

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit and Site Plan Review
BZZ-2998

Date: June 12, 2006

Applicant: Jeff Ellerd

Address of Property: 5 East Franklin Avenue, 15 East Franklin Avenue, 2000 1st Avenue South and 2020 1st Avenue South

Project Name: Eat Street Flats

Contact Person and Phone: Jeff Ellerd with Lupe Development Partners, (952) 888-2001

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

Date Application Deemed Complete: May 8, 2006

End of 60-Day Decision Period: July 7, 2006

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

Ward: 6 **Neighborhood Organization:** Whittier Alliance

Existing Zoning: C2, Neighborhood Corridor Commercial District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 20

Legal Description: Not applicable for this application

Proposed Use: Mixed-use development including 63 dwelling units

Concurrent Review:

Conditional Use Permit: for 63 dwelling units. Please note that in August of 2004 a Conditional Use Permit for 54 dwelling units was approved by the Minneapolis Planning Commission.

Site plan review

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

Background: In July of 2004 the City Planning Commission approved a conditional use permit for the number of dwelling units in the building, a conditional use permit to allow CVS Pharmacy to operate from 6 a.m. to 1 a.m. Sunday through Thursday, and from 6 a.m. to 2 a.m. Friday and Saturday and a

major site plan review to allow a mixed-use development including three commercial spaces and 54 dwelling units. And in August of 2004 the City Council approved a rezoning for the property from C1 to C2 to allow for the development which includes a drive-through facility for the drug store. In 2004, Bear Creek Capitol, representatives for CVS Pharmacy, was the applicant.

For this application Lupe Development Partners is the applicant. Lupe Development Partners is the developer for the housing portion of the project. The applicant is proposing to add an additional nine dwelling units to the building for a total of 63 units. Because the applicant is increasing the number of dwelling units in the building a conditional use permit is required. In addition, because the number of units being added to the building is greater than five a site plan review is also required. Please note that nothing on the site or the size or appearance of the building is changing as a result of the additional dwelling units. To increase the number of units in the building the applicant is proposing to modify the internal layout of the building.

The building will be a four-story mixed-use building including a CVS Pharmacy with a drive-through facility, two additional commercial spaces and 63 dwelling units. All three of the commercial spaces have their own individual entrances off of East Franklin Avenue. The residential portion of the building also has its own entrance off of East Franklin Avenue. All of the dwelling units are located on the upper three floors of the building.

The parking requirement for the residential portion of the development is one parking space per dwelling unit, or 63 parking spaces. The applicant is proposing to have 69 parking spaces located underneath the building for the residents. The parking requirement for the commercial portion of the development is one space per 300 square feet of gross floor area over 4,000 square feet but not less than four spaces per use. The parking requirement for the CVS Pharmacy is 34 spaces. The remaining two commercial spaces are smaller than 4,000 square feet; therefore each commercial space has a parking requirement of four spaces. The total parking requirement for the commercial portion of the development is 42 spaces. The applicant is proposing to have 48 parking spaces in a surface parking lot on-site.

Please note that the applicant has pulled building permits to start constructing the development that was approved in August of 2004. Upon approval, the applicant will need to submit new construction drawings that reflect the increase in dwelling units. Such drawings will need to be approved prior to the construction of the additional nine units.

CONDITIONAL USE PERMIT – for 63 dwelling units

Findings as Required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic Development – 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, comfort or general welfare.**

The Planning Division does not believe that a multiple-family development will be detrimental to 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.

The Planning Division does not believe that a multiple-family development would be injurious to the use and enjoyment of other property in the area. Utilizing the site for a multiple-family development would provide additional opportunities for housing within the neighborhood, would increase the property's value and contribute to the city's tax base.

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

The applicant will be working 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 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 parking requirement for the development is 1.0 parking space per dwelling unit, or 63 parking spaces. The applicant is proposing to have 69 parking spaces, or 1.09 spaces per dwelling unit. All of the parking will be located in one level of parking below the building. Access to the enclosed parking is off of 1st Avenue South. Having only one access point to the parking will minimize traffic congestion in the street.

