

**Department of Community Planning and Economic Development - Planning Division**  
Variances, Site Plan Review  
BZZ-4838

**Date:** August 2, 2010

**Applicant:** 3100 Excelsior Boulevard, LLC

**Address of Property:** 3100 Excelsior Boulevard

**Project Name:** 3100 Excelsior Boulevard

**Contact Person and Phone:** Andy Babula (952) 767-2512

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

**Date Application Deemed Complete:** June 25, 2010

**End of 60 Day Decision Period:** August 24, 2010

**Ward:** 13     **Neighborhood Organization:** West Calhoun Neighborhood Council

**Existing Zoning:** C3S Community Shopping Center District, PO Pedestrian Oriented Overlay District

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

**Zoning Plate Number:** 23

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

**Proposed Use:** Retail and/or restaurant

**Concurrent Review:**

**Variance:** To the standards of the Pedestrian Oriented Overlay District to increase the maximum front yard setback from 8 feet to 24.25 feet for a building addition.

**Variance:** To the standards of the Pedestrian Oriented Overlay District to increase the driveway width along Excelsior Boulevard from 20 feet to 22 feet.

**Site Plan Review:** For a 2,010 square foot building addition.

**Applicable zoning code provisions:** Chapter 525, Article IX, Variances and Chapter 530, Site Plan Review.

**Background:** 3100 Excelsior Boulevard, LLC has submitted land use applications for a 2,010 square foot building addition and parking lot renovations for property at 3100 Excelsior Boulevard. The site currently contains a flower shop with a greenhouse. The applicant is proposing to demolish the wood greenhouse structure on the west side of the site but retain the 2,340 square foot flower shop building.

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The proposal is for a 4,350 square foot commercial building with two tenant spaces to house retail and/or restaurant uses. The tenant leasing plan for the building is not finalized. A patio space is proposed between the building and Excelsior Boulevard. The project also includes a reconfiguration of the parking lot.

The site is a through lot with frontage on Excelsior Boulevard and Abbott Avenue South. The site is bordered by a commercial shopping center to the north and a minor auto repair use to the south. The site was recently rezoned as part of the Midtown Greenway Rezoning study from C2 to C3S. Properties to the east and west contain multi-family residential uses.

The site is zoned C3S with the Pedestrian Oriented Overlay District (PO) covering the east half of the property. The PO District requires the first floor of buildings to be located not more than eight feet from the front lot line, except where a greater yard is required by the zoning ordinance. The proposed front yard setback for the building addition is 24.25 feet along the Excelsior Boulevard frontage. While the addition will reduce the non-conformity of the existing building setback, a variance is required to exceed a setback of eight feet. The site also has a front yard along Abbott Avenue S. This portion of the site is not in the PO and therefore not subject to the 8-foot maximum setback. The Pedestrian Oriented Overlay District also limits the driveway width for all parking facilities to 20 feet of street frontage. The proposed driveway off Excelsior Boulevard is 22 feet in width, requiring a variance to this provision.

As of the writing of this staff report staff had received any comments from the West Calhoun Neighborhood Council. Staff will forward any comments, if received, to the City Planning Commission.

### **VARIANCE (to increase the maximum front yard setback from 8 feet to 24.25 feet for a building addition)**

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

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

The existing building on the site has a front yard setback of 56 feet. A 2,010 square foot addition is proposed to the front of the building, decreasing the front yard setback by 33.5 feet. The Pedestrian Oriented Overlay district limits the front yard setback to a maximum of eight feet. The proposed 24.25 foot setback requires a variance to this provision. The underlying zoning district is C3S. The site plan review chapter exempts properties in the C3S district from the 8-foot maximum setback. However, that exemption is overruled when the PO district is also present.

The applicant is reducing the non-conformity of the existing building setback by 33.5 feet by constructing an addition towards the front lot line along the Excelsior Boulevard frontage. There is a patio proposed to project an additional 14 feet into the front yard. Said patio would be covered with a pergola to further activate the street. The existing conditions on the site create a hardship in that the existing building setback is not compliant with the required setback. Furthermore, there are two easements that run along the front property line that present a hardship. There is a public highway and street easement that runs parallel to Excelsior Boulevard for the first 8 feet of the property. There is a second 16-foot driveway and roadway easement directly behind the first. Due to the location of these

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easements, the building cannot be constructed any closer than 24 feet from the front lot line, also resulting in a hardship.

