

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

Variances and Site Plan Review

BZZ-4507

Date: August 24, 2009

Applicant: Urban Anthology, Attn: Jeffrey Herman, Lake Calhoun Executive Center,
3033 Excelsior Boulevard, Suite 10, Minneapolis, MN 55426, (612) 924-6486

Address of Property: 3018 Hennepin Avenue

Project Name: 3018 Hennepin Avenue

Contact Person and Phone: Urban Anthology, Attn: Jeffrey Herman, Lake Calhoun
Executive Center, 3033 Excelsior Boulevard, Suite 10, Minneapolis, MN 55426

Planning Staff and Phone: Becca Farrar, (612) 673-3594

Date Application Deemed Complete: July 24, 2009

End of 60-Day Decision Period: September 21, 2009

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

Ward: 10 **Neighborhood Organization:** East Calhoun Community Organization
(ECCO) and Calhoun Area Residents Action Group (CARAG)

Existing Zoning: C3A (Community Activity Center) District, PO (Pedestrian Oriented)
Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 24

Lot area: 5,844 or .13 acres

Legal Description: Not applicable for this application.

Proposed Use: A 3-story (2-floor) retail development.

Concurrent Review:

- Variance of the off-street parking requirement for a proposed retail development.
- Variance to allow an increase in the maximum allowable floor area of a retail sales and services use from 8,000 square feet to 9,660 square feet.

- Site plan review for a new 3-story (2-floor), 40 foot tall retail development located in the C3A (Community Activity Center) District and within the Lake and Hennepin Area PO (Pedestrian Oriented) Overlay District.

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

Background: The applicant proposes to demolish the Uptown Bar and Café and construct a new 3-story (2-floor), 9,660 square foot retail structure on the property located at 3018 Hennepin Avenue. The property is zoned C3A (Community Activity Center District) and is located in the Lake and Hennepin Area PO (Pedestrian Oriented) Overlay District. Retail sales and service uses are permitted in the C3A District. Site plan review is required for the proposed development as is a variance of the off-street parking from 7 to zero. Additionally, a variance to allow an increase in the maximum allowable size of a retail sales and services use from 8,000 square feet to 9,660 square feet is also required.

The applicant has submitted a Travel Demand Management Plan (TDMP) in accordance with the requirements as outlined in the Lake and Hennepin Area PO (Pedestrian Oriented) Overlay District. The document has been attached for reference.

Staff has not received official correspondence from East Calhoun Community Organization (ECCO) or Calhoun Area Residents Action Group (CARAG) prior to the printing of this report. Any correspondence received will be forwarded on to the Planning Commission for further consideration.

VARIANCES – (1) Variance of the off-street parking requirement for a proposed retail development; (2) Variance to allow an increase in the maximum allowable floor area of retail sales and services from 8,000 square feet to 9,660 square feet.

Findings as Required by the Minneapolis Zoning Code for the Variance:

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.**

Variance of the off-street parking requirement: Staff would argue that the property could be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning ordinance would cause undue hardship. Based on the location of the proposed development and the expectation that the majority of the intended users would park and walk to several destinations within the greater neighborhood or utilize alternate forms of transportation, Planning Staff believes that varying the off-street parking requirement from 7 to zero is a reasonable request. In addition, the development would result in the establishment of additional daytime users/traffic which is a broader neighborhood goal. Furthermore, the majority of the

concerns regarding parking supply versus demand in the neighborhood typically revolve around nighttime destination activities on Friday and Saturday nights.

Variance to allow an increase in the maximum allowable retail space: Staff would argue that the property could be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning ordinance would cause undue hardship. Allowing an increase from the permitted 8,000 square feet to 9,660 square feet for a 3-story (two-floor) retail development would not be unreasonable provided the development complies with all applicable window requirements.

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.

Variance of the off-street parking requirement: The circumstances could be considered unique to the parcel of land as the subject parcel is a small infill site located within an Activity Center, along a Community Corridor and less than a half block off a Commercial Corridor. The expectations due to the geographic location of the development, is that the majority of the users will park and explore multiple destinations within the greater Uptown neighborhood, walk, bike, bus or use other forms of alternative transportation.

Variance to allow an increase in the maximum allowable retail space: The circumstances could be considered unique to the parcel of land as the proposed tenant space would appear to be similar in size to many of the existing retail developments located within the broader Uptown neighborhood. The incorporation of additional daytime users/traffic is strongly encouraged by the neighborhood.

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.

