

Department of Community Planning and Economic Development – Planning Division
Variance and Site Plan Review
BZZ-4323

Date: March 23, 2009

Applicant: Jose Aguirre and Jaquelyn Reyes

Address of Property: 3137 and 3149 Nicollet Avenue

Project Name: Mixed-use building

Contact Person and Phone: Jeff Stromgren with Rice Stromgren Architects, (612) 827-7802

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: February 26, 2009

End of 60-Day Decision Period: April 25, 2009

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

Ward: 10 **Neighborhood Organization:** Lyndale Neighborhood Association

Existing Zoning: C1, Neighborhood Commercial District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 25

Legal Description (properties to be rezoned): Not applicable for this application

Proposed Use: Mixed-use building including 5 retail spaces

Concurrent Review:

Variance: to reduce the front yard setback along Nicollet Avenue from the required 15 feet to 7 feet for the first 40 feet south of the north interior property line

Variance: to reduce the north interior side yard setback from the required 5 feet to zero feet

Variance: to increase the height of a wall sign from the maximum 14 feet to 16 feet

Site plan review: for an addition over 1,000 square feet to the existing building

Applicable zoning code provisions: Chapter 525, Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations” and Section 525.520(21) “to vary the number, type, height, area or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown or industrial district, pursuant to Chapter 543, On-Premise Signs” and Chapter 530, Site Plan Review

Background: The development site is made up of two individual properties: 3137 and 3149 Nicollet Avenue. The property located at 3137 Nicollet Avenue has a dwelling on it and the building located at 3149 Nicollet Avenue is Valerie’s Market. The applicant is proposing to demolish a small portion of the existing commercial building located along the alley and then construct an approximate 4,000 square foot one-story addition. The remodeled building will consist of five commercial spaces including Valerie’s Market, a deli and three general retail sales and services uses. The building will be constructed to structurally accommodate a second story addition which the applicant would like to construct at some time in the future. The second story addition would accommodate three dwelling units. The area to the north of the building, where the existing dwelling it located, will be utilized as a surface parking lot. The parking spaces will be used by employees and customers of the building.

Located to the north of the development site is an existing single-family dwelling (3133 Nicollet Avenue) which is owned by the applicant. Once the development is complete this dwelling will be the only residential structure left on the block face. Although the dwelling is zoned C1 it is residential and therefore triggers required setbacks on the development site. Site plan review is also required for this development as the addition is over 1,000 square feet.

There is an existing six-foot high solid wood fence located along the north property line that will remain after construction is complete which extends up to the front lot line. A 15-foot front yard set back is required where the maximum height of the fence allowed is three feet. The six-foot high solid wood fence will block views to the public sidewalk for vehicles exiting the proposed parking lot which will likely create conflicts with pedestrians. The height of the fence needs to be reduced to three feet in height in the required front yard.

VARIANCE - to reduce the front yard setback along Nicollet Avenue from the required 15 feet to 7 feet for the first 40 feet south of the north interior property line

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.**

Front yard setback: The applicant is seeking a variance to reduce the front yard setback along Nicollet Avenue from the required 15 feet to 7 feet for the first 40 feet south of the north interior property line. The applicant has indicated that in order to expand and improve the building that off-street parking must be created on site. If parking is not allowed to be located in the required front yard then a variance of parking would be needed. Located to the north of the development site is an existing single-family dwelling (3133 Nicollet Avenue) which is owned by the applicant. Once the development is complete this dwelling will be the only residential structure left on the block face. The other nonresidential structures along this block face are built up to the property line. There is an existing solid wood fence located along the north property line that will remain between the two properties which will help screen the parking area from the adjacent residential 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.

Front yard setback: The circumstances are unique in that the property located to the north of the development site is an existing single-family dwelling which is owned by the applicant. Once the development is complete this dwelling will be the only residential structure left on the block face, and the other nonresidential structures along this block face are built up to the property line.

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.

Front yard setback: The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The Planning Division believes that the granting of this variance would 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 solid wood fence located between the two properties will provide a visual barrier between the parking area and the adjacent residential property.

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.

Front yard setback: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the front yard setback variance be detrimental to welfare or public safety.

VARIANCE - to reduce the north interior side yard setback from the required 5 feet to zero 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.

