

**Department of Community Planning and Economic Development - Planning Division**  
Conditional Use Permit and Variances  
BZZ-4310

**Date:** March 2, 2009

**Applicant:** Cedar Lake Revival, LLC

**Address of Property:** 1822 E Lake Street

**Project Name:** N/A

**Contact Person and Phone:** Hamoudi Sabri (612) 722-4000

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

**Date Application Deemed Complete:** February 6, 2009

**End of 60 Day Decision Period:** April 7, 2009

**Ward:** 9     **Neighborhood Organization:** East Phillips

**Existing Zoning:** C2 Neighborhood Corridor Commercial District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 26

**Legal Description:** Not applicable for this application.

**Proposed Use:** Shopping center, coffee shop and three residential units

**Concurrent Review:**

**Conditional Use Permits:** To allow a shopping center in the C2 District

**Variance:** To reduce the off-street vehicle parking requirement.

**Variance:** To reduce the drive aisle width from 22 feet to 18.5 feet.

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits; Chapter 525 Article XI, Variances, Chapter 548, Commercial Districts

**Background:** The site contains an existing building that has previously been used as retail with three existing residential units on the second floor. The applicant is proposing to convert the first floor of the building to a shopping center with nine tenant spaces, including seven retail/office spaces, a pharmacy and a coffee shop. The first floor is designed as a unified development of nine commercial uses operated under common ownership and management with common walls and entrances that open into a common hallway. Therefore, the first floor is a shopping center. In addition, three residential units are

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located on the second floor of the building. Specifically, the building contains one studio unit at 545 square feet, and two one bedroom units at 750 square feet and 775 square feet.

In addition to the conditional use permit for a shopping center, two variances have been requested. The first variance is to reduce the off-street parking requirement. However, since the publishing of the public hearing notice, the applicant has submitted a revised site plan and floor plan for the project that no longer necessitates a parking variance. The second variance is to reduce the drive aisle width in the northeast corner of the property, adjacent to the alley, from 22 feet to 0 feet.

If the requested applications are approved, the shopping center use is subject to specific development standards. The specific development standards for a shopping center are as follows:

- (1) Only uses allowed in the zoning district in which the shopping center is located shall be allowed in the shopping center.
- (2) Uses which require a conditional use permit, site plan review or other land use approval shall comply with all review and approval requirements of this zoning ordinance.
- (3) 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.

The site is in the East Phillips neighborhood. No correspondence has been received from the neighborhood group as of the writing of this report. Staff will forward any comments, if received, at the City Planning Commission meeting.

### **CONDITIONAL USE PERMIT (to allow a shopping center use in a C2 District)**

#### **Findings as required by the Minneapolis Zoning Code for the conditional use permit:**

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

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

This site is zoned C2 Neighborhood Corridor Commercial District and is on a commercial corridor. The building is existing and has previously been utilized as a mixed-use building with retail on the first floor. By connecting the proposed first-floor tenant spaces with an interior hallway, the project is defined as a shopping center under the zoning code. The uses located within the building are permitted in the C2 District. The use of the shopping center should have little impact on the surrounding area, provided the minimum vehicle parking requirement is satisfied. In addition, the shopping center will not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances.

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- 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 site is bordered by commercial uses to the south and west, with a multi-family residential building to the north and Pioneers and Soldiers Memorial Cemetery across Cedar Avenue to the east. The first floor of the building has been a commercial (retail) use since at least 1927. The use of the site as a shopping center should not be detrimental to the surrounding area provided the parking requirement is met. Lake Street is a designated commercial corridor, and the proposed retail, office and coffee shop uses are appropriate uses on a commercial corridor. Cedar Avenue, on the east side of the site, is a designated community corridor. The existing building is located up to the street and has entrances onto the street in conformance with the goals of traditional urban design. The proposed uses should have little effect on surrounding properties.

The parking area on the site is required to meet the landscaping and screening provisions in the Design and Maintenance section of Chapter 541. An existing fence is located on the south side of the parking area, adjacent to the public sidewalk, bringing this portion of the site into compliance. This fence was installed as part of the Lake Street reconstruction. Staff recommends that a pedestrian connection be preserved adjacent to this fence to allow pedestrians to enter the site from the public sidewalk on Lake Street. The view of the parking area from the north is screened from the adjacent residential property by the existing building. For the paved area located in the northeast corner of the site, staff recommends that a decorative fence be installed between the paved area and the public sidewalk, similar to the decorative fence on the Lake Street side.

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

Utilities and access roads are existing and adequate. Alley access to the site is existing as well.