Variance of the off-street parking requirement: The granting of the off-street parking variance would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. As previously mentioned, the proposed retail development would be located within the dense commercial core of Uptown and is not expected to be the primary trip for most patrons as the expectation would be that the majority of the intended users would park and walk to several destinations within the greater neighborhood or use alternative forms of transportation. There are several off-street parking facilities in the Uptown area that could be utilized for parking by patrons and employees of the proposed development. In addition, there is also on-street parking available on several of the streets surrounding the proposed project site. The site is also located adjacent to major bus routes and the Midtown Greenway which is a bicycle and

pedestrian route. The development would result in the establishment of additional daytime users/traffic which is a broader neighborhood goal. Planning Staff believes that varying the off-street parking requirement is a reasonable request.

Variance to allow an increase in the maximum allowable retail space: The intent of the ordinance is to encourage small-scale retail sales and services uses. The granting of the variance to allow a small increase in the maximum allowable retail size that is similar to that of surrounding retail uses would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity provided all applicable conditions of approval related to window openings are adhered to and enforced as necessary.

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.

Variance of the off-street parking requirement: Staff believes that the granting of the off-street parking variance would likely have little impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety. Due to the location of the development, Planning Staff would expect the majority of the users to park in the neighborhood in order to visit multiple destinations, or either walk, bus or bike from the immediate neighborhood. The TDMP concludes that “based on the parking analysis and overall net reduction in area parking demand, the parking deficit for the proposed development is not anticipated to result in a parking problem.” Additionally, a total of 3 bicycle parking spaces are required based on the proposal. The development complies with this requirement as the applicant proposes to locate 4 bicycle parking spaces within the public right-of-way pending approval by the city engineer.

Variance to allow an increase in the maximum allowable retail space: Staff believes that the granting of the variance to allow a larger retail space than what is typically permitted in the C3A district would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety. As previously mentioned, the TDMP concludes that “based on the parking analysis and overall net reduction in area parking demand, the parking deficit for the proposed development is not anticipated to result in a parking problem.”

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 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.
 - 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 531.20 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.**

The development is not subject to required yards and all portions of the structure are located within 8 feet of the front lot line. A portion of the building wall is slightly recessed along Hennepin Avenue approximately 5 feet. The building is oriented towards the Hennepin Avenue frontage and the principal entry to the structure is located directly off of the public sidewalk along Hennepin Avenue. The design maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation along the street frontage. The area between the building and the public street has existing tree plantings.

The second floor of the proposed structure is recessed approximately 66 feet from the front edge of the building along Hennepin Avenue. The design of the structure allows for the incorporation of outdoor patio space, a green roof as well as a large skylight system.

The elevation of the building along Hennepin Avenue incorporates windows that meet the 40% PO district window requirement as approximately 61% are provided according to the submitted elevations. The windows are also distributed in a more or less even manner on this elevation and are also vertical in proportion. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. The proposed development also meets the 10% window requirement on each floor above the first floor that faces the public street and public sidewalk.

There are blank, uninterrupted walls greater than 25 feet in width that do not include windows, entries, recesses or projections, or other architectural elements along the

west, north and south building elevations. However, the proposed structure would be constructed to a zero lot line up to the buildings on either side of the subject site to the north and south. No alternative compliance would be necessary as it pertains to the north and south building elevations in this circumstance as the blank, uninterrupted walls would directly abut the adjacent structures and would not be visible. Alternative compliance would be necessary, however, for the west elevation (rear) of the structure. Planning Staff will recommend that the Planning Commission require compliance with this provision.

The exterior materials would be considered compatible on all exposed sides of the proposed building as there are metal panels, extensive glass, a projecting canopy and burnished block. The north and south building elevations are composed primarily of plain face CMU block which is typically a prohibited building material; however, no alternative compliance is necessary as the building walls would be constructed to a zero lot line directly abutting existing building walls on either side of the structure and not visible. Where the building is visible above the 3016 Hennepin Ave building to the north, there would be courses of burnished CMU to match the west elevation. The proposed building form and flat roof would be considered compatible with other buildings in the area.

There is no associated off-street parking proposed on the premises for the development.

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.**

The principal entry to the proposed retail structure would be located directly off of the public sidewalk along Hennepin Avenue.

There are no transit shelters within the development; however, the site is located in close proximity to several Metro Transit bus lines.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses within the general vicinity.

There is a public alley adjacent to the site; however, it would only be utilized for trash removal as there is no available on-site parking for the proposed development.

Nearly the entire site is covered by the proposed building. The applicant is incorporating an approximate 800 square foot green roof on a portion of the second story of the development.

