

Department of Community Planning and Economic Development - Planning Division
Rezoning, Conditional Use Permits, Variances, Site Plan Review, and Preliminary and Final Plat
BZZ-4779 & PL-243

Date: June 14, 2010

Applicant: BC Gateway LLC, 227 Colfax LLC, and the Firm Workout Studio

Address of Property: 1000 – 2nd Avenue North, 1100 and 1102 – 2nd Avenue North, 250 Fremont Avenue North, and 227 Colfax Avenue North (1010 2nd Avenue North).

Project Name: The Firm Workout Studio

Contact Person and Phone: Randall Lindemann, AIA – KKE Architects 612-339-4200
David Phillips, AIA – Phillips Architects 612-377-3333

Planning Staff and Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: May 17, 2010

End of 60 Day Decision Period: July 16, 2010

Date Extension Letter Sent: May 18, 2010

End of 120 Day Decision Period: September 14, 2010

Ward: 5 Neighborhood Organization: Harrison

Existing Zoning: C2 Neighborhood Corridor Commercial District with the PO Pedestrian Oriented Overlay District and OR2 High Density Office Residence District. SH Shoreland Overlay District.

Proposed Zoning: C2 Neighborhood Corridor Commercial District with the PO Pedestrian Oriented Overlay District and OR2 High Density Office Residence District (the rezoning will adjust the boundary between the districts with no change to the SH Shoreland Overlay District).

Zoning Plate Number: 13

Legal Description (of property to be rezoned): That part of Lots 9 and 10, Auditor's Subdivision No. 22 lying north of the northerly right-of-way line of Second Avenue North and southerly of a line drawn from the intersection of the West line of Lot 10, said Subdivision extended Southerly and the Northerly line of Second Avenue North to a point on the West line of Dupont Avenue North, distant 145.68 feet North of the intersection of said West line of Dupont Avenue and the North line of Second Avenue North.

AND

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That part of Lots 11, 12, 13, and 14, Block 1, Harrison's Addition to Minneapolis, Hennepin County, Minnesota, lying west of a line described as beginning at a point which lies 202.81 feet westerly along the southerly line of said Block 1 from the southeasterly corner of said Block 1; thence north to a point on the northerly line of said Block 1 which lies 213.48 feet westerly along said north line from the northeast corner of said Block 1 and said line there terminating.

AND

That part of the original bed of Bassett's Creek as shown on the recorded plat of Harrison's Addition and Aud. Sub. No. 22, lying east of Lot 9, Auditor's Subdivision No. 22, west of Block 1, Harrison's Addition to Minneapolis, north of the northerly right-of-way line of Second Avenue North, and south and west of the following described line: beginning at the northwest corner of Lot 14, Block 1, Harrison's Addition to Minneapolis; thence westerly along the westerly extension of the northerly line of said Lot 14 to the centerline of vacated Dupont Avenue North; thence north along said centerline to the easterly line of said Lot 9, Auditor's Subdivision No. 22, and said line there terminating.

Proposed Use: Major sports and health facility.

Concurrent Review:

Rezoning: Rezoning from OR2 High Density Office Residence District to the C2 Neighborhood Corridor Commercial District with the PO Pedestrian Oriented Overlay District.

Conditional Use Permit: To allow a major sports and health facility.

Conditional Use Permit: To extend the hours of operation for the sports and health facility from 6:00 a.m. everyday to 5:30 a.m. everyday.

Variance: To reduce the east side interior setback on the proposed Lot 2 from 7 feet to zero feet to allow an existing transformer to remain.

Variance: To reduce the west side interior setback on the proposed Lot 3 from 7 feet to zero feet to allow existing parking to remain.

Variance: To increase the maximum allowable gross floor area of a commercial use from 30,000 square feet to approximately 31,600 square feet.

Variance: Of the PO Pedestrian Oriented Overlay District standards to allow a parking area to exceed the maximum allowable 60 feet of street frontage to 225 feet on Glenwood Avenue

Variance: Of the PO Pedestrian Oriented Overlay District standards to allow a parking area to exceed the maximum allowable 60 feet of street frontage to 211 feet on 2nd Avenue North.

Variance: Of the PO Pedestrian Oriented Overlay District and Chapter 541 maximum allowed number of parking spaces to 180 spaces.

Site Plan Review: For an approximately 10,000 square foot addition to an existing building.

Preliminary and Final Plat. To replat 18 lots or parcels and vacated right-of-way into 3 lots.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments; Article VII Conditional Use Permits; Article IX Variances, specifically Section 525.520(1) "to vary the yard requirements..."; Section 525.520(3) "To vary the gross floor area...of a structure or use"; Section 525.520(20) "To vary the standards of any overly district..."; Chapter 530, Site Plan Review; and Chapter 598, Subdivisions.

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Background: The applicant proposes to remodel and add an approximately 10,000 square foot addition to an existing warehouse at 1010 2nd Avenue North to convert it to an approximately 31,600 square foot major sports and health facility. This project is part of a larger site located along 2nd Avenue North between Fremont Avenue North and Colfax Avenue North with a portion of the site fronting on Glenwood Avenue that contains office, industrial, and warehouse uses with accessory parking and storage yards.

The applicants propose to plat the site into three lots. The sports and health facility and associated parking will be platted as a separate lot in the middle of the site (Lot 2). The proposed westerly lot (Lot 1) will remain a contractor's office. The proposed easterly lot (Lot 3) will remain an office building. Proposed Lots 1 and 3 are not subject to site plan review as apart of the platting process; however, the sites are not in compliance with all standards of the current zoning code. Any existing zoning violation or any future development of those sites will be required to conform to applicable zoning code regulations and the approval of the plat is not an approval of existing conditions.