North interior side yard setback: The applicant is seeking a variance to reduce the north interior side yard setback from the required 5 feet to zero feet. The applicant has indicated that in order to expand and improve the building that off-street parking must be created on site. As proposed the parking spaces are oriented away from the adjacent residence with the drive aisle projecting into the required side yard. A five-foot wide walkway would be located between the parking area and the building to allow pedestrian access from the parking area to the public sidewalk. If the drive aisle is not allowed to be located in the required interior side yard then a variance of either parking or the width of the drive aisle or removal of the pedestrian walkway would be needed. If the walkway were eliminated, patrons and

employees of the proposed businesses would have to walk through the parking area increasing the likelihood for conflicts between pedestrians and vehicles. There is an existing solid wood fence located along the north property line that will remain between the two properties which will help screen the parking area from the adjacent residential 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.

North interior side yard setback: The circumstances are unique in that there is an existing solid wood fence located between the two properties that will screen the parking area from the adjacent residential 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.

North interior side yard setback: The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The Planning Division believes that the granting of this variance would 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 solid wood fence located between the two properties will provide a visual barrier between the parking area and the adjacent residential property.

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.

North interior side yard setback: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the north interior side yard setback variance be detrimental to welfare or public safety.

VARIANCE - to increase the height of a wall sign from the maximum 14 feet to 16 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.

Maximum sign height: The applicant is seeking a variance to increase the height of a wall sign from the maximum 14 feet to 16 feet. The applicant has indicated that several improvements are being made to the front of the building as part of the development. The improvements include additional brick between the window openings, a decorative roof line, lighting and fabric awnings. Once the awnings

are installed the only area left for a building identification sign is located in the middle of the building at a height between 14 and 16 feet.

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.

Maximum sign height: The circumstances are unique in that the front wall of the building is existing and that once awnings are added to the building that the only area left for a building identification sign is located between 14 and 16 feet above grade.

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.

Maximum sign height: 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. Placing the sign at a maximum height of 16 feet is proportionate to the overall appearance of the building.

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.

Maximum sign height: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the maximum sign height variance be detrimental to welfare or public safety.

543.420. Approval criteria. Adjustments to the number, type, height, area or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown or industrial district may be approved if the following criteria are met:

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

There will be six signs located on the front of the building. There will be one sign located on each of the five awnings and one building identification sign located above the awnings. The maximum amount of signage allowed on the front of the building is 138 square feet and the applicant is proposing to have 85 square feet of signage on the front wall.

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

The wall sign is made of individual internally illuminated letters that spell “VALERIE’S”.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- 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.**
 - **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
- **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

PLANNING DEPARTMENT RESPONSE:

- The placement of the building reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access. The building is set close to the property lines, there are entrances and exits at street level that can be accessed by employees, customers and residents and there are large windows on the sides of the building facing the streets and parking lot that maximize the opportunities for people to observe adjacent spaces and the public sidewalks.
- The site is located on a corner lot which requires that both walls abutting the streets be located

within eight feet of the property line. The building is located up to the front property line along Nicollet Avenue and up to the corner side property line along West 32nd Street.

- Each of the ground floor uses has its own principal entrance facing a street. The doors to the market and the deli face Nicollet Avenue and the entrances to the remaining three commercial spaces face West 32nd Street.
- All of the required parking for the development is located on the north side of the building.
- The exterior materials of the structure include brick and stucco. The sides and rear of the building are similar to and compatible with the front of the building.
- The western most portion of the south building wall is over 25 feet in length and void of any windows, entries, recesses or projections, or other architectural elements. This is an existing condition of the building. In addition, the east wall of the building is over 25 feet in length and void of any windows, entries, recesses or projections, or other architectural elements. The total length of the east wall is 92 feet. The southerly 50.5 feet of the east wall is existing and the northerly 41.5 feet of the east wall is the addition. The addition is over 25 feet in length and blank. The mechanical equipment for the building will be located along the east wall. The equipment will be enclosed with a six-foot high cedar fence. Although the fence does not break up the blank wall it will provide relief. To further break up the east wall of the building glass block windows or other architectural features could be added. The Planning Division is recommending that blank, uninterrupted walls that do not contain architectural elements on the new construction shall not exceed 25 feet in width.
- At least 30 percent of the first floor of the building walls on Nicollet Avenue, West 32nd Street and the north wall of the building facing the on-site parking lot are required to be windows. The project's compliance with these requirements is as follows:
 - Nicollet Avenue: the percentage of windows on the first floor of the building is 62 percent.
 - West 32nd Street: the percentage of windows on the first floor of the building is 33 percent.
 - North building wall facing the on-site parking lot: the percentage of windows on the first floor of the building is 46 percent.
- First floor windows are required to be clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher. New and replacement windows are subject to this requirement.
- For non-residential uses, the zoning code requires that at least 30 percent of the windows allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views. The Planning Division is recommending that at least 30 percent of the window area allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views so as to comply with the regulations of the zoning code.
- The roof line of the building will be flat which is similar to the roof line of other commercial buildings in the area.

