

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

Conditional Use Permit, Variances, Site Plan Review and Minor Subdivision
BZZ-3572 and MS - 174

Date: June 11, 2007

Applicant: Ryan Companies US, Inc.

Addresses of Property: 320, 330, 332, 334 and 340 East Lake Street

Project Name: M&I Bank – East Lake Street Branch

Contact Person and Phone: John Montgomery, (612) 492-4478

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: May 18, 2007

End of 60-Day Decision Period: July 17, 2007

Ward: 6 **Neighborhood Organization:** Phillips West Neighborhood Organization,
adjacent to Central Area Neighborhood Development Association

Existing Zoning: C2 Neighborhood Corridor Commercial District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 25

Legal Description: See attached survey

Proposed Use: New construction of a bank or financial institution

Concurrent Review:

- Amendment of the conditional use permit to allow for a shopping center.
- Variance to reduce the minimum lot area requirement from 12,000 square feet to 8,731 square feet to allow for a new bank with a drive-through facility.
- Variance to reduce the minimum off-street parking requirement for an existing shopping center from 38 parking stalls to 21 parking stalls (following a previous variance that was granted to reduce the parking from 55 to 38 parking stalls).
- Variance to increase the maximum height of a freestanding sign from 25 feet to 32 feet.
- Site plan review for an existing shopping center
- Site plan review for a proposed financial institution

- Minor subdivision

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 548, Article I, Commercial Districts, Chapter 525, Article IX, Variances and Chapter 530 Site Plan Review, Chapter 598 Subdivisions

Development Plan: The survey shows the existing and proposed development.

Background: The 4th and Lake Development, LLC assembled 32,044 sf of contiguous land bound by 4th Street and Clinton Avenues South that fronts Lake Street as part of a land use review in 2004 to allow for a shopping center. The City Planning Commission approved the rezoning petition, conditional use permit, parking variance and site plan review application; and the City Council and Mayor gave final approval of the rezoning petition for the La Hacienda Plaza development under the previous land use applications (BZZ 1887). The applicant is now applying for the above mentioned land use applications in order to allow for a new development of a financial institution on the corner of East Lake Street and Clinton Avenue South, the previous location of the Hickory Hut, which is now currently vacant. In order to construct the proposed financial institution, the applicant is applying to amend the previously approved CUP for a shopping center, a variance to the lot area requirement to allow for a financial institution with a drive-through, a parking variance to decrease the required number of stalls for the existing shopping center, a variance to increase the maximum height of a freestanding sign that will be relocated to the La Hacienda Plaza property, site plan review of all contiguous property and a minor subdivision to allow for the proposed financial institution on its own zoning lot.

The City Council member-Ward 6, Phillips West Neighborhood Organization, and the Central Area Neighborhood Development Association were notified the proposal under consideration by the commission. Staff has not yet received any correspondence from the above mentioned entities at the time of writing this staff report.

CONDITIONAL USE PERMIT – amendment for an existing shopping center.

Findings as required by the Minneapolis Zoning Code:

The 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 proposed changes to the property and continued operation of a shopping center on a commercial street at this location will not 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 proposed changes to the property and operation of a shopping center on this site will continue provide an opportunity for several small businesses to offer goods and services to consumers. A shopping center 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.

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

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

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

The applicant has applied for a parking variance due to the decrease in the number of stalls due to the proposed development of the financial institution. They have requested a reduction from 38 to 21 required spaces on the proposed site plan. The La Hacienda Plaza shopping center previously received a variance to reduce the required number of stalls from 55 to 38 in 2004.

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

MINNEAPOLIS PLAN: *The Minneapolis Plan* designates Lake Street as a commercial corridor. Commercial Corridors are streets that are available for development including more intensive commercial and high traffic activities. However, commercial corridors must also balance both pedestrian and automobile orientation in their design and development. The subject property is located on the North side of Lake Street in the general vicinity of Interstate 35W. The use of the site for commercial purposes is generally consistent with the following policies and implementation steps of the comprehensive plan. These policies were selected because the site is located on a commercial corridor and the development proposal consists primarily of existing buildings and parking spaces.

4.1 Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods.