The proposed Lot 2 will include land that is zoned C2 Neighborhood Corridor Commercial with the PO Pedestrian Oriented Overlay District and OR2 High Density Office Residence. The subdivision ordinance and the zoning code do not allow the creation of split zoning on a lot or a zoning lot, so the applicant is rezoning the part of Lot 2 that is currently in the OR2 District to the C2 District. The C2 District is also necessary, as it is the first commercial district where a major sports and health facility is allowed. In addition, the OR2 District does not allow a major sports and health facility. The applicant is also requesting the addition of the PO Overlay District to match the established pattern in this area of the PO Overlay District with the C2 District, allowing more intensive commercial development, but also limiting automobile oriented uses.

A major sports and health facility requires a conditional use permit in the C2 District. A building addition of 10,000 square feet is subject to site plan review. The new lot line between proposed Lots 2 and 3 requires setback variances for existing conditions. The parking lot requires variances from the PO Overlay District for to exceed the maximum 60 feet of frontage on both 2nd Avenue North and Glenwood Avenue and to exceed the maximum number of parking spaces.

The City Attorney has reviewed and approved the final plat title documents.

As of the writing of this report, staff has not received any correspondence from the neighborhood group, but will forward comments, if any, at the Planning Commission meeting. Please see the attached letter from the Bassett Creek Valley Redevelopment Oversight Committee in support of the project.

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REZONING (from OR2 Office Residence to C2 Commercial with the PO Overlay District)

Findings As Required By The Minneapolis Zoning Code:

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

The Minneapolis Plan for Sustainable Growth designates this part of Glenwood Avenue as a commercial corridor. It also designates the area north and south between Glenwood Avenue and 2nd Avenue and the area east and west between vacated Dupont Avenue and Girard Avenue as a Neighborhood Commercial Node. Further, the plan shows the area of the site to be rezoned as mixed use west of vacated Dupont Avenue and commercial east of vacated Dupont Avenue, along 2nd Avenue. The intent is for the area east of vacated Dupont Avenue to have office uses and this is further explained later in this section of the staff report under the discussion of the small area plan. There is not an exclusive office land use category on the comprehensive plan land use map, so commercial is shown, but the small area plan provides the finer detail for land use.

The Bassett Creek Valley Master Plan was adopted by the City Council on January 12, 2007. Adopted small area plans provide a more detailed direction for land use than shown on the land use map of the comprehensive plan. The land use map of the *Bassett Creek Valley Master Plan* (see attached map) shows the area of the site to be rezoned, which is east of vacated Dupont Avenue, as office and the area to be rezoned, which is west of vacated Dupont Avenue, as mixed-use office and housing. The area of the site fronting on Glenwood Avenue, that is not proposed to be rezoned, is designated as mixed use office/retail/ housing. As part of the rezoning study in 2008, the OR2 High Density Office District was added on both the east and west sides of vacated Dupont Avenue, along 2nd Avenue North, to encourage office uses and to focus the commercial use toward Glenwood Avenue. To the north and west the area was rezoned to the C2 Neighborhood Corridor Commercial District to encourage a mix of office, retail, and residential uses.

While this rezoning is a change from the recently adopted rezoning study, there are qualifying factors that support the rezoning. The many smaller parcels and lots of this project area are consolidated to create a larger parcel that will front on both Glenwood and 2nd Avenue North. The zoning code and the subdivision ordinance do not allow split zoning on a platted lot or zoning lot and a rezoning to any single district will not conform exactly to the specific boundaries drawn on the land use map of the comprehensive plan and the *Bassett Creek Valley Master Plan*, as it was based on existing parcel and lot boundaries. A rezoning of this site to the C2 District, while allowing more commercial uses, will still allow the land uses proposed by the small area plan, but a rezoning of the entire lot to OR2, while in addition to prohibiting the proposed development, would also not allow the more diverse commercial uses along Glenwood. The PO Pedestrian Oriented Overlay District will be added as well to conform with the pattern established to the west and to prevent more automobile related uses. It is the staff opinion that the proposed rezoning to the C2 District, with the PO Pedestrian Oriented Overlay District, is in conformance with the goals and polices of the comprehensive plan and the *Bassett Creek Valley Master Plan*.

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

The rezoning will allow for the redevelopment of an underutilized industrial area with an active commercial use that is appropriate on a commercial corridor. This is in the interest of the property owners and the public.

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

The area is made up of office, commercial, and industrial uses. The 2008 rezoning study adopted C2 Neighborhood Corridor Commercial and C3A Community Activity Center zoning along Glenwood Avenue, with C2 extending south to the part of 2nd Avenue that is west of vacated Dupont Avenue. East of the vacated Dupont Avenue, along the north side of 2nd Avenue there is OR2 High Density zoning. To the south of 2nd Avenue there is I1 Light Industrial zoning. The C2 Neighborhood Corridor Commercial District and the PO Pedestrian Oriented Overlay District are not out of character with these uses and zoning classifications.

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

The OR2 High Density Office Residence District allows a range of residential, office, and institutional uses, which would be a reasonable use of the property.

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

While the larger area is undergoing development, redevelopment, and improvements, the area was just recently rezoned as a part of the 2008 Bassett Creek Valley rezoning study to implement the goals of the *Bassett Creek Valley Master Plan*. As noted in finding number one of this section of the staff report, there are site specific conditions that support the change in the zoning.

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CONDITIONAL USE PERMIT (for a major sports and health facility)

Findings as required by the Minneapolis Zoning Code:

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

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

The redevelopment of vacant and underutilized industrial land on a commercial corridor for a major sports and health facility will not be detrimental to or endanger the public health, safety, comfort or general welfare, with the appropriate conditions of approval and site plan review.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The surrounding area is developed, but it is anticipated that the area will be redeveloped with mixed use office, residential, commercial, and industrial in conformance with the adopted *Bassett Creek Valley Master Plan*. The proposed site plan does not match some features of the future land use plan (please see attached sheet from the plan) as the surface parking lot will occupy frontage on Glenwood Avenue and 2nd Avenue that is preferred for mixed use commercial, office, and residential uses, rather than parking. In addition, the land use plan also shows a greenway running along the westerly area of the proposed parking lot and a future rededication of Dupont Avenue on the easterly side of the proposed parking lot.

