

Department of Community Planning and Economic Development – Planning Division
Zoning Amendment (Rezoning), Conditional Use Permit, Variances, Site Plan Review, Alley Vacation
BZZ-3188, VAC - 1504

Date: September 18, 2006

Applicant: Ackerberg Group

Address of Property: 1101 W Broadway Ave, 1831 Emerson Ave N, 1834, 1836, 1838 Fremont Ave N

Project Name: 1101 W Broadway

Contact Person and Phone: Margo Geffen, Ackerberg Group, (612) 924-6415

Planning Staff and Phone: Tara Beard, (612) 673-2351

Date Application Deemed Complete: August 15, 2006

End of 60-Day Decision Period: October 14, 2006

End of 120-Day Decision Period: A letter was sent to the applicant on August 21, 2006 extending the decision period to December 13, 2006.

Ward: 5, adjacent to Ward 3

Neighborhood Organization: Northside Residents
Redevelopment Council, adjacent to Hawthorne Area Community
Council and Jordan Area Community Council

Existing Zoning: C2 (1101 W Broadway, Lots 1 and 2 of 1831 Emerson Ave N, 1836 and 1838 Fremont Ave N) and R3 (Lot 3 of 1831 Emerson Ave N, 1834 Fremont Ave N)

Proposed Zoning: Transitional Parking Overlay (TPO) district over the R3 zoning

Zoning Plate Number: 8

Legal Description of Property Proposed for Rezoning: The land referred to is situated in the State of Minnesota, County of Hennepin, and is described as follows:

Portion of 1831 Emerson Ave N

Block 015, Lot 3, Gales Subdivision, Sherburne Beebe Addition to Minneapolis

1834 Fremont Ave N

Units 1 thru 4 included, Condo number 0399 Taha Condos

Lot area: 13,633 square feet proposed rezoned, 41,620 square feet total site

Proposed Use: A commercial building with a coffee shop, credit union with drive-through, and offices with an accessory parking lot for it and adjacent commercial buildings.

Concurrent Review:

- Rezone lot 3 of 1831 Emerson Ave N and all of 1834 Fremont Ave N to include a Transitional Parking Overlay district on the existing R3 zoning
- A Conditional Use Permit to allow a surface parking lot on the portion of 1831 Emerson Ave N and all of 1834 Fremont Ave N that is proposed to be rezoned.
- A Variance to reduce the front yard setbacks of 1831 Emerson Ave N, 1834 and 1836 Fremont Ave N from 20 to 8 feet
- Site Plan Review
- A Vacation of the east-west alley as dedicated in Block 35, Highland Park Addition to Minneapolis, and the northerly 115 (+/-) of the alley dedicated in Block 15, Gales Subdivision in Sherburne & Beebe's Addition to Minneapolis, as of record at Hennepin County, Minnesota

Applicable zoning code provisions: Chapter 525: Article VI Zoning Amendments, Article VII Conditional Use Permits, Article IX Variances; Chapter 530 Site Plan Review

Background: The Ackerberg Group and other partners are proposing to renovate a City-owned building at 1101 West Broadway. The City Council approved the land sale of 1101 West Broadway and the other adjacent properties to The Ackerberg Group, Pillsbury United Communities, and Welsh Companies in June of 2006. The proposal includes new uses in the 1101 building including a coffee shop, offices for Pillsbury United Communities, and a credit union with drive-through. The Emerson and Fremont properties will be redeveloped for the drive-through and a surface parking lot for the building and adjacent commercial uses.

Because 1834 Fremont Ave N and a portion of 1831 Emerson Ave N are zoned R3, accessory parking for the 1101 W Broadway building and adjacent commercial districts is not permitted. In order to retain a buffer between the commercial activity on West Broadway and the residential neighborhood to the south of the project, the applicant is not proposing to rezone these properties to C2 to match the rest of the project's zoning. Rather, the applicant is applying to add a Transitional Parking Overlay (TPO) district to the R3 zoning to allow the accessory parking but keep the underlying residential zoning. A parking lot is allowed with a conditional use permit in a TPO.