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.**

According to the applicant, once the project is complete, there would be no landscaping on the subject site which would not meet the 20% landscaping requirement. Alternative compliance is necessary. The site is approximately 5,844 square feet in size with buildings occupying a footprint of 5,449 square feet. Based on the site information, approximately 79 square feet of landscaping would be required. Based on the configuration of the building on the premises it would not be practical to require compliance with the 20% landscape provision. Planning Staff would recommend that the Planning Commission grant alternative compliance. The zoning code requires that there be at least 1 tree and 1 shrub planted on the site. The applicant is not proposing to include any vegetation. The proposal is not meeting the minimum landscape quantity requirements. Alternative compliance is necessary. Planning Staff will recommend that

the Planning Commission grant alternative compliance as it would not be practical to require compliance with this provision due to the limitations of the remaining area. The applicant is incorporating a green roof that is approximately 800 square feet in size on the second story of the proposed development. Planning Staff believes that the proposed green roof is an adequate mitigation measure.

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.**

No off-street parking is being proposed as part of the development. The water drainage on site has been designed so as not to drain onto any adjacent lots as roof drains are directing the water towards the alley. The applicant is proposing to include an 800 square foot green roof on a portion of the second story of the structure.

Planning Staff would expect the development to have minimal impacts on the blocking of views and shadowing of adjacent properties. The proposed buildings would also be expected to have negligible impacts on light, wind and air in relation to the surrounding area.

Planning Staff would expect to review a detailed lighting plan upon submission of final plans. It is noteworthy to mention that based on the proposal, abundant windows shall face the public street, allowing extensive natural surveillance.

There are no historic buildings on the subject site although the Suburban World Theatre which is a designated local landmark is located on the adjacent parcel to the south.

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 use of the site for a 9,660 square foot retail development is a permitted use in the C3A District.

With the approval of the variances and site plan review, this development would meet the requirements of the C3A zoning district.

Parking and Loading:

Minimum automobile parking requirement: Chapter 541 requires a total of 11 off-street parking spaces prior to consideration of permitted reductions for the proposed development as 1 space per 500 square feet in excess of 4,000 square feet is required for general retail sales and services uses. Further, due to the location of the subject site within a PO, the minimum off-street parking requirement for nonresidential uses is 75% of the minimum requirement outlined in Chapter 541. Therefore, a total of 8 off-street parking spaces are required. Additionally, the applicant proposes to include a bicycle rack in lieu of one required parking space. Therefore, with a reduction for bicycle parking the parking requirement would be reduced to 7 required spaces (the bike rack or racks must accommodate four spaces).

Maximum automobile parking requirement: The maximum parking requirement for the development is 1 space per 200 square feet of gross floor area. The gross floor area of the commercial uses is 9,660 square feet. Therefore, the maximum parking requirement would be 48 off-street parking spaces. Because the subject property is located within a PO, the maximum off-street parking allowance for nonresidential uses is 75% of the maximum allowed, or 36 off-street parking spaces. The project is in compliance with this requirement as no off-street parking is being provided.

Bicycle parking requirement: A total of 3 bicycle parking spaces are required. Bicycle racks that are provided as part of the bicycle incentive as listed above in the minimum automobile parking requirement can also fulfill the minimum bicycle parking requirement. Not less than 50% of the required bicycle parking shall meet the standards for short-term bicycle parking which are as follows:

- *“Required short-term bicycle parking spaces shall be located in a convenient and visible area within fifty (50) feet of a principal entrance and shall permit the locking of the bicycle frame and one (1) wheel to the rack and shall support a bicycle in a stable position without damage to the wheels, frame or components. With the permission of the city engineer, required bicycle parking may be located in the public right-of-way. Public bicycle parking spaces may contribute to compliance with required bicycle parking when located adjacent to the property in question.”*

The development complies with this requirement as the applicant proposes to locate 4 bicycle parking spaces within the public right-of-way pending approval by the city engineer.

Loading: There is no loading requirement for the proposed development.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the 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 trash room is included within the proposed structure adjacent to the public alley.

Signs: No signage is proposed at this time. Any proposed future signage shall meet the requirements of the code. Separate permits are required from the Zoning Office for any future signage on site.

Lighting: A photometric plan was not submitted as part of the application. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

Maximum Floor Area: The maximum F.A.R. for all structures in the C3A District is the gross floor area of the building which is 9,660 square feet divided by the area of the lot which is 5,844 square feet. The outcome is 1.65 which is less than the maximum of 2.7 that is permitted in the C3A District.

Minimum Lot Area: Not applicable for this development.

Dwelling Units per Acre: Not applicable for this development.

Height: Maximum building height for principal structures located in the C3A District is 4 stories or 56 feet, whichever is less. The proposal would conform with this requirement as the structure is proposed to be 3 stories (2-floors) or 40 feet tall.

Yard Requirements: Not applicable for this development.

Building coverage: Not applicable for this development.

Impervious surface area: Not applicable for this development.