In the short term, the proposed parking lot would prevent more intensive development, as well as the greenway and street rededication. At this time staff is not able to identify any resources to construct the greenway or Dupont Avenue as shown on the plan. The property owners have indicated that as resources become available and as the development envisioned in the plan becomes more viable, they will pursue a phase two that could include structured parking to facilitate the goals of the plan. While this is not guaranteed, the surface parking lot is less likely to prevent long term future redevelopment of the site in conformance with the plan than construction of a building. With site plan review and conditions of approval the development should not have negative impacts on surrounding properties.

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

Utilities and access are existing and adequate for the site with recommendations in the attached PDR report. Public Works has indicated that only one curb cut will be allowed on Glenwood Avenue. The applicant is in discussions with Public Works on this issue and has shown two curb cuts on Glenwood Avenue, but pending the final outcome of that discussion, the final plan may be modified to eliminate

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one curb cut. A stormwater management plan is required at the final site plan stage before permits may be issued.

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

The site meets the Fire and Public Works Department's requirements for access and circulation with the comments listed in the PDR report attached to this staff report. The site proposes parking in excess of that required by the zoning code.

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

See finding number one of the rezoning section of this staff report and finding number two of this section of the staff report.

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

The development will conform with the applicable regulations of the C2 District with the approval of the rezoning, conditional use permits, variances, and site plan review.

CONDITIONAL USE PERMIT (to open at 5:30 a.m.)

Findings as required by the Minneapolis Zoning Code:

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

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

The C2 Neighborhood Corridor Commercial District allows business to be open to the public at 6:00 a.m. every day. The proposed facility opens at 5:30 a.m. everyday. The applicant is requesting that the hours of operation be extended by a half hour everyday. This small adjustment to the hours of operation, in an area that has no residential development and is on a commercial corridor, will not be detrimental to or endanger the public health, safety, comfort or general welfare, with the appropriate conditions of approval and site plan review.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

Staff uses the following criteria to determine compatibility of extended hours with the surrounding area:

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- a) Proximity to permitted or conditional residential uses. There are no residential uses on the block or across the street to the south.
- b) Nature of the business and its impacts of noise, light and traffic. The business is a major sports and health facility. The main impact will be the arrival of cars to the site, but this would not be out of character with a commercial area and it is not anticipated that the patrons would be unreasonably noisy in the parking lot as could happen for a restaurant use or reception hall during late night hours.
- c) Conformance of use. The site is not currently in conformance with the zoning code, but the new development is required to implement the approved site plan.
- d) Complaints received. The City has received no formal complaints about the use at this site as it is not operating there yet. The overall site has had 26 calls for service from 2005 to the present, but none would relate to the proposed use and most were theft, business alarms, and blocked drive calls that would not relate to the current operation of the site as well. At the Firm's current location at 245 Aldrich Avenue North, to the east of this site, during the extended time requested there has been one call for service in 2010, relating to a suspicious vehicle, and there have been zero calls for service to the police in 2009 through 2005. Calls for service during the other hours of operation related to thefts in the parking lot, business alarms, or medical emergencies, rather than disruptions caused by the operation of the use. The 4th precinct has indicated that they have no concerns with this facility opening at 5:30 a.m.

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

Utilities and access are existing and adequate for the site with recommendations in the attached PDR report. Public Works has indicated that only one curb cut will be allowed on Glenwood Avenue. The applicant is in discussions with Public Works on this issue and has shown two curb cuts on Glenwood Avenue, but pending the final outcome of that discussion, the final plan may be modified to eliminate one curb cut. A stormwater management plan is required at the final site plan stage before permits may be issued.

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

The site meets the Fire and Public Works Department's requirements for access and circulation with the comments listed in the PDR report attached to this staff report. The site proposes parking in excess of that required by the zoning code.

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

See finding number one of the rezoning section of this staff report. The comprehensive plan does not speak directly to hours of operation, but the site is on a commercial corridor, adjacent to a neighborhood commercial node, and has no adjacent residential uses, which would not make the earlier opening time out of conformance with the goals of the comprehensive plan.

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

The development will conform with the applicable regulations of the C2 District with the approval of the rezoning, conditional use permits, variances, and site plan review.

VARIANCES (to reduce the required east side interior setback of Lot 2 and west side interior setback of Lot 3)

Findings Required by the Minneapolis Zoning Code:

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

The OR2 zoning district requires a setback of five feet plus two feet for every floor above the first floor. The C2 District requires this same setback when adjacent to an OR2 District. With the replatting of the site a new lot line is being drawn seven feet from the 1010 2nd Avenue North building, where the Firm will locate, which is part of a larger parcel addressed as 227 Colfax Avenue North. With a two story building the required setback on both sides of the new lot line is seven feet. On the west side of the new lot line there is the east yard setback for the proposed Lot 2. On the east side of the new lot line there is the west side yard setback for the proposed Lot 3.

There is an existing parking lot that is constructed up to the east wall of the 1010 2nd Avenue building. The parking will be removed from Lot 2, but will remain on Lot 3 up to the lot line, as it is not possible to move the parking further to the east without making the parking stalls and drive aisles nonconforming to the minimum required dimensions. A transformer will remain in the east side setback of Lot 2 as it is very difficult and expensive to relocate a transformer. The applicant and the property owner are requesting variances for these items.