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

The applicant has submitted an application for a variance to reduce the required vehicle parking. However, a revised site plan and floor plan were submitted after the public hearing notice was published and the project no longer requires a vehicle parking variance. The parking requirement for the use is 18 stalls. The site has grandfather rights to 7 parking stalls, thirteen vehicle parking stalls have been provided and eight bicycle parking stalls have been provided, equating to one required vehicle parking stall. Thus, the minimum parking requirement is satisfied.

Three of the proposed physical parking spaces also require a variance to the minimum drive aisle width. However, it appears as though the new configuration of the first floor shopping center meet the minimum vehicle parking requirement without these three parking stalls, which will in turn help to minimize traffic congestion in public streets.

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

*The Minneapolis Plan* designates this portion of Lake Street as a commercial corridor. The plan states that, “Commercial Corridors are streets that are available for development including more intensive commercial and high traffic activities. The buildings and structures on these streets are generally similar to traditional commercial storefronts and the siting and massing of new structures should respect this typology. These corridors must balance both pedestrian and automobile orientation in their design and development. The corridors support all types of commercial uses, with some light industrial and high density residential uses as well. While the character of these streets is commercial, residential areas are nearby and impacts from commercial uses must be mitigated as appropriate.”

In the *Minneapolis Plan for Sustainable Growth*, Lake Street is again identified as a commercial corridor. On the east side of the site, Cedar Avenue is identified as a Community Corridor. The future land use map calls for mixed-use development on the site. The proposed shopping center in a mixed-use building is consistent with the intent of the Comprehensive Plan.

The site is also in the Hiawatha/Lake Transit Station Area (TSA). *The Minneapolis Plan* states the following about TSA’s:

Transit Station Areas (TSAs) are designated on the Land Use Policy Map. The Minneapolis Plan does not delineate the precise geographic extent of these policy areas. The following general characteristics should be used to guide policy application and implementation steps in these areas:

- TSAs will be the subject of established master plans that identify and/or prioritize areas for change (and preservation), as well as specific goals and objectives for redevelopment, public infrastructure, density and urban design.
- TSAs are areas approximately one-half mile in radius from transit stations, reflecting an understanding that most walking trips to and from transit stations are ten minutes or less in duration. Density, urban design, and public infrastructure is, therefore, especially critical in these areas. The actual size of this area is influenced by directness of routes, physical barriers, and the potential for those barriers to be bridged.
- Potential TSA densities and/or redevelopment opportunities are generally highest within 1/4 mile of the transit station, but are also dependent upon factors such as existing neighborhood character and land cost and availability.
- TSA development is designed with the pedestrian, bicyclist, and/or transit user in mind.
- TSA development serves individuals who are more likely to use transit (e.g., residents of multi-family housing and office and retail workers)

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- TSA development includes small-scale retail services that are neighborhood in scale and from which pedestrians, bicyclists, and/or transit riders are likely to benefit (e.g., coffee shop, day care, dry cleaners, small-scale grocery, flower shop)

### **4.18 Minneapolis will encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users.**

#### **Implementation Steps**

Explore and pursue opportunities to integrate development with transit stations.

Concentrate highest densities and mixed-use development nearest the transit station and/or along Commercial Corridors, Community Corridors and/or streets served by local bus transit.

Ensure that new development density is well integrated with existing neighborhood character through transitions in scale and attention to design.

Support the development of new housing types in the TSA, including townhomes, mansion apartments, garden apartments, granny flats/carriage houses, and multi-family residential buildings.

Support and encourage small-scale, pedestrian-oriented services and retail uses to locate near stations and within mixed-use buildings to serve transit riders and the immediate neighborhood (e.g., day care centers, cafés, dry cleaners, convenience grocery, etc.).

Recruit land uses that value convenient access to downtown Minneapolis or other institutional or employment centers that are well served by transit.

Discourage automobile services and drive-through facilities from locating or expanding in these designated areas.

### **4.19 Minneapolis will require design standards for TSAs that are oriented to the pedestrian and bicyclist and that enforce traditional urban form.**

#### **Implementation Steps**

Ensure that TSA building and site design is oriented to the pedestrian (e.g., reinforcing street walls, anchoring street corners, creating semi-public outdoor spaces, creating visual interest, providing adequate fenestration, and ensuring that principal building entrances open onto public sidewalks).

Preserve traditional urban form where it currently exists within TSAs, and encourage new development to relate to this context. (See description of traditional urban form in *Chapter 9, City Form*)

Work in partnership with neighborhoods and businesses to enhance the safety and aesthetics of TSA streets and sidewalks through installation of streetscape elements (e.g., lighting, trees, and street furniture).