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

The site is located on the southeast corner of East Franklin Avenue and Nicollet Avenue. East Franklin Avenue is a designated Commercial Corridor and Nicollet Avenue, south of East Franklin Avenue is a designated Community Corridor and north of East Franklin Avenue it is a designated Commercial Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support the development of residential dwellings of appropriate form and density (Policy 9.5).
- Coordinate land uses and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets (Policy 9.27).
- Promote more intensive residential development along these corridors where appropriate (Implementation Step for Policy 9.27).
- Support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered (Policy 9.28).

- Support a mix of uses on these corridors – such as retail sales, office , institutional, higher density residential, and clean low-impact light industrial – where compatible with the existing and desired character of the street (Implementation Step for Policy 9.28).

The applicant is proposing to construct a mixed-use development including 63 dwelling units. The site is located on both a Commercial Corridor and a Community Corridor where higher-density housing is appropriate.

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 permit and the site plan review this development will be in conformance with the applicable regulations of the zoning code.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**
- **The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.**
- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.**
- **In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.**

- **Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.**
- **Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.**
- **Entrances and windows:**
 - **Residential uses:**
 - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
 - a. **Windows shall be vertical in proportion.**
 - b. **Windows shall be distributed in a more or less even manner.**
 - **Nonresidential uses:**
 - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
 - a. **Windows shall be vertical in proportion.**
 - b. **Windows shall be distributed in a more or less even manner.**
 - c. **The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.**
 - d. **First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.**
 - e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
 - **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
- **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent**

of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

PLANNING DEPARTMENT RESPONSE:

- The building reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access along East Franklin Avenue, Nicollet Avenue and 1st Avenue South. The building is set close to the property lines, there are entrances and exits at street level and there are large windows where people can see in and out along all levels of the building.
- The site has frontage on three public streets and is required to be located within eight feet of each property line. The building is located between two and four feet of the property lines along East Franklin Avenue, Nicollet Avenue and 1st Avenue South.
- In between the building and the front and corner side property lines the applicant is proposing to have increased sidewalk widths and landscaping.
- Each of the commercial tenants has a principal entrance facing East Franklin Avenue and one of them is accessible via a secondary entrance facing the surface parking area. The principal residential entrance is also located on the East Franklin Avenue side of the building and also has a secondary entrance facing the surface parking area.
- All of the parking for the residential portion of the development is located in one level of parking below the building. The surface parking lot for the commercial portion of the development is located towards the interior of the site and is screened from the public streets and sidewalks by landscaping and decorative fencing.
- The exterior materials of the building include stone, brick and stucco.
- The exterior materials and appearance of the rear and side walls of the building are similar to and compatible with the front of the building.
- There are no blank, uninterrupted walls over 25 feet in length void of any windows, entries, recesses or projections, or other architectural elements.
- At least 30 percent of the first floor of the building and at least 10 percent of the upper floors of the building along East Franklin Avenue, Nicollet Avenue, 1st Avenue South and the on-site parking lot are required to be windows. The analysis of the project's compliance with these requirements follows:
 - East Franklin Avenue: the percentage of windows on the first floor is 51 percent and the percentage of windows on the second through fourth floors is 13 percent.
 - Nicollet Avenue: the percentage of windows on the first floor is 44 percent and the percentage of windows on the second through fourth floors is 14 percent.
 - 1st Avenue South: the percentage of windows on the first floor is 30 percent and the percentage of windows on the second through fourth floors is 13 percent.
 - On-site parking lot: the percentage of windows on the first floor is 20 percent and the percentage of windows on the second through fourth floors is 18 percent. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than the full 30 percent windows on the side of the building facing the on-site parking lot. Given that there are commercial uses on the first floor of the building the Planning Division believes that it would be impractical to require a 30 percent window requirement on all four sides.
- For non-residential uses, the zoning code requires that at least 30 percent of the walls on the first floor facing a public street, public sidewalk, public pathway or on-site parking lot, be windows 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. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.