Meeting the required setbacks would reduce the required drive aisles or stall depth, requiring a variance, or would cause the loss of a row of parking. Relocating the transformer would require extensive work and cost. This would be a hardship. When the City rezoned the 227 Colfax Avenue North parcel to OR2 the intent was to apply a zoning that would allow or encourage office uses on 2nd Avenue North, not necessarily to create landscaped buffers between existing buildings. The proposed variances will allow a reasonable use of the property.

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

When the site was constructed it was zoned industrial with no setback requirement. It was recently rezoned to the OR2 District as part of a rezoning study. It is not possible to split the parcel into separate lots with and meet the required setbacks without the elimination of parking, moving a building,

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or requiring parking stall and drive aisle width variances. This situation is not generally applicable to other properties in the OR2 District. The proposed variances will allow a reasonable use of the property.

- 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 intent of the ordinance is to provide a separation and buffer between properties and to preserve access to light and air. The setbacks of the buildings will provided a buffer and access to light and air and the landscaping buffer is less necessary as there are not residential uses. The variance should not circumvent the intent of the ordinance.

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

The variances will allow an existing transformer to remain and for the office building on proposed Lot 3 to meet its required parking, so it will not contribute to the generation traffic congestion in the public streets. It should not be detrimental to the public welfare or safety or increase the danger of fire.

VARIANCE (to increase the maximum allowable gross floor area)

Findings Required by the Minneapolis Zoning Code:

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

The C2 Neighborhood Corridor Commercial District limits commercial uses to a maximum gross floor area of 30,000 square feet of floor area. The intent of the provision is to provide a limit to the size of commercial uses. The C2 District allows larger scale commercial uses than the C1 District, which is designed for neighborhood oriented uses, but not for big box or large scale shopping centers.

In this case the existing building has 14,717 square feet of gross floor area. There will be a new addition of approximately 9,920 square feet plus an addition of a new second floor inside the existing building of approximately 6,896 square feet for an overall total of 31,533 (approximately 31,600 square feet), or 1,533 square feet beyond the maximum allowed.

The surrounding area has several larger industrial uses, so the building will not be out of scale. Without the variance the floor area would have to be reduced significantly for the addition, or for the new second floor in the structure, neither of which would significantly reduce the bulk of the structure as viewed from 2nd Avenue North. In addition, it would not reduce the intensity of the use, but more likely the functionality of the common areas. This can be considered a hardship. The proposed expansion, especially considering the surrounding building sizes, is a reasonable use of the site.

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- 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 building is existing and the proposed addition will be to the north of the structure and within the existing structure. Reducing the gross floor area inside the building would still allow the same overall building bulk, which is a circumstance that is unique to this building and is a circumstance that is not generally applicable to other properties in the city.

- 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 intent of the provision is to provide a limit to the size of commercial uses in conformance with the goals of the district. The C2 District allows larger scale commercial uses than the C1 District, which is designed for neighborhood oriented uses, but is not intended for big box or large scale shopping centers. The proposed additional gross floor area is only 1,533 square feet over the maximum. A small increase that will not significantly change the bulk of the existing building will not circumvent the intent of the ordinance.

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

The variance will allow for additional floor area, but not a significant amount that would generate traffic congestion in the public streets as a significant amount beyond the amount generated if the building were reduced in size. It should not be detrimental to the public welfare or safety or increase the danger of fire.

VARIANCE (PO standard to allow the parking frontage to exceed 60 feet)

Findings Required by the Minneapolis Zoning Code:

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

The Pedestrian Oriented Overlay District limits parking lot frontage to 60 feet. The proposed parking area will have approximately 211 feet of frontage on 2nd Avenue North and 225 feet frontage on Glenwood Avenue North. The site is mainly vacant land and parking on the street frontages with an older building in the center of the site. The southerly portion of the lot does not have the PO Overlay and the applicant is adding it as a part of the rezoning to the C2 District. While this is a large parking lot the appearance of the site will be greatly improved and the activity and lighting will improve safety on the adjoining sidewalks. Reducing the street frontage to 60 feet will not allow a parking lot large enough to supply the required parking for the proposed use, unless structured parking is provided.

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The PO District is designed to preserve and encourage the pedestrian character of commercial areas. In this case it was added as part of the rezoning study of the area to encourage a pleasant pedestrian area, which currently does not exist at the site. In the future, the property owners have discussed a phase two development that would include new buildings and structured parking. While this development is not guaranteed the proposed parking lot can be a positive interim step until it is possible. This is a reasonable use of the property.

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

The existing site is vacant industrial land with underutilized buildings and parking. The proposed development will significantly improve the area and provide landscaped buffers with trees along the street frontages. It is not a case where existing storefront buildings will be removed for surface parking. This situation is not generally applicable to properties in the PO District. This is a reasonable use of the property.

- 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 intent of the ordinance is to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity. The development will not remove storefront buildings or degrade the existing pedestrian. It will improve the pedestrian character by providing landscaped buffers with trees along the street frontages. While staff would not normally recommend a variance for a parking lot this large in a PO District in this case the variance will not circumvent the intent of the ordinance.

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

The variance will allow for a more intensive use with increased customer traffic beyond the existing uses, but not to a level that is out of character with a commercial corridor near downtown. It should not be detrimental to the public welfare or safety or increase the danger of fire.

VARIANCE (to increase the maximum allowable parking)

Findings Required by the Minneapolis Zoning Code:

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

The zoning code allows a maximum of 1 space per 200 square feet of gross floor area. The gross floor area is approximately 31,600 square feet and this results in a maximum parking requirement of 158

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spaces, but with the PO Overlay District maximum of 75 percent, this is reduced to 119 spaces maximum; 180 spaces are provided. The applicant is requesting a variance of the maximum allowable spaces. Staff is recommending approval for the PO Overlay District maximum, but not the Chapter 541 use maximum.