Implementation Steps

Develop standards based on a recognition of the qualities that make urban corridors desirable, viable and distinctly urban, including; diversity of activity,

safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety

of uses to encourage walking, and architectural elements which add interest at the scale of the pedestrian.

Designate certain streets as commercial corridors with the adoption of this Plan.

4.3 Minneapolis will 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.

Implementation Steps

Designate a network of Commercial Corridors.

Support a mix of uses on Commercial Corridors--such as retail sales, office, institutional, higher density residential (including Major Housing Sites where designated), and clean low-impact light industrial--where compatible with the existing and desired character of the street.

Ensure that commercial uses do not negatively impact nearby residential areas.

Regulate impacts of commercial uses, and in some cases prevent some uses from locating on designated Commercial Corridors, due to their adverse impacts on the viability of nearby residential areas.

Develop parking facilities and management strategies that balance the following goals: improved customer access, protection of sidewalk traffic; reduced visual impacts and shared use of parking facilities.

Develop economic development incentives for the rehabilitation, re-use and revitalization of older or historic commercial buildings and districts.

Ensure that parking structures and surface lots conform with identified design principles.

Reduce the impact of non-residential uses on neighboring residential areas by considering appropriate access, buffering between incompatible uses and regulating hours of operation.

Require that street design for Commercial Corridor streets provide automobile access and parking in keeping with traditional urban form

Require that street designs provide high quality access to Commercial Corridors for pedestrians and cyclists, as well as facilitate transit service and through passage of traffic.

4.4 Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the

use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

Implementation Steps

Provide for a range of commercial districts that provide the services required by the residents and businesses.

Plan, implement and monitor projects and programs that encourage and support the city's neighborhood commercial areas.

Encourage the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.

Maximize the effectiveness of city support services and continue to build successful partnerships with the business community, neighborhood groups and other interested parties.

Maintain and strengthen the character and marketability of small-scale commercial areas throughout the city through technical and financial assistance to qualified neighborhood businesses, neighborhood based business associations and local development corporations.

Continue to promote the creation of neighborhood based business associations and local development corporations where they will be most effective in promoting local business interests.

Encourage coordination and communication between business associations and neighboring residents groups.

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

The applicant has applied for parking variances, a sign variance and alternative compliance for landscaping percentages of the both proposed properties and shrub count for the existing shopping center in order for the proposed site plan to conform to the applicable regulations of the zoning district. A shopping center is a conditional use in the C2 zoning district.

VARIANCE – to reduce the minimum lot area requirement from 12,000 square feet to 8,731 square feet to allow for a new bank with a drive-through facility.

Findings Required by the Minneapolis Zoning Code:

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

The applicant is seeking a variance to reduce the required lot area from 12,000 sq. ft. to 8,731 sqft. (27.2 %) to allow for the construction of a new financial

institution with a drive-through facility. The intent of the ordinance is to allow for adequate maneuvering area, drive aisles and parking areas on a site. The M&I Bank property will have easement access for customers from the La Hacienda Plaza property along Clinton Avenue South and has proposed a new curb cut to allow for traffic to exit the drive-through also on Clinton Avenue South. The proposed financial institution with the drive-through facility is a reasonable use of the property due to the shared two-way access over the La Hacienda Plaza property. Strict adherence to the regulations would not allow for the proposed drive-through facility.

- 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 conditions upon which the variance is requested are unique to the parcel of land and were not created by the applicant. The property, as it currently exists, is used for a shopping center. It is the property owners' proposal to subdivide the parcel in order to allow for the new M&I Bank building and property. The lot, as proposed, is 8,731 sq. ft. and maximizes the existing La Hacienda Plaza property and M&I Bank property. The applicant would need to acquire an additional 3269 sq. ft. of land to construct the proposed financial institution with a drive-through facility. Based on the site plan, the additional area would further decrease the required parking for the existing shopping center and devote additional parking to the bank, which already has 7 spaces in excess. Staff does not believe the existing lot size of the property is not a circumstance created by the applicant.

- 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.**

Staff believes that granting the lot area variance will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity. Staff believes that the proposed financial institution with the drive-through fits the character of the surrounding area, which is a mixture of commercial uses along Lake Street.