As a portion of 1831 Emerson Ave N and all of 1834 Fremont Ave N have residential zoning, which requires a 20 foot front setback for those properties and for the first 40 feet of adjacent commercial properties. The applicant is requesting a variance to reduce these front yard setbacks to 8 feet to allow parking spaces which are not permitted obstructions in a front yard. The spaces will be buffered from the public right of way and adjacent residential uses with the minimum landscaping and screening required by site plan review. Site Plan Review is required because of the proposed drive-through use.

The applicant intends to submit a master signage plan in the near future. It is likely that a sign variance to increase the permitted square footage of signs will be applied for.

Staff received written correspondence from Northside Residents Redevelopment Council, Inc on June 27, 2006 and August 22, 2006 indicating support for the rezoning and variance applications, respectively.

ZONING AMENDMENT -

Required Findings for a zoning amendment:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The project site is located on West Broadway, a commercial corridor. Commercial corridors are generally able to support more intensive commercial uses and higher traffic activities. However, mitigation of negative affects on nearby residential is to be considered. Specific sections of *The Minneapolis Plan* that apply to this project include:

Chapter 4.3 of *The Minneapolis Plan* states “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.” One of the implementation steps for this section is to “ensure that commercial uses do not negatively impact nearby residential areas.” Rezoning the R3 portions of the site to add a Transitional Parking Overlay allows the underlying residential zoning that buffers the commercial zoning from the residential uses to the south. Furthermore, the site plan shows the required landscaping and screening to protect adjacent residences from impacts of the surface parking lot.

Another implementation step of section 4.3 of *The Minneapolis Plan* is to “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.” The 1101 West Broadway project is required by the terms of the redevelopment agreement with the City to allow half of the site’s parking to be available to the other commercial uses in the area, thus providing shared use of parking facilities. This requirement came from the need for parking for businesses along West Broadway that is vital for its revitalization. Providing well designed, well landscaped parking for the project and the community will improve customer access and reduce visual impacts.

Another implementation step of section 4.3 of *The Minneapolis Plan* is to “ensure that parking structures and surface lots conform with identified design principles.” The site plan review chapter will address this issue in greater detail, but for the most part the parking design is such that access, safety, and impacts are considered.

Another implementation step of section 4.3 of *The Minneapolis Plan* is to “reduce the impact of non-residential uses on neighboring residential areas by considering appropriate access, buffering between incompatible uses and regulating hours of operation.” One part of the 1101 West Broadway proposal is the vacation of a T-shape of the alley surrounded by the project’s parcels. The applicant proposes to dedicate a portion of the property to dog-leg the remaining

alley out to Emerson Ave N. This will separate the commercial parking use and access from residential alley use and access.

Finally, section 4.3 of *The Minneapolis Plan* includes the implementation step to “require that street design for Commercial Corridor streets provide automobile access and parking in keeping with traditional urban form.” Putting the parking to the rear of a strip of commercial uses on a major street is keeping with traditional urban form. Restoring a vacant hundred year old building on a commercial corridor will also contribute to traditional urban form on West Broadway.

Chapter 4.4 of *The Minneapolis Plan* states: “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.” Two implementation steps of this section include planning, implementing, and monitoring “projects and programs that encourage and support the city’s neighborhood commercial areas,” and encouraging “the economic vitality of the city’s commercial districts while maintaining compatibility with the surrounding areas.” This proposal will rehabilitate and reuse an existing commercial building to support one of the city’s most vulnerable commercial areas. Aspects of the proposal discussed above describe how the design and shared parking concept will encourage compatibility with the surrounding areas.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The rezoning is in the interest of the public as it will allow for the rehabilitation of city-owned property with adequate parking for its uses and the greater community. West Broadway is a commercial corridor that is combating multiple boarded and vacant commercial buildings in disrepair. This building’s location on a prominent West Broadway intersection provides a large potential impact for its redevelopment. The project will hopefully encourage and enable further redevelopment on the corridor, especially by providing highly sought after vehicle access to commercial uses. Finally, the tenants of the building would contribute to the neighborhood by providing convenient access to banking, a coffee shop, and social services.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The Transitional Parking Overlay (TPO) would allow the underlying zoning, R3, to remain; therefore it would also remain compatible to the R3 zoning to the south of the site. However, a TPO district would also allow the parking needed for the commercial uses on West Broadway that would be prohibited on the R3 lots without a TPO. Rezoning the R3 portions of the site to C2, to match the existing zoning to the north and which would also allow parking on the site, would no longer protect the residential uses to the south from potential C2 related impacts.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