The site is mainly vacant land and parking on the street frontages with an older building in the center of the site. The southerly portion of the lot does not have the PO Overlay and the applicant is adding it as a part of the rezoning to the C2 District. The PO District is designed to preserve and encourage the pedestrian character of commercial areas. In this case it was added as apart of the rezoning study of the area to encourage a pleasant pedestrian area, which currently does not exist at the site. In the future, the property owners have discussed a phase two development that would include new buildings and structured parking. While the future development is not guaranteed the proposed parking lot can be a positive interim step until further development is possible. Reducing the parking to 119 spaces, as required by the PO district regulations, may not allow a parking lot large enough to supply the parking demand for the proposed use. Allow a variance of the PO Overlay District standard is a reasonable use of the property.

The parking maximums were adopted to promote urban design that is not dominated by parking, to improve stormwater management, and to encourage transit usage. While the proposed parking lot has been designed to meet or exceed stormwater management requirements, a parking lot of this size does not encourage the use of any mode of travel besides the single-occupant car. Staff can find no hardship to exceed the Chapter 541 parking maximum requirement of 158 spaces to 180 spaces.

- 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 site is vacant industrial land with underutilized buildings and parking. The proposed development will significantly improve the area and provide landscaped buffers with trees along the street frontages. It is not a case where existing storefront buildings will be removed for surface parking. This situation is not generally applicable to properties in the PO District. Exceeding the PO Overlay district requirements is a reasonable use of the property.

Staff can find no unique circumstance about the site or the use that supports exceeding the established parking maximums of Chapter 541.

- 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 intent of the ordinance is to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity. The development will not remove storefront buildings or degrade the existing pedestrian. It will improve the pedestrian character by providing landscaped buffers with trees along the street frontages. While staff would not normally recommend a variance for a parking lot

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this large in a PO District in this case the variance of the PO Overlay district maximum should not circumvent the intent of the ordinance.

The parking maximums were adopted to promote urban design that is not dominated by parking, to improve stormwater management, and to encourage transit usage. While the proposed parking lot has been designed to meet or exceed stormwater management requirements a parking lot of this size does not encourage the use of any mode of travel besides the single-occupant car. Staff can find no hardship to exceed the Chapter 541 parking maximum requirement of 158 spaces to 180 spaces.

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

The variance will allow for a more intensive use with increased customer traffic beyond the existing uses, but not to a level that is out of character with a commercial corridor near downtown. It should not be detrimental to the public welfare or safety or increase the danger of fire.

SITE PLAN REVIEW (for an approximately 10,000 square foot building addition on Lot 2)

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.

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- 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, and active functions:
 - 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.
 - g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.

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. 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. 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

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provisions of chapter 549, Downtown Districts, shall apply.

The building is existing and up to the property line along 2nd Avenue North. The new addition will be a the north side of the building. Staff recommends alternative compliance to allow the addition to the rear of the building. Bassett Creek runs directly to the west of the existing building, so it is not possible to add an addition along the street frontage.

There will be landscaping (Boston Ivy planted on the building wall) between the building and the property line as an amenity.

The main entrance faces the parking lot. Staff recommends alternative compliance as the existing structure has no entrance and the new addition has to be constructed to the north due to the location Bassett Creek. In addition, there is a grade change that would require alteration of the floor level inside the existing building. If Dupont Avenue is constructed in the future, the building entrance would open onto the street.

The parking area is located to the side of the building.

The existing building is cement block. The exterior materials of the addition are durable and are made of glass and metal panel siding that is compatible with the existing building. The new addition will contain architectural detail including windows and an articulated façade. Future changes in materials may require review and approval by the City Planning Commission.

There are blank walls on the addition that have elevations greater than 25 feet in length without a change in material on the north, west, and east sides. Staff recommends alternative compliance as the metal panels will have reveals in the areas where the join each other to provide a pattern. In addition, the panels are part of an desire to create an industrial look for the building. Further, the addition is not as visible from the street frontages.

Non-residential uses are required to provide 30 percent windows on the first floor of elevations facing a public street or on-site parking lot, for the new construction, and the existing windows on the existing building can not be reduced below the amount currently provided or required by code, whichever is less. In the PO Pedestrian Oriented Overlay District the standard is increased to 40 percent (but allows the inclusion of doors) for the elevations facing a public street. The elevation of the addition facing the parking lot has no windows on the first floor and 31 percent on the second floor. Staff recommends alternative compliance for the first floor as the applicant has added several windows to the existing building on the second floor facing 2nd Avenue North, has added windows on the first floor of the existing building near the front, and exceeds the second story window requirement. The windows on the second story of the addition will provide views of the parking area for the building occupants and the additional windows on 2nd Avenue North will be an amenity or alternative to the requirement facing the parking lot.

The windows, where provided, are vertical in proportion and distributed in a more or less even manner.

The windows on the remaining existing building will not be reduced from the current configuration.

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The applicant is aware that all new windows must have a visible light transmittance ratio of 0.6 or greater.

The entrance has a canopy to emphasize its importance.

The building will contain an active use, the sports and health facility, on the ground floor and there will be no parking on the ground floor of the building.

The roof is flat. The commercial properties in the area have flat roofs.

ACCESS AND CIRCULATION:

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

The entrance of the building is connected to the public sidewalk on 2nd Avenue North with a clear well-lighted five foot walkway. There is not a sidewalk connecting to Glenwood. Staff does not recommend alternative compliance and recommends that a walkway be added connecting the entrance to the public sidewalk on Glenwood Avenue, which is a commercial corridor and a bus route.

There are not transit stops on the site.

There are not residential properties on the block or across the street from the site.

There is no alley access to the site.

Public Works and the Fire Department have reviewed the site plan for access and circulation and find them acceptable with the changes indicated in the attached PDR report. Public Works has indicated that only one curb cut will be allowed on Glenwood Avenue. The applicant is in discussions with Public Works on this issue and has shown two curb cuts on Glenwood Avenue, but pending the final outcome of that discussion, the final plan may be modified to eliminate one curb cut.