- 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.**

Granting the lot area variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed financial institution with a drive-through be detrimental to the public welfare or endanger the public safety since the applicant is providing on-site parking spaces.

VARIANCE – to reduce the required parking for one restaurant and the commercial uses at the site from 38 to 21 parking stalls.

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 existing parking is currently devoted to the La Hacienda Plaza shopping center and includes 38 parking stalls. A previous variance was granted to reduce the minimum parking requirement from 55 stalls to 38 stalls in 2004. The applicant is proposing to subdivide the property to allow for a new financial institution on the corner of Clinton Avenue South and East Lake Street, which will have separate ownership from the La Hacienda Plaza shopping center. The proposed parking for the existing shopping center will be reduced from 38 parking stalls to 23 parking stalls (14 standard, 7 compact and 2 handicapped stalls). Only 5 of the compact stalls may be counted towards the required number of stalls, because they cannot exceed 25% of the required number of stalls, therefore the applicant is applying to reduce the required number of stalls from 38 to 21. The bank will have 11 stalls (10 standard and 1 handicapped stall) and have a shared parking agreement with the La Hacienda Plaza shopping center for parking after hours. Strict adherence to the regulations of this zoning ordinance could cause undue hardship, by not allowing the proposed subdivision. Based on the proposed shared parking agreement, the proposed variance to the existing shopping center is a reasonable use of the property.

- 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 circumstances for which the variance is sought are unique to the parcel of land and have not been created by the applicant. The proposed site plan of the shopping center consists of a 15,088 sq. ft. building and 23 parking spaces. The applicant has stated that observation of the parking lot has shown that it is underutilized and on-street parking is readily available. The subject site is located on a commercial corridor as defined by the Minneapolis Plan. Lake Street has frequent bus service and the area also experiences consistently high-levels of pedestrian traffic. The subject site does not permit any area sufficient enough in size to allow for any off-street parking area. The applicant would need to acquire additional property to provide the required 15 spaces. The constraints of the site

have been created by the existing building location and the size of the lot and are not circumstances created by the applicant.

- 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.**

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. The applicant has submitted a shared parking agreement between the proposed bank and the existing shopping center so the additional 11 bank parking spaces will be available after hours. Lake Street has frequent bus service and the area also experiences consistently high-levels of pedestrian traffic. No fewer than 8 bicycle parking spaces shall be provided on the site. Bicycle racks shall allow for the locking of bicycles in a stable upright position in a location that allows for visual monitoring within 10 feet of a building entrance. The bicycle parking may be located in the public right-of-way with permission of the city engineer.

- 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 applicant has submitted a shared parking agreement between the proposed bank and the existing shopping center so the additional 11 bank parking spaces will be available after hours. Lake Street has frequent bus service and the area also experiences consistently high-levels of pedestrian traffic. The proposed parking variance should 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.

VARIANCE – to increase the maximum height of a freestanding sign from 25 feet to 32 feet.

Findings Required by the Minneapolis Zoning Code:

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

The applicant is seeking a variance to increase the maximum permitted height of an existing freestanding sign from 25 ft. to 32 ft. The freestanding sign is an identification sign for all of the existing uses in the La Hacienda Plaza shopping center. With the proposed subdivision, the existing freestanding sign would be

located on the M&I Bank property and would be prohibited by the Zoning Code, as it would be deemed off-premise advertising. In order for the sign to remain, it must be relocated onto the La Hacienda Plaza property. Once the sign is moved, it no longer retains its nonconforming rights to height. The applicant has stated that visibility and identification of the tenants are reasons for the request to have the sign remain at 32 ft. from grade to the top of the sign. Strict adherence to the regulations does not allow for the existing sign to be relocated and remain at 32 ft. in height. Staff believes that visibility and identification would be difficult if the sign were decreased in height to 25 ft. and would cause undue hardship.

- 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 circumstances of the height variance are unique to the parcel given the density and location of the structures on the property. The freestanding sign is an identification sign for all of the existing uses in the La Hacienda Plaza shopping center. Staff believes that visibility and identification would be difficult if the sign were decreased in height to 25 ft. and would cause undue hardship.

- 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.**

Granting the sign height variance would not likely alter the essential character of the surrounding neighborhood and would not likely be injurious to the use or enjoyment of other property in the vicinity due to the fact that the sign is existing and will be located between the two structures along East Lake Street.

