industrial Employment Districts, they are permitted uses in this location. Such uses will expand the range of goods and services available along this commercial corridor.

SMALL AREA PLANS ADOPTED BY COUNCIL:

The site is located within the boundaries of the West Broadway Alive Plan. The future land use designation for the subject site in this plan is commercial. The site is also within the boundaries of an industrial employment district and cited as being an appropriate industrial/business park opportunity area. The commercial use proposed would not be consistent with this long-range goal for an industrial/business park opportunity, but are permitted uses in this location. The *West Broadway Alive* Plan also states the following with regard to development intensity and commercial uses:

Underdeveloped sites are detrimental to the long-term vitality of West Broadway. Low intensity commercial developments spread the commercial district and increase the distance between commercial establishments. This makes the commercial district less attractive because it is not as convenient to come to the district and pick up goods and services from multiple businesses. For this reason, mechanisms should be put in place to deter new low intensity development, and particularly single story commercial developments.

The applicant is proposing a two-story building addition to increase the intensity of development on the site. While the proposed building does not comply with the minimum floor area ratio requirement in the West Broadway Pedestrian Oriented Overlay District, it is exempt from this requirement because it will expand an existing, non-conforming building. The site is also within the study area of the *Above the Falls* plan, which calls for the site to be an industrial or business park.

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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.**
- **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 required 7-foot landscaped yard between the parking area and the property to the south. The applicant has provided a large landscaped area behind the building that will be visible from the adjacent residential units as an alternative to this requirement and the minimum 20 percent landscaped area has been provided. Staff recommends granting alternative compliance for this landscaped yard requirement.

RECOMMENDATIONS:

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 new multi-tenant commercial building at the property of 217-229 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 September 7, 2011, 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.

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4. The landscaped area along the east building wall shall include columnar type plantings a minimum of four feet in height as a graffiti prevention measure.
5. The outdoor dining space on the south side of the building shall be modified to allow for a more visible pedestrian connection from the parking lot to the west building entrance, in compliance with Section 530.130 of the zoning code.
6. The applicant shall work with Public Works staff and Hennepin County on the design and construction to extend the median within West Broadway.

Attachments:

1. Statement and findings from applicant.
2. Zoning map.
3. Correspondence.
4. Correspondence submitted for BZZ-4748.
5. PDR report.
6. Site plans and elevations.
7. Proposed floor plans.
8. Photos.