Ensure that new development and renovation of existing structures adhere to the principles of Crime Prevention Through Environmental Design (CPTED) (See description of building form and context in *Chapter 9, City Form*.)

Ensure that TSA development is well integrated into the surrounding neighborhoods through attention to building design, landscaping, and transitions in density and land use.

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**4.20 Minneapolis will provide direct connections to transit stations for pedestrians, bicyclists, and bus riders.**

**Implementation Steps**

Design streets, sidewalks, and other public infrastructure to prioritize pedestrian, bus and bicycle access to transit stations (e.g., create wider sidewalks; construct pedestrian bridges, tunnels, and plazas; add bicycle lanes and parking; create bus lanes, pull-outs, and waiting facilities.)

Work with transit service providers to ensure that bus connections to transit stations are safe, attractive and easy to use (e.g., establish appropriate signage and waiting facilities on important connecting local bus routes)

Enhance pedestrian connections to stations where walking environments are unsafe or uninviting (e.g., buffering pedestrians from traffic, reducing intersection crossing distances, installing traffic control devices, limiting the size and number of curb cuts, improving streetscapes including lighting and landscaping, installing public art, etc.)

Mitigate physical barriers that prevent easy access for pedestrians to the stations (e.g., bridging highways or high-volume roadways, creating safe pedestrian underpasses, acquiring new public rights-of-way and passages, etc.)

Enhance pedestrian connections and wayfinding from neighborhoods with high concentrations of transit users.

Work in partnership with neighborhoods and businesses to ensure that primary pedestrian and bicycle routes are well maintained, free of obstacles, and cleared of snow and litter.

Establish working relationships with institutions, large employers, and/or landowners to encourage transit use and improve wayfinding to/from transit.

**4.21 Minneapolis recognizes that parking is a necessary part of the urban environment, but will limit the amount, location, and design of parking in TSAs in order to encourage and support walking, bicycling, and transit use.**

**Implementation Steps**

Establish upper limits on the amount of off-street parking so that walking, bicycling and transit use are not discouraged.

Allow reductions in minimum off-street parking requirements.

Support shared use of parking by commercial uses with different peak periods of parking demand.

Restrict the location of off-street parking for new development to the side or rear of buildings, so that there are direct connections between the public sidewalk and the principal entrances of buildings.

Limit the amount of street frontage for new off-street parking lots and require landscaping between parking lots and public sidewalks.

Provide density bonuses for land uses that provide parking underground or within structures.

Use parking meters and other parking management practices to ensure an adequate supply and turnover of on-street parking for commercial activities.

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Discourage long-term on-street parking by non-residents.

Work in partnership with the Metropolitan Council to evaluate and address the impact of automobile traffic and parking generated by the presence of transit stations.

Limit parking facilities in neighborhoods that are exclusively for the use of transit riders.

Work in partnership with other entities to identify opportunities for shared parking facilities to strategically support the development within TSAs.

The use of the site for a shopping center as proposed is in conformance with the above noted goals of the comprehensive plan, as it has a mix of uses and the existing building is designed with principals of traditional urban design.

**6. The conditional use, 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.**

The establishment of shopping center will conform to the applicable regulations of the district in which they are located provided the drive aisle variance is approved or the parking area is modified in a manner that would no longer require said variance.

**VARIANCE (to reduce the required vehicle parking)**

**Findings Required by the Minneapolis Zoning Code:**

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

As stated above, the floor plan for the shopping center has been modified since the publication of the public hearing notice so that a vehicle parking variance is no longer required. The vehicle parking requirement for the uses is as follows:

	Requirement	Uses Exempt	Spaces Required	With PO Reduction
Three dwelling units	One space per dwelling unit	0	3 spaces	2.7 spaces
Coffee Shop: 650 square feet	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 (Minimum of 4 spaces)	0	4 spaces	3 spaces
8 retail/office spaces: 125-350 square feet	1 space per 500 sq. ft. of GFA in excess of 4,000 sq. ft. (minimum of 4 spaces). Up to four uses less than 1,000 square feet are exempt.	4	16 spaces	12 spaces
Vehicle Parking Requirement				18 spaces

As shown above, the parking requirement for the proposed uses, with all reductions and exemptions, is 18 spaces. The site has grandfather rights to 7 spaces, three for the existing dwelling units and four for the previous retail use of the ground floor. The applicant is proposing to provide 13 physical vehicle

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parking stalls and eight bicycle parking stalls. The combined total of physical parking stalls and grandfathered parking stalls equates to 20 stalls. The bicycle parking provided is the equivalent of one additional vehicle parking stall. However, three of the proposed parking stalls require a drive aisle variance, which has also been requested. Staff recommends that these parking stalls be removed, as they are not required to meet the minimum vehicle parking requirement. In the event these three parking stalls are removed the site will have ten physical parking stalls, grandfather rights to seven parking stalls and four of the bicycle parking stalls are equivalent to one additional parking stall, for a total of 18 parking stalls. Thus, the minimum vehicle parking requirement is satisfied.