- Per the conditions of approval in 2004, CVS Pharmacy was permitted to use one-half of their window area for display purposes. Shelving units and display cases were to be no taller than five feet. The other two commercial spaces were required to adhere to the requirements of the zoning code. The Planning Division is recommending that CVS Pharmacy be allowed to use one-half of their window area for display purposes and that the remainder of the commercial spaces comply with the requirements of 530.120.
- The roof line of the building is proposed to be flat, similar to roof lines of other building in the area.

ACCESS AND CIRCULATION:

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

PLANNING DEPARTMENT RESPONSE:

- All of the entrances facing East Franklin Avenue are directly connected to the public sidewalk and a series of painted crosswalks in the parking lot connects the public sidewalk along Nicollet Avenue to the building entrance on the south side of the building.
- The site has been designed with two vehicular access points leading to the commercial parking area and one vehicle access point leading to the residential parking area. One of the access drives for the commercial parking area is located along Nicollet Avenue and the other is located along 1st Avenue South. The access drive to the residential parking area is located along 1st Avenue South. The two access points along 1st Avenue South are located 22 feet from one another. This layout has been approved by Public Works.
- There is no maximum impervious surface requirement in the C2 zoning district. Twenty percent of the site, minus the building, is required to be green space. According to the applicant's landscaping plan 22 percent of the site not occupied by the building is green space.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

PLANNING DEPARTMENT RESPONSE:

- **The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 53,127 square feet. The footprint of the building is 22,989 square feet. When you subtract the footprint from the lot size the resulting number is 30,138 square feet. Twenty percent of this number is 6,028 square feet. The applicant has a total of 6,743 square feet, or 22 percent of the site is landscaped.**
- **The zoning code requires at least 1 tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 12 and 60 respectfully. The applicant is providing a total of 11 canopy trees and 172 shrubs on the site. The applicant is also providing six ornamental trees and three evergreen trees on the site. In addition, the applicant is providing five canopy trees in the right-of-way along East Franklin Avenue and two canopy trees in the right-of-way along Nicollet Avenue. The Planning Division is recommending that the applicant meet the tree requirement on the site.**

- A landscaped yard is required along the south interior property line on the east side of the site. Landscaping equal to 60 percent opacity is required around the parking lot in order to screen it from the adjacent property. The applicant is proposing to have a combination of a decorative fence and landscaping equal to 60 percent opacity along the south property line.
- The zoning code requires that a 7-foot wide landscaped yard be provided along a public street, sidewalk or pathway when adjacent to a parking lot with less than 100 parking spaces. Along 1st Avenue South there is five feet of landscaping between the property line and the parking lot and there is two feet of landscaping in the right-of-way adjacent to the property line. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than seven feet of landscaping on the site between the property line and the parking lot given that combined with the landscape area in the right-of-way there it a total of seven feet.
- Screening equal to 60 percent opacity is required around parking lots in order to screen them from a public street, sidewalk or pathway. The applicant is proposing to have a combination of a decorative fence and landscaping equal to 60 percent opacity along both Nicollet Avenue and 1st Avenue South.
- For each 25 linear feet of parking or loading areas along a public street, at least one tree needs to be provided. This requirement is being met.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. All of the parking spaces are located within 50 feet of an on-site deciduous tree. There are two tree islands located in the interior of the parking lot. Both of them measure six feet in width. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow the tree islands to be less than seven feet in width. The arrangement of the parking lot allows for 22-foot wide drive aisles and an off-street loading space. If the width of the tree islands were to be increased the loading space would not be able to accommodate the size of trucks anticipated.