The proposed building addition and patio will eliminate 11 parking stalls that are currently located between the building and the street. The elimination of this existing parking is also bringing the site closer into compliance.

- 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 existing building on the site is non-conforming as to the 8-foot maximum front yard setback. This is an existing condition that was not created by the applicant. The site is unique in that it is a through lot with the Pedestrian Oriented Overlay district only covering half of the site. There are also two street easements that collectively comprise 24 feet of the front yard adjacent to Excelsior Boulevard. Requiring the applicant to comply with the strict regulations of the zoning ordinance for the front yard setback would create an undue hardship, due to the existing site conditions and location of easements.

- 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 purpose of the Pedestrian Oriented Overlay District is to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and accessory parking facilities, and by prohibiting certain high-impact and automobile-oriented uses. While the building will have a setback greater than that required in the PO District, the site plan includes a covered patio and landscaping between the building and Excelsior Boulevard, increasing the level of activity at the street over existing conditions. This activity is consistent with the intent of the PO district.

The underlying zoning district on the site is C3S. The site plan review chapter allows an exemption to the maximum 8-foot setback for properties with this zoning designation to allow for the development of major retail centers in these Community Shopping Center districts. The site is located directly adjacent to a Major Retail center, per *The Minneapolis Plan for Sustainable Growth*. Granting the variance to allow the 24.25 foot setback would be in keeping with the intent of the ordinance and be consistent with the character of other development in the immediate area.

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

The proposed variance is not expected to contribute to congestion in the public streets or be detrimental to the public welfare or endanger the public safety. The applicant submitted a Travel Demand Management Plan which concluded that traffic from the site is not anticipated to have a significant impact on area traffic operations.

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**VARIANCE (to increase the maximum width of a driveway in the PO District from 20 feet to 22 feet)**

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

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

The east portion of the site, fronting on Excelsior Boulevard, is located within the boundaries of the Pedestrian Oriented Overlay (PO) district. The PO district limits driveway width to a maximum of 20 feet at the curb to create a more pedestrian oriented environment. The applicant is proposing a 22 foot curb cut from Excelsior Boulevard to provide access to the parking area. The site currently has two curb cuts along Excelsior. One will be removed as part of the project and the northern access will be relocated. The existing curb cut on the north side of the site is 18 feet in width. This curb cut would be shifted to the south and increased to 22 feet. The site also has access from Abbott Avenue S. This access is not within the Pedestrian Oriented Overlay district and therefore is not subject to the 20 foot maximum width. Due to the fact that the site has two access points, one of which can be 22 feet in width, reasonable use of the property exists without the variance.

- 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 applicant is proposing to increase the width of the existing curb cut from 18 feet to 22 feet and shift it to the south. Increasing the width of the curb cut to 22 feet is a circumstance that is being created by the applicant. Undue hardship does not exist for the curb cut width. The site is allowed to have a 22-foot curb cut on the west side of the site from Abbott Avenue S. The site is a through lot and requiring a curb cut no greater than 20 feet along Excelsior Boulevard is not expected to negatively impact turning movements or traffic patterns.

- 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 a variance to increase the width of the curb cut would not be in keeping with the spirit and intent of this ordinance. The Pedestrian Oriented Overlay district is established to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and accessory parking facilities, and by prohibiting certain high impact and automobile-oriented uses. The increased width of the curb cut is not conducive to a pedestrian-friendly design and may detract from the pedestrian character of the area.

- 4. The proposed variance may 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.**

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The requested variance is not expected to contribute to congestion in the public streets or be detrimental to public safety.

**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 Zoning Code**

**BUILDING PLACEMENT AND DESIGN:**

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

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- 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 530.20 of the zoning code.

- **Ground floor active functions:**

Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.