- 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.**

Granting the sign height variance would likely have no impact on the congestion of area streets or fire safety, nor would the increased height or projection be detrimental to the public welfare or endanger the public safety.

Findings Required by the Minneapolis Zoning Code for a sign adjustment:

- 1. The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.**

Staff believes that the sign will not significantly increase or lead to sign clutter in the area or result in a sign that is consistent with the surrounding properties, because it is an existing sign.

2. The sign adjustment will allow a sign of exceptional design or style that will enhance the area or that is more consistent with the architecture and design of the site.

Staff believes that though the sign is not in scale with other signs in the area, it is an existing and could be enhanced with additional landscaping around the base, as required by 543.240 (d).

Required Findings for Site Plan Review – La Hacienda Plaza

SITE PLAN REVIEW

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

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

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. 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.

Department of Community Planning and Economic Development – Planning Division
BZZ-3572 and MS-174

- **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.**
 - 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.**

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.**

Department of Community Planning and Economic Development – Planning Division
BZZ-3572 and MS-174

Conformance with above requirements:

The existing shopping center buildings are located to reinforce the street. The interior floor plan of this building was implemented to create a shopping center with seven retail tenant spaces and one 3016 sq. ft. restaurant space that share common bathrooms, service area, and loading dock. An open air courtyard serves as a secondary (rear) entrance to the shopping center and front door entrance to the new restaurant is on the interior of the lot. The courtyard area includes a handicapped ramp, planters, and security lighting. The courtyard is accessed from the pedestrian mall located on the former alley.

Principal entrances to the tenant spaces along Lake Street East face public streets.

The parking area is located to the rear and interior of the site.

The building includes sufficient architectural detail and amounts of windows to avoid large blank walls, not exceeding twenty five (25) feet in length.

Awnings have been removed from the Mercado building and the brick façade and windows will remain. The buildings are faced with stucco and flush control joint pattern columns. A painted concrete block wall exists on the North façade of the new building that faces the alley.

All windows are vertical in proportion and evenly distributed.

A flat roof is proposed. Many buildings in the area also have flat roofs.

ACCESS AND CIRCULATION:

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

Conformance with above requirements:

The applicant has provided clear and well-lighted walkways of at least four (4) feet in width which connect building entrances to the adjacent public sidewalk and to the parking lot on the site. The applicant has rededicated a sixteen-foot wide strip of private property along the Western half of the North side of the lot for a new alley that will extend from Clinton Avenue to align mid-block with the existing alley that extends from 4th Avenue. The new alley replaced the existing rear lot line setback, and there is not enough room left on the site for a two-way drive aisle, parking stalls, and the property has incorporated a 3 foot landscaped area adjacent to the parking area. There is a 5 x 18 foot (90 sf) strip of landscaping adjacent to Clinton Avenue South in the northwest corner and a 21 x 20.5 foot (430.5) landscaped area on the northeast side of the parking area, and the rest of the area will contain drive aisle space and parking stalls, just as it does now.

There are no transit shelters on or immediately adjacent to the site.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
 - **Not less than twenty (20) percent of the site not occupied by buildings, 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.**

Conformance with above requirements:

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is 23,313 square feet. The building footprint is approximately 15,088 square feet. The lot area minus the building footprints therefore consists of approximately 8,225 square feet. At least 20 percent of the net site area (1,645 square feet) must be landscaped. The applicant is providing 1501 sq. ft. or 18.2 percent landscaping.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 4 and 17 respectfully. The applicant has shown fourteen (14) existing trees (Honeylocust, Maple Norway, and Gingko) and thirty (30) shrubs (Spirea, Rhododendron, and Barberry) as well as other perennials and grasses.

Turf will cover all areas that are not paved or 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.
- 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.

Curbing is currently provided along the parking areas and drive aisles, where required.

The building should not impede any views of important elements of the city.

The building should not significantly shadow the adjacent streets or properties.

Wind currents should not be major concern.

The site design provides natural surveillance and visibility to allow views into the area. The proposal controls and guides to movement on the site with clearly defined walkways and distinguishes between public and non-public spaces with the three foot high fence that was installed along East Lake Street.