Although the site exceeds the maximum number of allowed parking spaces, the site has been designed to minimize impervious surfaces and all areas that are not covered by buildings, pedestrian access, and paved areas necessary for parking, loading, and the associated maneuvering are pervious surfaces used for landscaping and stormwater management.

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**

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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.

The site plan shows 33 percent landscaping. The lot area is 122,649 square feet and the footprint of the building with addition is 16,472 square feet. This leaves 106,177 square feet, of which 20 percent (21,235 square feet) is required to be landscaped. The applicant is providing approximately 30,761 square feet of landscaped area on site, plus 4,785 square feet in a bio-filtration swale for a total of 35,546 square feet.

The development is required to provide one tree per 500 square feet and one shrub per 100 square feet of required green space. This translates into a requirement of 42 trees and 212 shrubs. The site plan shows 108 trees and approximately 185 shrubs. The remainder of the landscaped area is covered with perennials. Staff recommends alternative compliance for the number of shrubs as the plan has a significant number of perennials in lieu of the shrubs and exceeds the required number of trees.

One tree per 25 linear feet of parking lot frontage is provided on 2nd Avenue North, but not on Glenwood Avenue. Staff does not recommend alternative compliance and recommends that seven trees be planted along the landscaped yard between the parking and the public sidewalk on Glenwood Avenue. The number of trees may be reduced in the other areas of the site plan to meet this requirement as long as it does not cause the plan to come out of compliance with any other landscaping standard.

The seven foot wide landscaped yard between the parking and the public sidewalk and the three foot high 60 percent opaque screening is provided along 2nd Avenue North and Glenwood Avenue. If a curb cut is eliminated the area is required to be landscaped.

All parking spaces, except for four spaces will be within 50 feet of a deciduous tree. Staff does not recommend alternative compliance as it will be possible to move some of the proposed trees to meet this standard.

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All other areas not occupied by buildings, walks, plazas, parking, loading, and associated drives 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.

Curbing is shown around the surface parking area and the site will have a stormwater management plan that will retain water on site, so breaks in the curbing are not necessary.

The building addition is only two stories so it will not block important views of the city or shadow public spaces and adjacent properties. It will not significantly generate wind currents at ground level.

The plan meets the CPTED guidelines. The site is designed with landscaping and architectural features to delineate space and control access while allowing views into and out of the site. Staff recommends that proper lighting be provided and that the landscaping follow the three-foot seven-foot rule to allow proper views into and out of the site.

There are no historic structures on the site.

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

ZONING CODE: A major sports and health facility is allowed as a conditional use permit in the C2 Neighborhood Corridor Commercial District.

Off-Street Parking and Loading: *Minimum automobile parking requirement:* The zoning code requires a minimum of 1 space per 500 square feet of gross floor area. The gross floor area is approximately 31,600 square feet. This results in a minimum parking requirement of 63 spaces. The PO Overlay District reduces the minimum parking required to 75 percent or 47 spaces; 180 spaces are provided. Six accessible spaces are required and six shall be provided. The accessible spaces as shown on the plan may not meet the minimum required dimensions, but will be required to be shown in conformance with the building code on the final approved plan.

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Maximum automobile parking requirement: The zoning code requires a maximum of 1 space per 200 square feet of gross floor area. The gross floor area is approximately 31,600 square feet and this results in a maximum parking requirement of 158 spaces, but with the PO Overlay District maximum of 75 percent, this is reduced to 119 spaces maximum; 180 spaces are provided. The applicant is requesting a variance of the maximum allowable spaces. Staff is recommending approval for the PO Overlay District maximum, but not the Chapter 541 use maximum.

Bicycle parking requirement: Sports and health facilities are required to provide 3 bike parking spaces or 1 per every 10,000 square feet of gross floor area. In this case, at 31,600 square feet of gross floor area a total of 3 spaces required. Not less than 50 percent of these spaces shall meet the standards for short-term bicycle parking, which requires that they are located in a convenient and visible area within 50 feet of a principal entrance and shall permit the of the bicycle frame and one wheel to the rack. The site plan shows 6 bicycle parking spaces within 50 feet of the entry.

Loading: A sports and health facility of this size is required to provide 1 small loading space (10 feet by 25 feet) and 1 is provided.

Maximum Floor Area: The maximum FAR in the C2 District is 1.7. The zoning lot in question is 122,649 square feet in area. The site will contain approximately 31,600 square feet of gross floor area on the lot, an FAR of 0.26.

Building Height: Building height in the C2 District is limited to 4 stories or 56 feet, whichever is less. The existing building is two stories or 36 feet and the addition is two stories or 33 feet.

Minimum Lot Area: There is no minimum lot size for a major sports and health facility in the C2 District.

Dwelling Units per Acre: There are no residential units proposed.

Yard Requirements: In general there are no setbacks required for commercial uses in the commercial districts, unless adjacent to residential zoning. This site is adjacent to an OR2 District, so the interior yard is 5 feet plus 2 feet for each floor above the first. For a two-story building a 7 foot setback is required. The building meets the setback, but an existing transformer encroaches into the setback. The applicant has requested a variance of this setback and staff recommends approval. The PO District requires that the building be within 8 feet of the front property line on the street frontages. The building is existing and is within 8 feet of the property line on 2nd Avenue North.

Specific Development Standards: There are no specific development standards for a major sports and health facility.

Hours of Open to the Public: In the C2 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 facility will be open from 5:30 a.m. until 10:00 p.m. everyday. The applicant has applied for a conditional use permit to open at 5:30 a.m. and staff is recommending approval.

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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 sign plan has not yet been finalized. The applicant is aware that signs require zoning office approval and permits.

Refuse storage: 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. The refuse containers are screened per code.