  - The form and pitch of roof lines shall be similar to surrounding buildings.
  - **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

Conformance with above requirements:

The proposed 2,010 square foot building addition will be constructed on the east side of the site, toward Excelsior Boulevard. The building will be set back 24.25 feet from the front lot line along Excelsior Boulevard. A variance to the Pedestrian Oriented Overlay District standards has been requested accordingly. The front yard setback along Abbott Avenue S is 49 feet. The underlying zoning district is C3S and the PO does not cover this portion of the lot. Therefore, this setback is exempt from the 8-foot requirement. A covered patio is proposed between the building and Excelsior Boulevard at a setback of 10 feet. The placement of the building and the design of the building allow for natural surveillance and visibility. A landscaped area approximately 5 feet in depth is shown between the building and Excelsior Boulevard. The landscaped area covers the entire space between the patio and the limits of the roadway easement. There is a parking area proposed between the building and Abbott Avenue S on the west side of the site. Due to the C3S zoning, this configuration is acceptable. Landscaping is also proposed on the west side of the site between the parking area and the street.

The principal entrances for both tenant spaces are on the east side of the building, facing Excelsior

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Boulevard. The entrances open on to the patio and are clearly defined with a wood and steel pergola and signage. Each tenant space also has an entrance on the west side of the site, facing Abbott Avenue and the on-site parking area. These entrances are defined with an awning and signage. As stated above, it is acceptable for the parking area on the west side of the site to be located between the building and the street due to the underlying C3S zoning. Additional parking is located along the north property line, in the interior side yard.

The primary exterior material for the building addition is stucco. A wood and metal pergola is proposed on the east elevation and a wood and metal awning is proposed on the west elevation. The plain face block on the north and west side of the existing building will be covered with stucco. Plain face block will remain on south elevation of the existing building. Because this is an existing building material, it is allowed to remain. The roofline on the addition will contain a pre-finished metal cap. The building is articulated with several large windows on each elevation. No blank walls in excess of 25 feet are proposed for the building addition. The existing building has blank walls on the north and south elevations. However, because this portion of the building exists, it is not subject to the requirements of the site plan chapter.

The window requirements of the site plan chapter call for 30 percent window coverage on the first floors facing the street and 10 percent on the second floors facing the street or on-site parking lot. The Pedestrian Oriented Overlay District increases the window requirement to 40 percent on the east elevation. The applicant is providing windows for 43 percent of the east elevation. The north elevation of the addition is subject to the 30 percent glazing required in the site plan chapter. The applicant is proposing windows for 41.6 percent of the addition. The west elevation of the building is existing and therefore not subject to the window requirements of the site plan chapter. However, the applicant is making improvements to this façade and glazing equivalent to 34.8 percent of the wall area is proposed. All windows proposed are distributed in an even manner and are vertical in proportion.

First floor or ground floor windows shall be required to have clear or lightly tinted glass and allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade.

The east and west elevations, each facing a public street, will contain active functions for the length of the building.

The structure has a flat roof similar to other structures in the area.

No parking garages are proposed for the site.

### **ACCESS AND CIRCULATION:**

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

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- **Site plans shall minimize the use of impervious surfaces.**

***Conformance with above requirements:***

The entrances facing Excelsior Boulevard will open on to the patio, which steps down to a 6-foot sidewalk. This 6-foot sidewalk provides access to the parking lot and extends east toward the sidewalk along Excelsior Boulevard. However, due to the location of the monument sign, the proposed internal sidewalk does not connect to the public sidewalk. As a condition of approval the monument sign must be relocated to allow this sidewalk connection. The entrances on the west side of the building, facing Abbott Avenue S open onto a 5.5' sidewalk. This sidewalk is directly adjacent to the parking lot.

There are no transit shelters adjacent to the site.

The site is a through lot with access from both Abbott Avenue and Excelsior Boulevard. The access from Excelsior Boulevard is 22 feet in width and requires a variance to the Pedestrian Oriented Overlay district standards. As stated above, staff is recommending denial of this variance and instead recommends that the width of the driveway be reduced to 20 feet. The access from Abbott Avenue S is also 22 feet in width. This portion of the site is not within the PO district and not subject to the 20-foot driveway width requirement. There is an existing easement in the southeast corner to the site to allow access into the neighboring property. This easement and access will remain. All parking spaces are served by a 22-foot drive aisle.

There are no public alleys adjacent to the site.