The existing structures are neither historic nor eligible for historic designation.

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 site is zoned C2. The C2 district requires a conditional use permit for shopping centers.

Parking: The existing parking is currently devoted to the La Hacienda Plaza shopping center and includes 38 parking stalls. A previous variance was granted to reduce the minimum parking requirement from 55 stalls to 38 stalls in 2004. The applicant is proposing to subdivide the property to allow for a new financial institution on the corner of Clinton Avenue South and East Lake Street, which will have separate ownership from the La Hacienda Plaza shopping center. The proposed parking for the existing shopping center will be reduced from 38 parking stalls to 23 parking stalls (14 standard, 7 compact and 2 handicapped stalls). Only 5 of the compact stalls may be counted towards the required number of stalls, because they cannot exceed 25% of the required number of stalls, therefore the applicant is applying to reduce the required number of stalls from

Department of Community Planning and Economic Development – Planning Division
BZZ-3572 and MS-174

38 to 21. Planning staff is supportive of a variance from the required 38 parking stalls to 21 parking stalls.

Maximum Floor Area: The proposed lot area is 23,313 square feet. The maximum FAR allowed in the C2 District is 1.7. The building has a total of 15,088 square feet, which is an FAR of .647. Additionally, in the C2 District, all commercial uses, including shopping centers, shall be limited to a maximum gross floor area of thirty thousand (30,000) square feet per use, except for planned unit developments.

Height: Building height in the C2 district is limited to four stories or 56 feet, whichever is less. The building is considered two stories, based on the height which is approximately 19 feet tall at the highest point.

Minimum Lot Area: There is not a minimum lot area requirement for shopping centers in the C2 District.

Dwelling Units per Acre: There are no existing or proposed dwelling units.

Yard Requirements: The subject site is zoned C2 and there are no adjacent residential structures or properties zoned Residential or Office Residential, therefore there are no additional yard requirements.

Specific Development Standards:

Section 536, Specific Development Standards for a shopping center require: (a) only uses allowed in the zoning district in which the shopping center is located shall be allowed in the shopping center, (b) 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, (c) the premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

Hours of Operation:

Hours of operation allowed under the C2 zoning are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday. However, the hours open to the public for uses licensed to sell alcoholic beverages shall be those permitted by the liquor, wine or beer license and any special late hours entainment license approved for the facility.

Signs: The applicants have proposed to move the existing freestanding identification signage in order to have it remain on the La Hacienda Plaza property. Based on the proposed property boundaries, it is located on what would be the M&I Bank site and would constitute off-premise advertising and is prohibited in the code. Once the sign is moved, it discontinues the nonconformity and must meet the requirements established in the zoning code. The existing freestanding sign is 32 feet in height and the maximum height of a freestanding sign is 25 feet in the C2 District. Staff is recommending approval of the variance to increase the maximum height of the freestanding sign. Signage is subject to Sections 531 and 543 of the Zoning Code. All new signage is required to meet the requirements of the code.

Refuse screening: All refuse containers would be enclosed within the building.

Lighting: Lighting proposed for the development must comply with Chapter 535 and Chapter 541 of the zoning code including:

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

Department of Community Planning and Economic Development – Planning Division
BZZ-3572 and MS-174

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 not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from 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 from any permitted or conditional residential use.
- (4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

MINNEAPOLIS PLAN:

The Plaza at Lake Development appears to be in conformance with the Minneapolis Comprehensive Plan.

Staff is not aware of any applicable development plans or objectives approved by the City Council for this specific area beyond the Comprehensive Plan that would be in direct conflict with the proposed development. The Lake Street-Midtown Greenway Corridor Framework Plan (2000) calls for streetscape improvements, and a stronger pedestrian and bicycle connection between Lake Street and the Midtown Greenway on 4th and 5th Avenues. The Framework plan also calls for business development and infill in the area. Lake Street at the Crossroads (1996) states opportunities to support the emerging core of ethnic businesses and local neighborhood retailers and restaurants should be encouraged in the area bounded by I-35W, 28th Street, 5th Avenue, and 31st Street. Besides providing goods and services desired by residents and employees, mixed-use developments can create a sense of place that helps define a neighborhood.