Both of the R3 portions of the site are currently vacant and one is already currently used for parking. The R3 portion of 1831 Emerson, along with the C2 portion of the same property, creates a split zoning condition that makes reasonable development of the property without a rezoning difficult. 1834 Fremont Ave N could be developed as a single family dwelling or a duplex per the zoning code, but the meeting of C2 zoning to a residential use would then be a concern. In this case the TPO allows a more reasonable transition between the C2 zoning and a residential use.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

The demolition of several homes in the R3 district to the south to provide parking occurred after the present zoning was classified. The lack of off-street parking has been a challenge for commercial uses in the area. The West Broadway corridor has struggled with blight and has been the focus of revitalization efforts currently and in the past.

CONDITIONAL USE PERMIT -

Required Findings for the Conditional Use Permit to allow a surface parking lot on the R3 (and proposed TPO) zoned portion of 1831 Emerson Ave N and all of 1834 Fremont Ave N.:

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

The portion of 1831 Emerson in question is very narrow and very small part of the overall parcel. The parking proposed at this location would be separated from the residential use to the south by a new alley. 1834 Fremont would be adjacent to other parking and would be screened and landscaped between the parking and the residence to the south. Surface parking in both locations should 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 parking will improve the enjoyment of the commercial properties to the north and should be adequately distanced and screened from residential uses to the south to avoid harming the use and enjoyment of surrounding property.

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

Access to the parking will be through two curb cuts; a third existing curb cut will be used for a drive-through exit. Access to the site is somewhat challenging since the streets that provide access to the parking (Emerson and Fremont Aves N) are each one ways in opposite direction. Drainage will be provided with discontinuous curbing and other necessary facilities will also be provided.

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

The new curb cut locations will help minimize traffic congestion on the site: however, adequate signage will be needed to improve wayfinding. The parking area is large and the one-way access on either site creates further need for additional curb cuts to mitigate traffic congestion.

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

See finding #1 of the Zoning Amendment.

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.

In addition to a Zoning Amendment to add a TPO to the R3 districts and a Conditional Use Permit to allow parking in those locations, the proposal for 1101 West Broadway requires a variance to reduce the front yard setback in portions of the site from 20 to 8 feet and a Site Plan Review. Furthermore, a vacation of public alley surrounded by the site must be approved to allow the project as proposed.

Parking lots in the TPO must meet the following standards:

- a. The parcel on which the parking lot is located shall have a side lot line that abuts the zoning district served or shall be part of the zoning lot served.
- b. The width of the parking lot shall not exceed seventy-five (75) feet.
- c. The use of the parking lot shall be restricted to the parking of passenger automobiles only. No commercial vehicles shall be parked or stored.
- d. The parking lot shall be closed with a secured gate or other appropriate mechanism between the hours of 10:00 p.m. and 6:00 a.m., except as specifically authorized by the conditional use permit.
- e. The parking lot shall at no time be used for outdoor sales, display or storage.
- f. Each entrance to and exit from such parking lot shall be located at least twenty (20) feet from any adjacent property located in a residence or office residence district.
- g. The parking lot shall be landscaped and screened pursuant to the provisions of Chapter 530, Site Plan Review.