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.**
- **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.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
 - **Natural surveillance and visibility**
 - **Lighting levels**

- **Territorial reinforcement and space delineation**
- **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

PLANNING DEPARTMENT RESPONSE:

- Stormwater runoff will be drained to an underground infiltration system that will be installed in the parking lot area of the site.
- A lighting plan was approved as part of the construction documents for building permit purposes. The applicant is not proposing to make any changes to the approved lighting plan.
- This building should not block views of important elements in the city.
- This building should cast minimal shadows on surrounding properties.
- This building should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as there are large windows and balconies where people can see in and out along all levels of the building, there are lights located near all of the pedestrian and vehicular entrances and walkways direct visitors directly to the building entrances.
- The east half of the site is located in the Washburn-Fair Oaks Historic District. The Heritage Preservation Commission (HPC) reviewed the development on July 13, 2004, and March 22, 2005. It was determined that because the only changes to the development are taking place on the inside of the building that another review by the HPC was not necessary. As part of the approval by the HPC it was conditioned that the through-the-wall HVAC units be located on the side walls of the recessed balconies. The plans that were submitted for this application show the through-the-wall HVAC units for the corner units along East Franklin Avenue facing the street. To be in compliance with the approvals of HPC all HVAC units shall be located on the side walls of the recessed balconies. In addition, the awnings over the two entrances along East Franklin Avenue were not approved as part of the application by the HPC. The Planning Division is recommending that the plans meet all conditions of approval from the HPC.

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

ZONING CODE:

- **Use:** Residential uses over five dwelling units require a conditional use permit in the C2 zoning district.
- **Off-Street Parking and Loading:** The parking requirement for the residential portion of the development is one parking space per dwelling unit, or 63 parking spaces. The applicant is proposing to have 69 parking spaces located underneath the building for the residents. The parking requirement for the commercial portion of the development is one space per 300 square feet of gross floor area over 4,000 square feet but not less than four spaces per use. The parking requirement for the CVS Pharmacy is 34 spaces. The remaining two commercial spaces are smaller than 4,000

square feet; therefore each commercial space has a parking requirement of four spaces. The total parking requirement for the commercial portion of the development is 42 spaces. The applicant is proposing to have 48 parking spaces in a surface parking lot on-site.

- **Maximum Floor Area:** The maximum FAR in the C2 zoning district is 1.7. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a maximum FAR of 2.04. The lot in question is 53,127 square feet in area. The applicant proposes a total of 90,386 square feet of gross floor area, an FAR of 1.70.
- **Building Height:** The height requirement in the C2 zoning district is four stories or 56 feet, whichever is less. The applicant is proposing to construct a four-story building that measures 53 feet 10 inches in height.
- **Minimum Lot Area:** The minimum lot area per dwelling unit in the C2 zoning district is 900 square feet. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a minimum lot area of 763 square feet per dwelling unit. With 63 proposed dwelling units on a lot of 53,127 square feet, the applicant proposes 843 square feet of lot area per dwelling unit.
- **Yard Requirements:** This development is located in the C2 zoning district. The front yard setback requirement for this building is zero feet. However, because there are residential dwelling units in the building to the north a setback similar to the setback of the building to the north must be maintained for the first 40 feet south of the north property line. The building is proposed to be setback 13.5 feet for the first 40 feet south of the north property line along Minnehaha Avenue. This is the established setback of the building to the north. The interior side yard and rear yard setback requirements for this building are $5+2x$, where x equals the number of stories above the first floor. The resulting setback along these two sides of the building is 11 feet. The corner side yard setback requirement for this building is zero feet. All of these setbacks are being met.
- **Specific Development Standards:** There are no specific development standards for residential uses. The applicant has not identified any commercial uses that are subject to any specific development standards
- **Hours of Operation:** Residential uses are not subject to hours of operation. However, commercial uses are subject to hours of operation. The hours of operation for the C2 District are Sunday through Thursday, 6 am to 10 pm and Friday and Saturday, 6 am to 11 pm. In July of 2004 the City Planning Commission approved a conditional use permit to allow CVS Pharmacy to operate from 6 a.m. to 1 a.m. Sunday through Thursday, and from 6 a.m. to 2 a.m. Friday and Saturday.
- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the C2 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall unless there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall.