As noted below, the proposed site plan requires alternative compliance for a number of landscaping requirements and contains approximately 23 parking stalls in excess of the minimum requirement (depending on uses). If either of the tenant spaces is to be occupied by a retail use, the site would exceed the maximum parking requirement by two spaces. Therefore, the site plan has not been designed to minimize the use of impervious surfaces. Staff is recommending that the applicant reduce the number of parking stalls to come closer into compliance with the minimum landscaped area requirement. Specifically, staff is recommending that the parking space directly adjacent to the trash enclosure be removed so that the trash enclosure can be shifted into that space and the area previously designated for the trash enclosure can be converted to green space. Staff is also recommending that the parking stalls along the north property line be reduced to a maximum width of 8.5 feet and one additional parking stall on the site be removed. This would result in a reduction of impervious surface.

**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.**

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- 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 lot area is 19,620 square feet and the footprint of the building is 4,350 square feet. Therefore, the net lot area is 15,270 square feet, of which 20 percent (3,054 square feet) is required to be landscaped. The site requires 6 canopy trees and 30 shrubs to satisfy the minimum planting requirement. The applicant is proposing a landscaped area of 2,490 square feet, or 16.3 percent of the total site area not occupied by buildings. The landscaping includes 10 canopy trees, 8 of which are birch trees to be planted in clusters. The landscape plan also includes 111 shrubs and 75 perennials.

Alternative compliance is requested to allow a landscaped area equivalent to 16.3 percent of the net site area, as opposed to the 20 percent required. The difference between the landscaping area proposed and that required is approximately 564 square feet. The site plan shows 23 parking stalls in excess of the minimum requirement, if both spaces are to be occupied by restaurant uses. If even one of the tenant spaces were to be a retail use, the site would exceed the maximum parking requirement by two stalls. Furthermore, 13 parking stalls are 9 feet in width, as opposed to the 8.5 foot width required. It is possible to reduce the size of the parking area and provide additional green space. Specifically, staff recommends eliminating the parking stall directly adjacent to the trash enclosure. The trash enclosure can then be shifted into the area of the parking space and the area previously designated for the trash enclosure can be converted to green space. Staff also recommends making all parking stalls along the north property line a maximum of 8.5 feet in width to provide a landscaped tree island and recommends the removal of one additional parking stall somewhere on the site. By removing two parking stalls and reducing the width of the 9-foot stalls, the amount of green space on the site could be increased by approximately 460 square feet, equivalent to 19.3 percent of the net site area. Alternative compliance may be appropriate for the remaining 104 square feet required because the applicant has provided 81 shrubs in excess of the minimum requirement and there are contaminated soils on site.

A 15-foot landscaped yard is provided between the parking area and Excelsior Boulevard. Along the Abbott Avenue frontage a 7-foot landscaped yard is provided for most of the parking area. A portion of one parking stall has a landscaped yard less than 7 feet in width due to the angle of the lot line. Staff finds that alternative compliance is appropriate to allow this one stall to have a smaller landscaped yard

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at the street. The lot line is angled in this location and plantings have been provided between the stall and the street to offset the impact.

Along the north property line, several parking stalls are further than 50 feet from the center of an on-site deciduous tree. As stated above, staff is recommending that all parking stalls in this location be reduced to a maximum width of 8.5 feet. This adjustment will allow for a 6.5 foot tree island in this row of parking. Staff does not recommend granting alternative compliance for the distance requirement.

All areas not occupied by buildings, parking and loading facilities and driveways are landscaped.

**ADDITIONAL STANDARDS:**

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
  - Natural surveillance and visibility
  - Lighting levels
  - Territorial reinforcement and space delineation
  - Natural access control
- To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

***Conformance with above requirements:***

The parking area contains continuous curbing and on-site retention and filtration of stormwater is not proposed. Through the PDR process, Public Works encouraged the applicant to use green space and natural vegetation to treat and infiltrate stormwater runoff. Draining the parking lot to green space designed as a rain garden, swale or Bioretention area was deemed acceptable for the site. The PDR report is attached. Planning staff is also recommending that the applicant increase the amount of green space on the site to reduce impervious surfaces and decrease runoff. However, due to contaminated soils on the site, a rain garden may not be possible. A letter from the MPCA addressing the soils is attached for review.