The applicant is meeting all of these standards except for (d). Because the entire parking lot covers more C2 than R3/proposed TPO zoning, and the parking is not clearly separated by

zoning district, staff recommends that the CUP be approved including the authorization to not include a secured gate around the R3/proposed TPO zoned portion of the parking lot.

Findings Required by the Minneapolis Zoning Code for the Variance to reduce the front yard setbacks of 1831 Emerson Ave N, 1834 and 1836 Fremont Ave N and from 20 to 8 feet.

- 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 applicant is requesting a setback variance to allow the parking lot to provide a maximum number of parking spaces while providing the landscaping and screening required by the Site Plan Review chapter of the zoning code (530). Without a variance the curb cut locations would have to be moved to the north, which could create access problems and traffic congestion. Furthermore, without a variance fewer spaces could be provided.

- 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 variance requirement is created by the fact that the commercial portion of the site is adjacent to residential districts within and to the south of the site. The split zoning condition at 1831 Emerson was not created by the applicant and there are no residential uses on the R3 zoned parcels that have a setback requirement and create one for the adjacent C2 parcels.

- 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 spirit and intent of the ordinance in question is in part to protect residential uses from negative impacts of commercial uses, including parking. As mentioned above, there are no residential uses on the R3 portions of the site. The closest residential uses to the south are buffered from the parking lot by a dedicated public alley on the east and landscaping and screening to the west.

- 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 variance will allow a better parking lot design that will reduce congestion of the public streets. The variance will not be detrimental to the public welfare or endanger public safety.

SITE PLAN REVIEW

Findings as Required By the Minneapolis Zoning for Site Plan Review

Required Findings for 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 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.
- 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:

- The placement of the building reinforces the street wall on West Broadway and the north part of Emerson Ave N. The remaining street frontage will be surface parking with landscaping and screening. The building placement is an existing condition and the proposed parking would replace vacant land and a dilapidated parking area behind a wooden fence and bollards.
- The building is on a corner lot and sits on the property line for both frontages.
- The building is up to the property line on the front and corner side lot lines, limiting space for amenities. Landscaping is provided elsewhere on the site.
- The rehabilitated building will have an entrance to the coffee shop off of West Broadway and a lobby entrance off Emerson that will lead to both the credit union and the upstairs offices.
- Parking is proposed in a surface lot to the rear of the building, but because the site includes both a corner lot and frontage on Fremont Ave N the parking will occupy some site frontage.
- The building is existing but the rehabilitation will not create any blank wall conditions and provides ample architectural detail.
- The existing exterior material of brick is used on all elevations of the building and will be retained in the rehabilitation of the building.
- Windows are required on 30% of the first floor and 10% of each floor above the first floor for three sides of the building because they face a public street or on-site parking lot. The proposed windows provided are as follows:
 - West Broadway Elevation
 - 1st floor facing a public street: 30% required, 36% provided
 - 2nd floor facing a public street: 10% required, 21% provided
 - Emerson Ave Elevation
 - 1st floor facing a public street: 30% required, 33% provided
 - 2nd floor facing a public street: 10% required, 14% provided
 - Parking Lot Elevation (South Elevation)
 - 1st floor facing a parking lot: 30% required, 0% provided
 - 2nd floor facing a parking lot: 10% required, 14% provided

There are windows on the first floor of the south elevation but they begin higher than 4 feet and cannot be counted. However, this is an existing condition.

- Plain-face concrete block is not proposed as an exterior material for any part of the building.
- The existing roof is flat, similar to adjacent non-residential buildings.

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:

- Pedestrians will enter the building directly from the sidewalk. The building will be accessed from the parking lot via public sidewalks as well. Most of the parking lot layout is such that walkways are not feasible from the parking spaces to the public sidewalk – one opportunity to do so would be between the drive through and the parking south of the drive-through – however, doing so would reduce the required landscaping to below 20%.