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.**

PLANNING DEPARTMENT RESPONSE:

- The principal entrances to the commercial spaces open directly to the public sidewalks. In addition, there is a walkway that runs along the north side of the building that connects the parking spaces to the public sidewalk.
- No transit shelters are proposed as part of this development.
- There will be one curb cut along Nicollet Avenue which will provide access to the on-site parking area.
- The site is adjacent to the public alley on the block but there will be no vehicular access to it from this property.
- There is no maximum impervious surface requirement in the C1 zoning district. According to the materials submitted by the applicant 13 percent of the site not occupied by the building will be pervious.

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.**

PLANNING DEPARTMENT RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 17,146 square feet. The footprint of the building is 10,953 square feet. When you subtract the footprint from the lot size the resulting number is 6,193 square feet. Twenty percent of this number is 1,239 square feet. The applicant has a total of 836 square feet, or 13 percent of the site not occupied by the building. Unless the number of parking spaces provided on the site was reduced there is not enough room on the site to provide 20 percent landscaping. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than 20 percent landscaping on the site.
- The zoning code requires at least one tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is three and 13 respectfully. The applicant is providing a total of two canopy trees and 17 shrubs on the site. Unless additional landscaped area was provided it would be difficult to have three canopy trees planted on the site. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than three canopy trees on the site.
- The zoning code requires that a seven-foot wide landscaped yard be provided along a public street, sidewalk or pathway when adjacent to a parking lot or a loading area. This requirement is being met.
- Screening three feet in height and equal to 60 percent opacity is required around parking lots and loading areas in order to screen them from a public street, sidewalk or pathway. The applicant is proposing to plant a row of Mint Julep Junipers along the public sidewalk. If left to grow this shrub will get to be six feet in height and 95 percent opaque. This requirement is being met. For Crime Prevention Through Environmental Design purposes a hedge row of six feet in height along the street would be too tall. Therefore, the Planning Division is recommending that the hedge row along the public sidewalk be kept trimmed at a height of three to four feet.
- The zoning code requires that a 7-foot wide landscaped yard be provided along parking and loading facilities where abutting or across an alley from a residence or office residence district. This requirement is being met.
- Screening six feet in height and equal to 95 percent opacity is required along parking and loading facilities where abutting or across an alley from a residence or office residence district. The applicant is proposing to plant a row of Mint Julep Junipers along the alley. If left to grow this shrub will get to be six feet in height equal to 95 percent opaque. This requirement is being met.
- Not less than one tree shall be provided for each 25 linear feet, or fraction thereof, of parking or loading area lot frontage. The parking lot is 40 feet in width. This width requires that two canopy trees be planted along Nicollet Avenue. The applicant is proposing to have one tree planted along Nicollet Avenue. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than two canopy trees along Nicollet Avenue.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. This requirement is being met. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. This requirement is being met.

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.

PLANNING DEPARTMENT RESPONSE:

- The applicant proposes to direct all of the stormwater runoff to the City’s stormwater sewer system in Nicollet Avenue. The Planning Division is recommending that the parking lot be graded so runoff flows towards the landscaped areas on the site.
- This building should not block views of important elements in the city.
- This building should have minimal shadowing effects on the surrounding area.
- This building should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as the entrances are clearly visible from the public sidewalk, walkways provide direct access to the principal entrances from the public sidewalks, there are windows where people can see in and out along sides of the building and the site is well lit.
- Neither the site nor the building is historically designated or located in a historic district.

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:

- **Use:** Grocery stores, delis and general retail sales and services uses are all permitted uses in the C1 zoning district.
- **Off-Street Parking and Loading:**

Parking: The parking requirement for grocery stores and general retail sales and services uses is one space per 500 square feet of gross floor area in excess of 4,000 square feet. If the use is smaller than 4,000 square feet the parking requirement is four spaces. The parking requirement for a deli is one space per 500 square feet of gross floor area up to 2,000 square feet plus one space per 300 square feet of gross floor area in excess of 2,000 square feet.

The grocery store is 5,666 square feet and has a parking requirement of four spaces. Each of the three general retail sales and services uses is less than 4,000 square feet so the parking requirement for each of these uses is four spaces. The deli is 950 square feet and has a parking requirement of four spaces. However, in multi-tenant buildings up to four tenant spaces are exempt from a parking requirement if smaller than 1,000 square feet. In this building the deli and one of the other general retail sales and services uses is smaller than 1,000 square feet. The total parking requirement for the entire development is 12 spaces. There are a total of 11 parking spaces on the site.