The proposed building is a single story and will not significantly shadow public spaces or adjacent properties. The building is not expected to significantly generate wind currents at ground level or block views of important elements of the City.

The plan meets the CPTED guidelines. The site is well lit and designed with opportunities for people to observe adjacent spaces and public sidewalks. The amount of glazing on the existing building will be increased and the window requirements are met on all elevations of the addition. Landscaping, sidewalks and building features are designed to direct pedestrian movements.

The existing building on the site is not historic, and the property does not lie within an historic district.

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**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:** Both retail and restaurant uses are permitted in the C3S District.

**Off-Street Parking and Loading:**

Minimum automobile parking requirement:

The applicant is commercial development with two tenant spaces. The leasing has not been completed for the building but the applicant anticipates retail and/or restaurant uses. The parking requirement below takes multiple tenant scenarios into account. The site is located within the boundaries of the Pedestrian Oriented Overlay District and is subject to a 25 percent parking reduction for non-residential uses. In any case, the minimum parking requirement for each use shall not be less than 4 spaces. The minimum vehicle parking requirement for the site is as follows:

Tenant configuration	Requirement	Size	Spaces required
Two restaurant uses	1 space per 500 sq. ft. of GFA up to 2,000 sq. ft. + 1 space per 300 sq. ft. of GFA in excess of 2,000 sq. ft., with 25% reduction	2,175 square feet each	9 spaces
One restaurant use, one retail use	1 space per 500 sq. ft. of GFA up to 2,000 sq. ft. + 1 space per 300 sq. ft. of GFA in excess of 2,000 sq. ft.; 1 space per 500 sq. ft. of GFA in excess of 4,000 sq. ft., with 25% reduction	2,175 square feet each	8 spaces
Two retail uses	1 space per 500 sq. ft. of GFA in excess of 4,000 sq. ft., with 25% reduction	2,175 square feet each	6 spaces

The applicant is providing 32 parking spaces, greatly exceeding the minimum requirement. The parking stalls are located along the north property line and on the west side of the site, between the building and Abbott Avenue.

Maximum vehicle parking requirement:

The maximum vehicle parking requirement for the site is below. Again, multiple tenant scenarios have been evaluated.

Tenant configuration	Requirement	Size	Spaces allowed
Two restaurant uses	1 space per 75 sq. ft. of GFA, with 25% reduction	2,175 square feet each	44 spaces
One restaurant use, one retail use	1 space per 75 sq. ft. of GFA; 1 space per 200 sq. ft. of GFA, with 25 percent reduction	2,175 square feet each	30 spaces
Two retail uses	1 space per 200 sq. ft. of GFA, with 25 percent reduction	2,175 square feet each	16 spaces

The maximum parking requirement also takes into account a 25 percent reduction per the Pedestrian

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Oriented Overlay District. The applicant has provided 32 parking stalls and staff has recommended that a minimum of 2 of these parking stalls be removed. With the removal of these two stalls the applicant would not exceed the maximum parking requirement, provided at least one tenant space is occupied by a restaurant use. If both spaces were to become retail spaces, an additional application for a variance to the maximum parking requirement would be required.

### Minimum bicycle parking requirement:

Regardless of use, each tenant space will require 3 bicycle parking spaces for a total of 6 spaces. The site plan shows 7 bicycle parking spaces in the northeast corner of the site. These spaces are approximately 40 feet from the front entry, in compliance with the requirements for short-term bike parking.

### Loading

The building is of a size that does not equate to a loading requirement. All deliveries will occur within the parking area.

**Maximum Floor Area:** The maximum floor area ratio (FAR) in the C3S district is 1.7. The applicant is proposing a 4,350 square foot building on a 19,620 square foot lot. The proposed FAR is .22, within the parameters allowed.

**Building Height:** The maximum height for structures in all industrial districts is 4 stories or 56 feet, whichever is less. A single story building is proposed at a height of 20 feet.