- There are no transit shelters on or adjacent to the site.
- There are three existing curb cuts on the site and two new curb cuts proposed, and one new curb cut proposed for re-routed alley access. Two of the existing curb cuts lead to what is now a public alley but it is proposed to be vacated and the curb cuts would be closed. The other existing curb cut will be used as an exit for the credit union drive-through. The two new curb cuts will provide access directly to the parking lot; one from Emerson Ave N and one from Fremont Ave N. There would be no direct access to and from the public alley from the site.
- All areas not needed for buildings, access, loading, or trash and recycling, will be landscaped.

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:

- The lot area (41,396 sq. ft.) less the building footprint (6050 sq. ft.) yields a net site of 35,346 sq. ft. The code requires a minimum of 7,069 sq. ft. of landscaping, 15 trees and 70 shrubs. The total landscaping proposed by the applicant is 7,940 sq. ft. This equals 22% of the net site. The proposed project includes 29 trees and 156 shrubs.

- Screening is required between the surface parking lot and Emerson and Fremont Aves N and between the parking lot and the residential uses to the south. Such screening, with a minimum of 7 feet of landscaping, is provided for all of these locations. There is five feet of landscaping and screening proposed between the eastern half of the southern edge of the parking lot and the dedicated alley, with 10 feet of landscaping between the southern edge of the dedicated alley and the residential property to the south. The applicant has agreed to screen in this location although it is not shown in submitted plans. Staff recommends requiring this as a condition of approval to ensure its completion.
- The screening that is provided includes shrubs and a decorative fence where street frontage occurs.
- All corners created by the parking configuration have been landscaped except for a corner in the northwest end of the angled parking. The applicant has indicated that much of the corner is not the required 7 feet wide for a tree island and that the extra maneuvering space would be helpful for moving vehicles. Staff is recommending alternative compliance for this condition as other landscaping is 12 ft. away and a more substantial tree island is located in the center of the lot.
- All surface parking stalls are within 50 feet of an on-site tree except for five. Staff is recommending alternative compliance for this condition because of the excess of trees being provided on the site.
- All areas not occupied by buildings, parking and loading facilities or driveways will be covered with turf grass, native grasses, or other perennial flowering plants, vines, mulch, shrubs or trees.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
 - **Natural surveillance and visibility**
 - **Lighting levels**
 - **Territorial reinforcement and space delineation**
 - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

Conformance:

- Discontinuous curbing is used to direct water to grass swale areas.
- Lighting must comply with Chapter 535 and Chapter 541 of the zoning code.

- Headlights should not cause a problem with any nearby residential uses because of proposed screening..
- The project will not block views of important elements of the city nor create any substantive shadows on adjacent buildings and open spaces that do not already exist.
- The project would not be expected to contribute significantly to ground-level winds.
- The site design and landscape plan allows views from the public sidewalk into the site. Screening occurring along public street frontages will be limited to 3 feet high.

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

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Conformance: Staff is recommending alternative compliance for the following items:

- One corner created by the parking layout is not being used as a tree island. Staff is recommending alternative compliance because of the small size of the corner and its proximity to other landscaping.
- Five parking spaces are not within 50 feet of an on-site tree. Staff is recommending alternative compliance because of the parking needs in the area and the excess of trees provided on site.

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

Zoning Code: The proposed uses are permitted in the C2 District in which the building is located. A parking lot is permitted by conditional use permit in a Transitional Parking Overlay district.

Off-Street Parking and Loading: The coffee shop parking requirement calculated per Chapter 541 is 15 (30% of capacity). The credit union parking requirement is 4 (1 space per 300 sq. ft. of FGA in excess of 4,000 sq. ft. or 4 spaces, whichever is greater). The office parking requirement is 7 (1 space per 300 sq. ft. of FGA in excess of 4,000 sq. ft.). The total requirement for the proposed uses in the building is 26.

The applicant is proposing 69 parking spaces. At least half of these spaces must be available for the public.

Bank teller lanes require a minimum of 4 stacking spaces. The required amount of stacking spaces will be provided.

Maximum Floor Area: The maximum floor area ratio for the C2 district is 1.7. The applicant proposal results in a floor area ratio of 0.66.