The zoning code also allows a one-space reduction in parking per use when a minimum of four bicycle parking spaces are provided on site. The applicant is proposing to locate four bicycle racks on the site which reduces the parking requirement by four spaces.

Loading: There will be one loading space located in the parking area on the site.

- **Maximum Floor Area:** The maximum FAR in the C1 zoning district is 1.7. The lot in question is 17,146 square feet in area. The applicant proposes a total of 10,953 square feet of gross floor area, an FAR of .64.
- **Building Height:** The height requirement in the C1 zoning district is two stories or 35 feet, whichever is less. The building is one story or 16 feet in height.
- **Minimum Lot Area:** There is no minimum lot area for this development.
- **Yard Requirements:** In the commercial districts, the front yard requirement is equal to the lesser of the required front yard of an adjacent residential structure or the established setback. The residential structure to the north is set back 26 feet from the front property line. The district requirement is 15 feet. Therefore the front yard setback is 15 feet for the first 40 feet south of the north interior property line. The north interior side yard setback is five feet and the corner side yard and rear yard setbacks are zero feet. The applicant has applied to vary the front and north interior side yard setbacks. The corner side yard and rear yard setbacks are being met.
- **Specific Development Standards:** Grocery stores and delis are subject to specific development standards. They are both subject to the same development standard:

Grocery stores and delis:

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

- **Hours of Operation:** The hours of operation for the C1 zoning district are Sunday through Thursday, 6 am to 10 pm, and Friday and Saturday, 6 am to 11 pm. The application that was submitted indicates that the uses will be open from 9 am until 9 pm, seven days a week.
- **Signs:** Signs are subject to the requirements of Chapter 543, On-premise Signs. In the C1 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall. However, if there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 45 square feet in size. Projecting signs are limited to 12 square feet in size. The height limitation for both wall signs and projecting signs is 14 feet and neither are permitted to extend above the roofline of the building. Freestanding signs are limited to 54 square feet and can be no taller than 20 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one.

Since not all of the uses within the building have been identified not all of the signs have been identified. The applicant has indicated that the existing wall sign for the market will be reused once the building renovation is complete. The wall sign is 18 square feet in size and the top of the sign is located 16 feet above the ground. The applicant has applied for a variance to increase the height of the wall sign. New signs on the building will need to adhere to the zoning code standards for signs or variances will need to be applied for.

- **Refuse storage:** Refuse and recycling storage containers will be located in an enclosure in the parking area. The enclosure will be made out of cedar and will be six feet in height.
- **Lighting:** A lighting plan showing footcandles was not submitted as part of the application materials.

MINNEAPOLIS PLAN:

This site is located on the northeast corner of the intersection of Nicollet Avenue and West 32nd Street. Nicollet Avenue is a designated Community Corridor. The site is located two blocks south of West Lake Street which is a designated Commercial Corridor. Please note that Nicollet Avenue is a designated Commercial Corridor north of West Lake Street. In the update to *The Minneapolis Plan* Nicollet Avenue is a designated Commercial Corridor up to West 32nd Street and the site is located one block from the boundary of the designated West Lake Street and Nicollet Avenue Activity Center. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment (Policy 9.6).
- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods (Implementation Step for Policy 9.6).
- Support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character (Policy 9.10).
- Support urban design standards that emphasize a traditional urban form in commercial areas (Policy 9.11).

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- Orient new buildings to the street to foster safe and successful commercial nodes and corridors (Implementation Step for Policy 9.11).
- Require storefront transparency to assure both a natural surveillance and an inviting pedestrian experience (Implementation Step for Policy 9.11).
- Promote design solutions for automobile parking facilities that reflect principles of traditional urban form (Policy 9.12).
- Locate parking lots behind buildings or in the interior of a block to reduce the visual impact of the automobile in mixed-use areas (Implementation Step for Policy 9.12).
- Protect residential areas from the negative impact of non-residential uses by providing appropriate transitions (Policy 9.15).
- Require screening and buffering for new developments next to residential areas (Implementation Step for Policy 9.15).
- Encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs (policy 9.16).
- Build on recent initiatives to use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land (Policy 9.17).

The Planning Division believes that the proposed project is in conformance with the above policies of *The Minneapolis Plan*.