**Minimum Lot Area:** There is not a minimum lot area requirement for either use in the C3S District.

**Dwelling Units per Acre:** There are no dwelling units proposed as part of the project.

**Yard Requirements:** The C3S District does not have any minimum yard requirements for the proposed uses. The Pedestrian Oriented Overlay District limits the front yard setback to a maximum of 8 feet. The applicant has applied for a variance to this provision to allow for the building wall to be set back 24.25 feet from the front lot line. The patio would have a 10-foot setback.

**Specific Development Standards:** Restaurants have one specific development standard, as follows:

- (1) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet shall be inspected regularly for purposes of removing any litter found thereon.

**Hours of Open to the Public:** In the C3S District, uses may be open to the public during the following hours: Sunday through Thursday from 6:00 a.m. to 10:00 p.m. and Friday and Saturday from 6:00 a.m. to 11:00 p.m. The proposed use(s) will comply with the required hours open to the public.

**Signs:** Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. The building elevations illustrate generic signs for both uses. In the C3S district, the building is allowed two square feet of signage for each foot of primary building wall. The applicant is proposing two wall signs on the east elevation, each at 46 square feet. Two additional wall signs are proposed on the west

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elevation at 16 square feet each. One additional 16 square foot sign is proposed on the north elevation, facing the parking lot. A monument sign is also proposed in the front yard adjacent to Excelsior Boulevard. All signage proposed is within the parameters allowed.

**Refuse storage:** Section 535.80. Refuse storage containers are required to be enclosed on all four (4) sides by screening compatible with the principal structure, not less than two (2) feet higher than the refuse container, or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. A refuse container is proposed on the east side of the site, at the edge of the parking area. Staff is recommending that the parking stall directly adjacent to the trash enclosure be removed. This will allow for the refuse storage container to be moved to the east in the location of the parking stall. This change will reduce the amount of impervious surface and bring the site closer into compliance with 20 percent minimum landscaped area requirement. Moving the trash enclosure shall be required as a condition of approval.

**Lighting:** The applicant has not submitted a lighting plan. All lighting shall be required to comply with Chapters 535 and 541 including the following standards:

535.590. Lighting. (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as to not directly or indirectly cause illumination or glare in excess of one-half footcandle measured at the closest property line of any permitted or conditional residential use, and five footcandles measured at the street curb line or nonresidential property line nearest the light source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

### THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH:

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The site is designated for mixed use on the future land use map in *The Minneapolis Plan for Sustainable Growth*. Excelsior Boulevard is a commercial corridor in this location. The site is also located directly adjacent to a Major Retail Center. Major Retail Centers are unique locations that can accommodate large-scale retail uses. These locations are characterized by their immediate and easy connections to regional road networks. Although these sites may be more oriented to the automobile, they can be designed for pedestrians and other modes of transportation to increase their compatibility with urban form and character. In addition, while traditional urban design for new buildings may not always be possible, it should be implemented where feasible. Please note that the site is in very close proximity to a future light rail transit station. However, the area has not yet been designated as a Transit Station Area in the comprehensive plan. The following policies of the comprehensive plan apply to the site:

**Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.**

- 1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.
- 1.4.2 Promote standards that help make commercial districts and 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 to add interest at the pedestrian level.
- 1.4.3 Continue to implement land use controls applicable to all uses and structures located in commercial districts and corridors, including but not limited to maximum occupancy standards, hours open to the public, truck parking, provisions for increasing the maximum height of structures, lot dimension requirements, density bonuses, yard requirements, and enclosed building requirements.
- 1.4.4 Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.

**Policy 1.10: Support development along Commercial Corridors that enhances the street’s character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.**

- 1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low-impact light industrial – where compatible with the existing and desired character.
- 1.10.2 Encourage commercial development, including active uses on the ground floor, where Commercial Corridors intersect with other designated corridors.
- 1.10.3 Discourage uses that diminish the transit and pedestrian character of Commercial Corridors, such as some automobile services and drive-through facilities, where Commercial Corridors intersect other designated corridors.