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, 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 staff and the City Planning Commission required that the applicant provide a three foot tall (or maximum 4 foot tall) fence (wooden or masonry preferred) along the North lot line to block headlights from shining across the new alley to the adjacent property and granted alternative compliance from shrub count of 85 to 54 and 20% landscaping to 11.3% in 2004. Staff is recommending the commission grant the applicants alternative compliance on landscaping area from 20% to 18.2% in exchange for the previous approved provisions of a decorative, wrought iron fence located along Lake Street.

Required Findings for Site Plan Review – M&I Bank

SITE PLAN REVIEW

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

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

BUILDING PLACEMENT AND FAÇADE:

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**
- **The building shall be oriented so that at least one (1) principal entrance faces the public street. 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.**

Department of Community Planning and Economic Development – Planning Division
BZZ-3572 and MS-174

- 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.
 - 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.

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.

Conformance with above requirements:

Department of Community Planning and Economic Development – Planning Division
BZZ-3572 and MS-174

The proposed building for M&I Bank is located to reinforce the street along both East Lake Street and Clinton Avenue South. The proposed structure is setback 3 ft. from the West property line, along Clinton Avenue South, as to allow for the emergency exit door swing to occur on the property and an ATM walk-up vestibule in the northeast corner of the structure. The structure is one-story, with the exception of a two-story atrium located on the Southeast corner of the structure. An abundant amount of windows on all sides of the building would allow natural surveillance and visibility. The main pedestrian entrance would be oriented towards East Lake Street and be connected to the sidewalks by walkways.

Landscaping is not currently proposed to be located between the building and Clinton Avenue South. Staff is recommending that the Planning Commission require landscaping in this location.

The main pedestrian entrance would be oriented towards East Lake Street.

The parking area for the proposed structure is located to the rear and interior sides of the building.

The building would include sufficient architectural detail and amounts of windows to avoid large blank walls, not exceeding twenty five (25) feet in length.

The proposed building will have a modular brick façade with an architectural precast base. The parapets and drive-through canopy are proposed to be E.I.F.S. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.

Plain face concrete block would not be used as a primary exterior building material.

The principal entrance would be clearly defined with a canopy and would be surrounded by windows.

The applicant has provided an excess to the required 30% glazing on all elevations for the first floor; 32% on the North elevation, 53% on the South elevation and (East Lake Street), 32% on the East elevation and 31% on the West elevation (Clinton Avenue South). The applicant has also provided an excess of the required 10% glazing on all elevations for the second floor with 14% on the North and East elevations and 49% South and West elevations.

All windows would be vertical in proportion and evenly distributed.

A flat roof is proposed. Many buildings in the area also have flat roofs

ACCESS AND CIRCULATION:

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

Department of Community Planning and Economic Development – Planning Division
BZZ-3572 and MS-174

The applicant has provided clear and well-lighted walkways of at least four (4) feet in width which connect building entrances to the adjacent public sidewalk and to the parking lot on the site.

There are no transit shelters on or immediately adjacent to the site.

The applicant is proposing to add an additional curb cut along Clinton Avenue South for exiting of vehicles from the drive-through. Staff believes this is the most appropriate location for the drive-through as to minimize conflicts with pedestrian traffic.

Traffic flow should not negatively affect residential properties in the area.

The parking for the proposed financial institution will be shared with and similar to the previous approved site plan for La Hacienda Plaza thereby minimizing the use of impervious surface for parking areas.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**

- **Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).**

- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**

- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**

- **Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**

- **A decorative fence.**
- **A masonry wall.**
- **A hedge.**

- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).**

- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**

- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**

- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**

- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible.**

- **All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**

- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.**

- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.**

Department of Community Planning and Economic Development – Planning Division
BZZ-3572 and MS-174

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is 8,731 square feet. The building footprint is approximately 3,000 square feet. The lot area minus the building footprints therefore consists of approximately 5,731 square feet. At least 20 percent of the net site area (1,147 square feet) must be landscaped. The applicant is not providing any landscaping on the proposed site plan. Staff has identified several areas where the applicant can provide additional landscaping in the following locations: area adjacent to the north parking area (approx. 400 sq. ft.), between the building and the property line along Clinton Avenue South (approx. 165 sq. ft.), and the area adjacent to the east parking area (approx. 270 sq. ft.). The applicant could then provide approx. 835 sq. ft. or 14.6 percent ($835/5,731 = .1457$) landscaping.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 3 and 12 respectfully. The applicant has shown two (2) existing trees (Honeylocust and Maple Norway) and zero (0) shrubs.