Building Height: Building height in the C2 District is limited to 4 stories or 56 feet, whichever is less. The existing building is two stories, but the second story is over 14 feet, therefore it is technically a 3-story building. The height of the building is 30 feet.

Minimum Lot Area: There minimum lot dimension required of a financial institution with a drive-through facility in the C2 District is 12,000 sq. ft. The project site exceeds this minimum. The minimum lot width is 100 feet. This is met on the Emerson Ave N frontage that contains the drive-through.

Yard Requirements: The setback requirements on the site are limited to the R3 parcels and the first 40 feet of the C2 parcels that are adjacent to the R3 districts. All setbacks are being met except the portions of the parking lot in the front setback of those locations. See variance findings for further discussion of this condition.

Specific Development Standards: The following specific development standards apply:

Coffee shop

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: The proposed uses will only be open to the public between the permitted hours or 6 am to 10 pm Sunday through Thursday and 6 am to 11 pm Friday and Saturday.

Signs: A master signage plan will be submitted at a later date. Any proposed signs that require variances will need to return to the Planning Commission for approval.

Refuse storage: All storage of refuse and recyclable materials will be located in a dumpster enclosure in the center of the southern portion of the site.

Minneapolis Plan: See finding #5 of the conditional use permit.

ALLEY VACATION

Development Plan: The applicant intends to use the vacated alley as part of the proposed surface parking lot. To prevent the creation of a dead end alley, a new east/west alley segment would be constructed on 1831 Emerson Ave N to allow access from Emerson Avenue N. This property would be dedicated as public and maintained by the applicant.

Responses from Utilities and Affected Property Owners: As of the writing of this staff report, Minneapolis Public Works have not yet responded. If comments are received, staff will forward their recommendation at the September 18, 2006 City Planning Commission meeting. It is staff's

understanding that Public Works has not provided a response because details are still being worked out on the new alley segment. Of the responses received, there were no objections and two easements requested: one from Qwest and one from Xcel Energy. Qwest has requested that an easement be reserved for both alley-ways for various underground and aerial facilities. Xcel Energy has also requested an easement both alley-ways.

Findings: A dead-end alley would not be created if a new east/west segment is constructed with access to Emerson Ave N. The existing building does not encroach on the requested easements by Qwest and Xcel Energy. The CPED Planning Division finds that the area proposed for vacation is not needed for any public purpose, and it is not part of a public transportation corridor, and that it can be vacated if any easements requested above are granted by the petitioner.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the zoning amendment to add a Transitional Parking Overlay (TPO) to the R3 District:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application for a zoning amendment to add a Transitional Parking Overlay (TPO) to the R3 Districts at lot 3 of 1831 Emerson Ave N and all of 1834 Fremont Ave N.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit to allow a parking lot on the R3/TPO district:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a parking lot on the R3/TPO districts at lot 3 of 1831 Emerson Ave N and all of 1834 Fremont Ave N.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce the front yard setbacks of 1831 Emerson Ave N, 1834 and 1836 Fremont Ave N from 20 to 8 feet:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the front yard setbacks of 1831 Emerson Ave N, 1834 and 1836 Fremont Ave N from 20 to 8 feet.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Site Plan Review:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a site plan review at 1101 W Broadway Ave, 1831 Emerson Ave N, and 1834-1838 Fremont Ave N, subject to the following conditions:

1. The applicant will provide the required screening between the new east-west alley and the residential use to the south, including a hedge located so as to discourage parking along the alley.
2. CPED Planning staff review and approval of the final site and landscaping plans.
3. All site improvements shall be completed by October 20, 2006, 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 Alley Vacation:**

The Department of Community Planning and Economic Development—Planning Division recommends that the City Planning Commission and the City Council accept the above findings and **approve** the vacation.

Attachments:

1. Statement of use
2. Findings
3. PDR comments
4. Correspondence
5. Site plans, Elevations, Floor plans, Vacation map and Zoning map
6. Photos