Staff recommends that the application for a variance to reduce the vehicle parking requirement be returned to the applicant, as the revised floor plan no longer requires said variance.

### **VARIANCE (to reduce the minimum drive aisle width from 22 feet to 0 feet)**

#### **Findings Required by the Minneapolis Zoning Code:**

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

The zoning code requires a 22-foot drive aisle for two-way traffic. The applicant is proposing a drive aisle 0 feet in width in the northeast corner of the site. Essentially, three parking stalls directly abut the alley in this location. This drive aisle will serve three parking stalls only. A second driveway leads to an additional ten parking stalls on the west side of the site. The potential width of the drive aisle is limited due to the placement of the existing building.

However, as stated above, modifications have been made to the floor plan to eliminate the need for a parking variance. These modifications have been done in a manner that meets the minimum vehicle parking requirement without the three parking stalls proposed in the northeast corner of the site. In that regard, the site can be put to reasonable use without a variance to the minimum drive aisle width.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The physical situation of the site is existing, including building placement and placement of drive aisles and parking stalls. The conversion of the building into a shopping center has created a need for additional parking, including the three spaces in the northeast corner of the site where a drive aisle variance is required. As stated above, the floor plan has been revised in a manner that no longer requires these three parking stalls. Therefore, staff does not find that an undue hardship exists under the terms of the ordinance as the parking stalls are not required.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

A 22-foot drive aisle is required to allow sufficient maneuvering area for vehicles and minimize traffic conflicts. The reduction in width of the drive aisle to zero feet would require vehicle maneuvering off-

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site, specifically in the alley and potentially on the property to the north. The three parking stalls that would require a drive aisle variance are located in the extreme northeast corner of the site, only 15 feet from Cedar Avenue S. Any vehicles that utilize these parking stalls and rely on the alley for maneuvering may create conflicts with traffic on Cedar Avenue S, and other alley traffic. A second parking lot is located on the north side of the subject alley, with nine spaces serving the adjacent residential building. Vehicles accessing these parking stalls also rely on the alley for maneuvering, increasing the potential for traffic conflicts. The granting of a variance may therefore be injurious to the use or enjoyment of adjacent properties.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The proposed drive aisle is in close proximity to Cedar Avenue S and would require vehicles accessing the three parking stalls in the northeast corner of the site to rely on the alley for maneuvering. Maneuvering in the alley may create conflicts with traffic on Cedar Avenue S and other alley traffic. The requested drive aisle variance may therefore affect street traffic and ultimately endanger the public safety. The paved area where the three parking stalls in question are located may remain to provide access to the trash enclosure. However, staff recommends that no parking be provided in this corner of the site. In the event that the three parking stalls are removed from the site plan, staff recommends that the drive aisle variance be returned to the applicant.

### **RECOMMENDATIONS:**

#### **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 adopt the findings above and **approve** the conditional use permit for a shopping center in the C2 District, located at 1822 E Lake Street, subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permits shall expire if it is not recorded within one year of approval.
2. The applicant shall install a decorative fence adjacent to the paved area in the northeast corner of the site to meet the required landscaping and screening provisions in Article VII of Chapter 541.
3. The applicant will meet the specific development standards for Shopping Center in section 536.20 of the zoning code.

#### **Recommendation of the Community Planning and Economic Development Department - Planning Division for the variance:**

The CPED Planning Division recommends that the City Planning Commission **return** the variance to reduce the required number of off-street parking stalls for property located at 1822 E Lake Street.

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

The CPED Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to reduce the minimum drive aisle width from 22 feet to 0 feet for property located at 1822 E Lake Street. In the event that the three parking stalls in the northeast corner of the site are removed, staff recommends that the application for a variance to reduce the drive aisle width be returned to the applicant.

**Attachments:**

1. Statement from applicant.
2. Zoning map.
3. Site plans and elevations.
4. Floor plans.
5. Photos.