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**Policy 1.16: Support a limited number of Major Retail Centers, while promoting their compatibility with the surrounding area and their accessibility to transit, bicycle and foot traffic.**

- 1.16.1 Encourage the development of mixed residential, office, institutional and, where appropriate, small-scale retail sales and services to serve as transitions between Major Retail Centers and neighboring residential areas.
- 1.16.2 Incorporate principles of traditional urban design in new and phased development, including buildings that reinforce the street wall, have windows that provide “eyes on the street”, and principal entrances that face the public sidewalks.
- 1.16.3 Encourage and implement buffering to lessen potential conflicts between uses in Major Retail Centers and surrounding areas.
- 1.16.4 Ensure the provision of high quality transit, bicycle and pedestrian access to Major Retail Centers.
- 1.16.5 Support district parking strategies in Major Retail Centers, including shared parking facilities, uniform signage for parking facilities, and other strategies.

The proposed building addition is for a multi-tenant commercial building. While the building does require a variance for the building setback, the addition is proposed on the front side of the building toward Excelsior Boulevard. Excelsior Boulevard is a commercial corridor in this location and the addition will help to activate the street by greatly reducing the setback of the existing building and providing a patio space between the building and the street. Staff is recommending changes to the parking area so that additional green space can be provided and the site plan will be more pedestrian friendly.

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

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

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

The applicant has requested alternative compliance to a number of landscaping standards of the Site Plan Review chapter. Specifically, alternative compliance has been requested for the minimum landscaped area requirement, the required 7-foot landscaped yard between the parking area and the Abbott Avenue and to allow parking stalls that are further than 50 feet from the center of on-site deciduous tree.

In terms of the minimum landscape requirement, staff recommends that the applicant make changes to the parking area to increase the amount of green space on site. The site has 23 parking stalls in excess of the minimum requirement if both tenants are to be restaurant spaces. If any retail spaces are proposed, two parking stalls must be removed or the applicant needs to apply for a variance to the maximum parking requirement. In addition, 13 of the parking stalls are wider than the minimum requirement. CPED Planning staff recommends that the applicant remove a minimum of two parking stalls and make all parking stalls along the north property line a maximum of 8.5 feet in width. The resulting landscaped area with these changes would be approximately 19.3 percent. Staff recommends granting alternative compliance to allow 19.3 percent landscaping in lieu of the 20 percent provided with those changes, due to high number of shrubs and perennials provided. Staff does not recommend granting alternative compliance to allow parking stalls to be further than 50 feet from a tree. Reducing the width of the parking stalls on the north elevation will allow for the installation of a tree island at a width of 6.5 feet, large enough to support a deciduous tree. Staff recommends granting alternative compliance to allow a landscaped yard less than 7 feet in width along Abbott Avenue for the southernmost parking stall. The landscaped yard is limited due to the angle of the lot line and plantings have been provided to offset the impact of the narrow yard.

### **RECOMMENDATIONS:**

#### **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 findings above and **deny** the variance to increase the driveway width from 20 feet to 22 feet in the Pedestrian Oriented Overlay district for property at 3100 Excelsior Boulevard.

#### **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 findings above and **approve** the variance to allow maximum building setback from 8 feet to 24.25 feet in the in the Pedestrian Oriented Overlay district for property at 3100 Excelsior Boulevard.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the site plan review for a 2,010 square foot building addition for property at 3100 Excelsior Boulevard, subject to the following conditions:

1. CPED Planning staff review and approval of the final site, elevation, floor and landscaping plans.
2. All site improvements shall be completed by August 2, 2011, unless extended by the Zoning Administrator, or the approvals may be revoked for noncompliance.
3. The internal sidewalk adjacent to the patio shall connect to the public sidewalk along Excelsior Boulevard, in compliance with Section 530.130 of the zoning code.
4. The applicant shall reduce the width of all parking stalls along the north property to a maximum of 8.5 feet and provide a tree island, in compliance with Section 530.170 of the zoning code.
5. A minimum of two parking stalls shall be removed, to increase the total landscaped area, in compliance with Section 530.170 of the zoning code.
6. The refuse storage container shall be shifted to the east, into the location of the adjacent parking stall, to provide a wider landscaped yard.
7. The site plan shall comply with the maximum parking requirements in Chapter 541 or a variance shall be required.

**Attachments:**

1. Statement and findings from applicant.
2. Zoning map.
3. PDR Report.
4. Letter from the MPCA.
5. Site plans and elevations.
6. Proposed floor plans.
7. Photos.