Wall signs are limited to 180 square feet in size and projecting signs are limited to 16 square feet in size and shall not project outward from the building by more than four feet. The maximum height for both wall signs and projecting signs is 24 feet and wall signs are not permitted to extend above the roofline of the building. Freestanding signs are limited to 80 square feet and can be no taller than 25 feet. Finally, if there is a freestanding sign on the site than there shall not be any projecting signs on the building.

The applicant is proposing to have seven wall signs or sign locations on the building. In total there is 140 square feet of signage or sign location dedicated on the building. None of the signs or sign locations exceeds 14 feet in height.

- **Refuse storage:** The applicant is proposing to have a refuse storage area inside the building for the residential portion of the development and an enclosed refuse storage area towards the south end of the site for the commercial portion of the development.

MINNEAPOLIS PLAN:

The site is located on the southeast corner of East Franklin Avenue and Nicollet Avenue. East Franklin Avenue is a designated Commercial Corridor and Nicollet Avenue, south of East Franklin Avenue is a designated Community Corridor and north of East Franklin Avenue it is a designated Commercial Corridor. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment (Policy 9.6).
- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods (Implementation Step for Policy 9.6).
- Support urban design standards that emphasize a traditional urban form in commercial areas (Policy 9.11).
- Orient new buildings to the street to foster safe and successful commercial nodes and corridors (Implementation Step for Policy 9.11).

The Planning Division believes that the proposed development is in conformance with the policies of *The Minneapolis Plan*. The development is traditional in its siting on the property, has large storefront windows along the street frontages and has access doors into the individual uses at the street.

ALTERNATIVE COMPLIANCE:

- **The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:**
- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have**

been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.

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

PLANNING DEPARTMENT RESPONSE:

- The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than the full 30 percent windows on the side of the building facing the on-site parking lot. Given that there are commercial uses on the first floor of the building the Planning Division believes that it would be impractical to require a 30 percent window requirement on all four sides.
- The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than seven feet of landscaping on the site between the property line and the parking lot given that combined with the landscape area in the right-of-way there it a total of seven feet.
- The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow the tree islands to be less than seven feet in width. The arrangement of the parking lot allows for 22-foot wide drive aisles and an off-street loading space. If the width of the tree islands were to be increased the loading space would not be able to accommodate the size of trucks anticipated.

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 above findings and **approve** the conditional use permit application for 63 dwelling units located at 5 East Franklin Avenue, 15 East Franklin Avenue, 2000 1st Avenue South and 2020 1st Avenue South subject to the following conditions:

1. The residential portion of the development shall have and maintain a separate entrance than the commercial portion of the development.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the site plan review application for a mixed-use development including a CVS Pharmacy, two additional retail spaces and 63

Department of Community Planning and Economic Development – Planning Division
BZZ-2998

dwelling units located at 15 East Franklin Avenue, 2000 1st Avenue South and 2020 1st Avenue South subject to the following conditions:

1. One-half of the window area for CVS Pharmacy may be utilized for display purposes. Shelving units and display cases shall be no taller than five feet.
2. The remainder of the commercial spaces shall comply with the window requirements as required per section 530.120.
3. There shall be a total of 12 canopy trees provided on the site.
4. The plans shall meet all conditions of approval from the HPC.
5. Approval of the final site, landscaping, fence and elevation plans by the Community Planning and Economic Development Department – Planning Division.
6. All site improvements shall be completed by June 12, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Project information and conditional use permit findings
2. April 28, 2006, letter fro Council Member Lilligren
3. April 28, 2006, letter to the Whittier Alliance
4. July 23, 2004, and July 19, 2005, final action letters from HPC
5. Zoning Map
6. Site plan, floor plans and elevations
7. Photographs of the site and surrounding area