MINNEAPOLIS PLAN

According to the *Minneapolis Plan*, the subject parcel is zoned C3A which is a Community Activity Center District, located within a designated Activity Center (Hennepin Avenue and West Lake Street), located directly on Hennepin Avenue which is a designated Community Corridor in this location and less than a half block off of West Lake Street which is also a Commercial Corridor. According to the Principles and Policies outlined in the *Minneapolis Plan*, the following apply to this proposal:

9.27 *Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets and the type of transit service provided on these streets.*

9.28 *Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.*

Implementation Steps:

- Support a mix of uses on Commercial Corridors – such as retail sales, office, institutional, higher density residential, and clean low-impact light industrial – where compatible with the existing and desired character of the street.
- Ensure that commercial uses do not negatively impact nearby residential areas.

9.23 *Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.*

Implementation Steps:

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

9.31 *Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.*

Implementation Steps:

- Require that buildings in Activity Center districts incorporate a pedestrian orientation at the street edge.

The proposal is in conformance with the above noted principles, policies and implementation steps of the comprehensive plan.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

There is an additional plan that must be considered when evaluating the proposal. The *Uptown Small Area Plan* which was adopted by the City Council on February 1, 2008, locates this property within the boundaries of an Activity Center. The future land use identified for this specific site is preferred mixed use. While the proposal is for a retail use, it fits well in terms of context, scale and massing for an infill development into the existing Activity Center.

The *Uptown Small Area Plan* focuses on parking management practices due to the fact that Public Works conducted a study approximately a year before the start of the small area plan. This study found that there was enough parking the majority of the time within the vicinity, exceptions of course being on Friday and Saturday nights. The provision of bringing in additional retail would result in an increase in daytime traffic, which has been a desire expressed by the neighborhood. Also, with the expansion of the Calhoun Square parking ramp and the addition of Mozaic's parking ramp (should the project be constructed), parking options will continue to expand within the immediate neighborhood in the future.

It is Planning Staff's opinion that the proposed development resulting in the incorporation of additional daytime users as well as the fact that there appears to be adequate opportunities for shared parking in the vicinity is in general conformance with the adopted *Uptown Small Area Plan*.

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

Alternative compliance is requested by the applicant to meet the following standards:

- **20% landscaping requirement:** According to the applicant, once the project is complete, there would be no landscaping on the subject site which would not meet the 20% landscaping requirement. Alternative compliance is necessary. The site is approximately 5,844 square feet in size with buildings occupying a footprint of 5,449 square feet. Based on the site information, approximately 79 square feet of landscaping would be required. Based on the configuration of the building on the premises it would not be practical to require compliance with the 20% landscape provision. Planning Staff would recommend that the Planning Commission grant alternative compliance.

- **Landscape quantities:** The zoning code requires that there be at least 1 tree and 1 shrub planted on the site. The applicant is not proposing to include any vegetation. The proposal is not meeting the minimum landscape quantity requirements. Alternative compliance is necessary. Planning Staff will recommend that the Planning Commission grant alternative compliance as it would not be practical to require compliance with this provision due to the limitations of the remaining area. The applicant is incorporating a green roof that is approximately 800 square feet in size on the second story of the proposed development. Planning Staff believes that the proposed green roof is an adequate mitigation measure.

- **Blank wall provision:** There are blank, uninterrupted walls greater than 25 feet in width that do not include windows, entries, recesses or projections, or other architectural elements on the west (rear) building elevation. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission require compliance with this provision.

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 above findings and **approve** the application for a variance to allow an increase in the maximum allowable size of a retail space from 8,000 square feet to 9,660 square feet for the property located at 3018 Hennepin Avenue subject to the following conditions:

1. No shelving, signage, merchandise, newspaper racks or other mechanisms shall be placed in front of the required ground level transparent windows.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the off-street parking requirement for a retail development from 7 to zero for the property located at 3018 Hennepin Avenue subject to the following condition:

1. A minimum of one bike rack that accommodates four spaces shall be provided. The bicycle parking may be located in the public right-of-way with permission of the city engineer.

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 **approve** the site plan review application for a 9,660 square foot retail development on the property located at 3018 Hennepin Avenue subject to the following conditions:

1. All site improvements shall be completed by August 24, 2010, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. Planning Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. All ground level windows must be transparent (non-reflective) as required by section 530.120 of the zoning code. No shelving, signage, merchandise, newspaper racks or other mechanisms shall be placed in front of the required 40% ground level transparent window area.
4. The blank, uninterrupted walls greater than 25 feet in width along the west elevation shall incorporate windows, entries, recesses or projections, or other architectural elements as required by section 530.120 of the zoning code.

Attachments:

1. PDR Report
2. Statement of use / description of the project
3. Findings –Variances
4. Correspondence
5. Zoning map
6. Plans – Site, elevations, floor plans
7. Photos
8. TDMP