Lighting: The lighting will 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 arranged so as not to directly or indirectly cause illumination or glare in excess of one-half ($\frac{1}{2}$) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light 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.

MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH: In addition to the policies listed under finding number 5 under the conditional use permit sections of this report, the *Minneapolis Plan for Sustainable Growth* has the following narratives and policies regarding parking lot and landscaping design:

Policy 2.8: Balance the demand for parking with objectives for improving the environment for transit, walking and bicycling, while supporting the city's business community.

2.8.1 Implement off-street parking regulations which provide a certain number of parking spaces for nearby uses, while still maintaining an environment that encourages bicycle, pedestrian, and transit travel.

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The plan states the following about parking lot design, “certain areas of the city generate demand far beyond their immediate boundaries, and need to accommodate significant automobile traffic through the provision of parking facilities. While clearly a necessary element in an urban setting, parking facilities can have serious negative visual effects on their surroundings if not designed carefully. Any parking facility, regardless of whether it is a surface parking lot or a structured parking ramp, should be designed so as to blend in with its surroundings.”

Policy 10.18: Reduce the visual impact of automobile parking facilities.

10.18.1 Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses.

10.18.2 Parking lots should maintain the existing street face in developed areas and establish them in undeveloped areas through the use of fencing, walls, landscaping or a combination thereof along property lines.

10.18.3 Locate parking lots to the rear or interior of the site.

10.18.4 Provide walkways within parking lots in order to guide pedestrians through the site.

10.18.17 Minimize the width of ingress and egress lanes along the public right of way in order to provide safe pedestrian access across large driveways.

The plan states the following about landscaping, “A well-designed landscape will create and define spaces while softening the built environment. Landscaping provides beauty and visual interest, shade and environmental benefits, as well as screening and buffering of uses. It is important to consider the types of plants and trees and how they will tolerate and impact their surrounding environment. Design and maintenance of the landscaped areas are important factors as well. The following policy and implementation steps provide guidance for landscaped areas in the city.”

Policy 10.19: Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces, buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.

10.19.1 In general, larger, well-placed, contiguous planting areas that create and define public and private spaces shall be preferred to smaller, disconnected areas.

10.19.2 Plant and tree types should complement the surrounding area and should include a variety of species throughout the site that include seasonal interest. Species should be indigenous or proven adaptable to the local climate and should not be invasive on native species.

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10.19.3 Landscaped areas should include plant and tree types that address ecological function, including the interception and filtration of stormwater, reduction of the urban heat island effect, and preservation and restoration of natural amenities.

10.19.4 Landscaped areas should be maintained in accordance with Crime Prevention Through Environmental Design (CPTED) principles, to allow views into and out of the site, to preserve view corridors and to maintain sight lines at vehicular and pedestrian intersections.

10.19.5 Landscaping plans should be designed to facilitate future maintenance including the consideration of irrigation systems, drought and salt-resistant species, ongoing performance of storm water treatment practices, snow storage, access to sun, proximity to buildings, paved surfaces and overhead utilities.

10.19.7 Boulevard landscaping and improvements, in accordance with applicable city polices, are encouraged.

With the conditions of approval the site plan and building design are in conformance with the above noted policies of the comprehensive plan.

SMALL AREA PLANS ADOPTED BY COUNCIL: In addition to the policies listed under finding number 5 under the conditional use permit sections of the *Bassett Creek Valley Master Plan* has design guidelines. They have detailed standards for storefront buildings and how buildings relate to street frontages which are difficult to apply to an existing building. The plan recommends that parking lots be placed to the side of buildings, be landscaped, have dark-sky friendly lighting fixtures, include stormwater management, and include pedestrian routes. The proposed site plan, with staff recommended conditions of approval, is in conformance with the 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.**

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

- **Building location:**

The building is existing and up to the property line along 2nd Avenue North. The new addition will be a the north side of the building. Staff recommends alternative compliance to allow the addition to the rear of the building. Bassett Creek runs directly to the west of the existing building, so it is not possible to add an addition along the street frontage.

- **Principal entrance:**

The main entrance faces the parking lot. Staff recommends alternative compliance as the existing structure has no entrance and the new addition has to be constructed to the north due to the location Bassett Creek. In addition there is a grade change that would require alteration of the floor level inside the existing building. If Dupont Avenue is constructed in the future, the building entrance would open onto the street.

- **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.**

There are blank walls on the addition that have elevations greater than 25 feet in length without a change in material on the north, west, and east sides. Staff recommends alternative compliance as the metal panels will have reveals in the areas where the join each other to provide a pattern. In addition, the panels are part of an desire to create an industrial look for the building. Further the addition is not as visible from the street frontages.

- **Windows on the first floor of the west elevation of the addition.**

Non-residential uses are required to provide 30 percent windows on the first floor of elevations facing a public street or on-site parking lot, for the new construction, and the existing windows on the existing building can not be reduced below the amount currently provided or required by code, whichever is less. In the PO Pedestrian Oriented Overlay District the standard is increased to 40 percent (but allows the inclusion of doors) for the elevations facing a public street. The elevation of the addition facing the parking lot has no windows on the first floor and 31 percent on the second floor. Staff recommends alternative compliance for the first floor as the applicant has added several windows to the existing building on the second floor facing 2nd Avenue North, has added windows on the first floor of the existing building near the front, and exceeds the second story window requirement. The windows on the second story of the addition will provide views of the parking area for the building occupants and the additional windows on 2nd Avenue North will be an amenity or alternative to the requirement facing the parking lot.

- **Walkway**

The entrance of the building is connected to the public sidewalk on 2nd Avenue North with a clear well-lighted five foot walkway. There is not a sidewalk connecting to Glenwood. Staff does not recommend alternative compliance and recommends that a walkway be added connecting the entrance to the public sidewalk on Glenwood Avenue. Glenwood Avenue is a commercial corridor and a bus route.