The applicant is proposing to remove the installed fence on the M&I Bank property to allow for a new monument sign along Clinton Avenue South and along East Lake Street to give definition to the new building and property. Staff is recommending that the applicant maintain the existing fence along East Lake Street to demonstrate continuity to the parking area that will be shared. Staff believes that removing the fencing along Clinton Avenue South is a reasonable request so as to allow for the proposed monument sign; however the applicant has sufficient area behind the sign to allow for the required three (3) foot high screening, not less than 60% opaque. Screening shall be satisfied by one or a combination of the following, a decorative fence, a masonry wall and/or a hedge.

Turf shall cover all areas that are not paved or 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.**
- **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.**

Department of Community Planning and Economic Development – Planning Division
BZZ-3572 and MS-174

Conformance with above requirements:

Curbing is currently provided along the parking areas and drive aisles, where required.

The building should not impede any views of important elements of the city.

The building should not significantly shadow the adjacent streets or properties.

Wind currents should not be major concern.

The site design provides natural surveillance and visibility to allow views into the area. The proposal controls and guides to movement on the site with clearly defined walkways and distinguishes between public and non-public spaces with the three foot high fence that was installed along East Lake Street.

The existing structures are neither historic nor eligible for historic designation.

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 site is zoned C2. Financial institutions are a permitted use in the C2 District.

Parking: The proposed parking area for M&I Bank includes 11 stalls, one of which is a handicapped stall.

Maximum Floor Area: The proposed lot area is 8,731 square feet. The maximum FAR allowed in the C2 District is 1.7. The building has a total of 3,000 square feet, which is an FAR of .344.

Height: Building height in the C2 district is limited to four stories or 56 feet, whichever is less. The building is two story and approximately 28 feet tall.

Minimum Lot Area: There is not a minimum lot area requirement for financial institutions in the C2 District.

Dwelling Units per Acre: There are no existing or proposed dwelling units.

Yard Requirements: The subject site is zoned C2 and there are no adjacent residential structures or properties zoned Residential or Office Residential, therefore there are no additional yard requirements.

Hours of Operation:

Hours of operation allowed under the C2 zoning are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday.

Signs: The applicants have submitted a signage plan and it meets the requirements in Chapter 543 of the Zoning Code. All new signage is required to meet the requirements of the code.

Refuse screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the

Department of Community Planning and Economic Development – Planning Division
BZZ-3572 and MS-174

refuse container or shall be otherwise effectively screened from the street, adjacent uses. The dumpsters for the proposed financial institution are shown on the site plan.

Lighting: Lighting proposed for the development must comply with Chapter 535 and Chapter 541 of the zoning code including:

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 not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from 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 from any permitted or conditional residential use.
- (4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

MINNEAPOLIS PLAN:

The M&I Bank proposal appears to be in conformance with the Minneapolis Comprehensive Plan.

Staff is not aware of any applicable development plans or objectives approved by the City Council for this specific area beyond the Comprehensive Plan that would be in direct conflict with the proposed development. The Lake Street-Midtown Greenway Corridor Framework Plan (2000) calls for streetscape improvements, and a stronger pedestrian and bicycle connection between Lake Street and the Midtown Greenway on 4th and 5th Avenues. The Framework plan also calls for business development and infill in the area. Lake Street at the Crossroads (1996) states opportunities to support the emerging core of ethnic businesses and local neighborhood retailers and restaurants should be encouraged in the area bounded by I-35W, 28th Street, 5th Avenue, and 31st Street. Besides providing goods and services desired by residents and employees, mixed-use developments can create a sense of place that helps define a neighborhood.

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**

Department of Community Planning and Economic Development – Planning Division
BZZ-3572 and MS-174

screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.

- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**

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

Staff is recommending that the applicant meet the required number of trees (3) and shrubs (12) and the required screening of three (3) feet, not less than 60% opaque behind the location of the proposed monument sign along Clinton Avenue South and the Commission grant the applicant alternative compliance on landscaping area from 20% to 14.6%, the seven (7) foot landscaped yard requirement along the public street, sidewalk or pathway to five (5) feet along Clinton Avenue South and to zero (0) feet along East Lake Street, due to the constraints of the site where strict adherence to the requirements would be impractical.

The City Planning Commission granted alternative compliance to the shopping center for reduced landscaping and shrub count in exchange for a three foot tall (or maximum 4 foot tall) fence (wooden or masonry preferred) in 2004. Staff is recommending that the Commission again grant alternative compliance in exchange for the previous approved provisions of a decorative, wrought iron fence located along Lake Street and the installation of no fewer than 4 bicycle parking spaces provided on the site. Bicycle racks shall allow for the locking of bicycles in a stable upright position in a location that allows for visual monitoring within 10 feet of a building entrance. The bicycle parking may be located in the public right-of-way with permission of the city engineer.

MINOR SUBDIVISION

Required Findings:

1. Subdivision is in conformance with the land subdivision regulations and the applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.

Both parcels will be in conformance with the requirements of the subdivision ordinance and comprehensive plan. The portion of land to be sold will allow for the M&I Bank property to be accessed, via easement, for maneuvering, parking and loading. Both will be in conformance with the requirements of the zoning code.

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

The proposed subdivision will allow for the construction of a new 3,000 sq. ft. financial institution with a drive-through facility and 11 parking stalls. This will not be out of character with the area and will not add significant congestion to the public streets.

3. All land intended for building sites can be used safely without endangering the residents or uses of the subdivision and the surrounding area by peril from floods, erosion, high water table, severe soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.

The site does not present the other above noted hazards.

4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.

The proposed financial institution with the drive-through facility will require an additional curb cut for exiting along Clinton Avenue South, which will be subject to Public Works review. An easement granted by the property owners of the La Hacienda Plaza property will allow the M&I Bank patrons and employees access to the site, parking and loading. No change to the grading is proposed.

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

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

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the amendment of the conditional use permit to allow for a shopping center located at 334 East Lake Street in the C2 Neighborhood Corridor Commercial District.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the minimum lot area requirement from 12,000 square feet to 8,731 square feet to allow for a new bank with a drive-through facility located at 334 East Lake Street in the C2 Neighborhood Corridor Commercial District.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the minimum off-street parking requirement for an existing shopping center located at 334 East Lake Street from 38 parking stalls to 21 parking stalls (following a previous variance that was granted to reduce the parking from 55 to 38 parking stalls) in the C2 Neighborhood Corridor Commercial District, subject to the following condition:

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to increase the maximum height of a freestanding sign from 25 feet to 32 feet for the property located at 334 East Lake Street in the C2 Neighborhood Corridor Commercial District, subject to the following condition:

1. Landscaping designed to screen the base of the freestanding sign shall be provided as required by section 543.240(d) of the zoning code.

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

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for an existing shopping center located at 334 East Lake Street in the C2 Neighborhood Corridor Commercial District; subject to the following conditions:

Department of Community Planning and Economic Development – Planning Division
BZZ-3572 and MS-174

1. The Community Planning and Economic Development Planning Division shall review and approve the final site, landscaping, and elevation plans.
2. All site improvements shall be completed by June 11, 2008, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

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

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for the proposed financial institution located at 334 East Lake Street in the C2 Neighborhood Corridor Commercial District.; subject to the following conditions:

1. The Community Planning and Economic Development Planning Division shall review and approve the final site, landscaping, and elevation plans.
2. All site improvements shall be completed by June 11, 2008, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the minor subdivision to allow for a new financial institution for the property located in the vicinity of 334 East Lake Street.

Attachments:

1. Statement of use
2. Required findings
3. May 10, 2007, letters to Council Member Lilligren, Phillips West Neighborhood Organization, and Central Area Neighborhood Development Association
4. Zoning map
5. Site plan, floor plans, elevations and previously approved landscaping plan
6. Photos of the site and surrounding area

Department of Community Planning and Economic Development – Planning Division
BZZ-3572 and MS-174