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- Number of shrubs.

The development is required to provide one shrub per 100 square feet of required green space. This translates into a requirement of 212 shrubs. The site plan shows 185 shrubs. The remainder of the landscaped area is covered with perennials. Staff recommends alternative compliance for the number of shrubs as the plan has a significant number of perennials in lieu of the shrubs and exceeds the required number of trees.

- One tree per every 25 feet of frontage.

One tree per 25 linear feet of parking lot frontage is provided on 2nd Avenue North, but not on Glenwood Avenue. Staff does not recommend alternative compliance and recommends that seven trees be planted along the landscaped yard between the parking and the public sidewalk on Glenwood Avenue. The number of trees may be reduced in the other areas of the site plan to meet this requirement as long as it does not cause the plan to come out of compliance with any other landscaping standard.

- Parking spaces within 50 feet of an on-site deciduous tree.

All parking spaces, except for four spaces will be within 50 feet of a deciduous tree. Staff does not recommend alternative compliance as it will be possible to move some of the proposed trees to meet this standard.

PRELIMINARY and FINAL PLAT

Required Findings for a preliminary and final plat subdivision:

1. The subdivision is in conformance with the land subdivision regulations and the applicable regulations of the zoning ordinance and policies of the comprehensive plan.

The lots are in conformance with the requirements of the zoning code and comprehensive plan.

The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.230 (5), which requires utility easements to be 5 feet wide on interior side lot lines and 10 feet on rear lot lines. In order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (5) is required to allow the elimination of drainage and utility easements on the interior and rear lot lines. While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or

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requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

This site will have an approved drainage plan that may or may not coincide with where the subdivision ordinance requires drainage easements. The drainage plan may encompass the adjoining property as well. This makes the provision of easements along the property line unnecessary and they will most likely not match with any approved drainage plan.

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

The proposed subdivision will create three lots out of 18 platted lots and parcels and the vacated Dupont Avenue right-of-way. This will not be out of character with the area and will not add significant congestion to the public streets.

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

The site is currently developed and is flat. Bassett Creek flows under the vacated Dupont Avenue right-of-way in a pipe. It does not appear that the site conditions would hinder development (please see the attached comments in the PDR report). The city will review final site, landscaping, drainage, and erosion control plans that address these issues as each lot is developed.

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

The site is currently developed and is flat. Bassett Creek flows under the vacated Dupont Avenue right-of-way in a pipe. It does not appear that the site conditions would hinder development (please see the attached comments in the PDR report). The city will review final site, landscaping, drainage, and erosion control plans that address these issues as each lot is developed.

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

The city will approve a stormwater management plan for the site before building permits may be issued.

RECOMMENDATIONS:

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission and City Council adopt the findings above and **approve** the rezoning from the OR2 High Density Office Residential District to the C2 Neighborhood Corridor Commercial District with the PO Pedestrian Oriented Overlay District for property located at 1000 - 2nd Avenue North, 1100 and 1102 - 2nd Avenue North, and 227 Colfax Avenue North (1010 - 2nd Avenue North).

Recommendation of the Community Planning and Economic Development Department - Planning Division for the conditional use permit for a major sports and health facility:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit for a major sports and health facility for property located at 1010 - 2nd Avenue North subject to the following condition:

1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the conditional use permit for extended hours:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit to allow the major sports and health facility to open at 5:30 a.m. everyday for property located at 1010 - 2nd Avenue North subject to the following condition:

1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

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Recommendation of the Community Planning and Economic Development Department - Planning Division for the Lot 2 east side interior yard setback variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the required interior east side yard setback for proposed Lot 2 for an existing transformer from 7 feet to zero feet for property located at 1010 2nd Avenue North and 227 Colfax Avenue North.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the Lot 3 west side interior yard setback variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the required interior west side yard setback for proposed Lot 3 for existing parking from 7 feet to zero feet for property located at 1010 2nd Avenue North and 227 Colfax Avenue North.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the maximum gross floor area variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to increase the maximum allowable gross floor area from 30,000 to approximately 31,600 square feet for property located at 1010 2nd Avenue North.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the PO District frontage standard variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to allow the parking area to exceed 60 feet of frontage to approximately 225 feet on Glenwood Avenue for property located at 1010 2nd Avenue North.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the PO District frontage standard variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to allow the parking area to exceed 60 feet of frontage to approximately 211 feet on 2nd Avenue for property located at 1010 2nd Avenue North.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the a variance to exceed the PO Overlay District maximum of 199 spaces to 158 spaces and **deny** a variance to exceed the Chapter 541 maximum of 158 spaces to 180 spaces for property located at 1010 2nd Avenue North.

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 property located 1010 2nd Avenue North subject to the following conditions:

- 1) CPED Planning staff review and approve the site plan, lighting plan, landscaping plan, and elevations before permits may be issued.
- 2) All site improvements shall be completed by July 23, 2011, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 3) Provision of a four foot wide walkway that connects the building entrance to the public sidewalk on Glenwood Avenue as required by Section 530.130 of the zoning code.
- 4) Provision of one tree per 25 linear feet of parking lot frontage on Glenwood Avenue for a total of seven trees in the landscaped yard between the parking lot and the public sidewalk more or less uniformly distributed as required by section 530.170(b)(3) of the zoning code.
- 5) Compliance with the applicable SH Shoreland Overlay District regulations.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the preliminary and final plat subdivision:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary and final plat subdivision application for properties located at 1000 - 2nd Avenue North, 1100 and 1102 - 2nd Avenue North, and 227 Colfax Avenue North (1010 - 2nd Avenue North) and 250 Fremont Avenue North.

Attachments:

1. Zoning matrix.
2. PDR report.
3. Statements from applicants.
4. Letters.
5. Zoning maps.
6. Site plans, floor plans, and elevations.
7. Photos.