The *Nicollet Avenue: The Revitalization of Minneapolis' Main Street* plan was adopted by the Minneapolis City Council in May of 2000. The four main strategies for the corridor identified in the plan are as follows:

1. Invest in well-defined commercial nodes and corridors to encourage increased compatibility of adjacent uses.
2. Redevelop under-utilized commercial uses to encourage increased compatibility of adjacent uses.
3. Encourage quality urban design and pedestrian-friendly environments.
4. Manage traffic flow and reduce traffic speed.

The four strategies are meant to promote “commercial vitality and preserve residential quality, thereby supporting both the commercial corridor and community corridor characteristics of Nicollet Avenue”.

The plan also has specific recommendations that pertain to the area along Nicollet Avenue between West 29th Street and West 33rd Street:

1. Encourage the redevelopment of nodes at 32nd and 33rd as a mixed-commercial/high density residential use.
2. Improve the urban tree canopy between 29th and 33rd Streets.

The overall appearance of the building will be enhanced once construction is complete. In addition, two canopy trees will be added to the site once the redevelopment is complete. The Planning Division

believes that the proposed project is in conformance with the above policies of the *Nicollet Avenue: The Revitalization of Minneapolis' Main Street* plan.

ALTERNATIVE COMPLIANCE:

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

PLANNING DEPARTMENT RESPONSE:

- **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped.** The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. There is a total of 836 square feet of landscaping on the site. This equates to 13 percent of the site not occupied by the building. Unless the number of parking spaces provided on the site was reduced there is not enough room on the site to provide 20 percent landscaping. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than 20 percent landscaping on the site. As an alternative, the Planning Division is recommending that enhanced landscaping be provided on site including a variety of plants and native perennials and grasses (preferably those that would enhance stormwater filtration) where shrubs and trees are not proposed.
- **The zoning code requires at least one tree for each 500 square feet of required green space.** The tree requirement for this site is three. The applicant is providing a total of two canopy trees on the site. Unless additional landscaped area was provided it would be difficult to have three canopy trees planted on the site. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than three canopy trees on the site. As an alternative, the Planning Division is recommending that enhanced landscaping be provided on site including a variety of plants and native perennials and grasses (preferably those that would enhance stormwater filtration) where shrubs and trees are not proposed.
- **Not less than one tree shall be provided for each 25 linear feet, or fraction thereof, of parking or loading area lot frontage.** The parking lot is 40 feet in width. This width requires that two canopy trees be planted along Nicollet Avenue. The applicant is proposing to have one tree planted along Nicollet Avenue. Of the 40 feet of parking lot frontage 18 feet is landscaping and 22 feet is

drive aisle. In order to provide ample room for the one canopy tree to grow the Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than two canopy trees along Nicollet Avenue.

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 variance application to reduce the front yard setback along Nicollet Avenue from the required 15 feet to 7 feet for the first 40 feet south of the north interior property line located at 3137 and 3149 Nicollet Avenue subject to the following conditions:

1. The height of the existing fence shall be reduced to three feet in height in the required front yard.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the north interior side yard setback from the required 5 feet to zero feet located at 3137 and 3149 Nicollet Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to increase the height of a wall sign from the maximum 14 feet to 16 feet located at 3137 and 3149 Nicollet Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for a mixed-use building located at 3137 and 3149 Nicollet Avenue subject to the following conditions:

1. Blank, uninterrupted walls that do not contain architectural elements on the new construction shall not exceed 25 feet in width as required by Section 530.120 of the zoning code.

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2. First floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher as required by Section 530.120 of the zoning code. This information shall be identified on the final plans.
3. At least 30 percent of the window area in the commercial portions of the building facing the public streets and on-site parking area shall allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views so as to comply with the regulations of Section 530.120 of the zoning code.
4. The parking lot shall be graded so runoff flows towards the landscaped areas on the site
5. As an alternative to meeting the 20 percent landscaping requirement of Section 530.160 and the minimum tree requirement of Section 530.170, the applicant shall provide enhanced landscaping including a variety of plants with seasonal interest and native perennials and grasses (preferably those that would enhance stormwater filtration) where shrubs and trees are not proposed in the landscaped areas.
6. The Mint Julep Juniper hedge row along the public sidewalk shall be kept trimmed at a height of three to four feet for screening purposes.
7. There shall be at least one bicycle rack installed as part of this development. The bicycle rack shall accommodate a minimum of four bicycles.
8. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
9. All site improvements shall be completed by March 23, 2010, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Preliminary Development Review report from February 11, 2009
2. Project statements
3. Variance findings

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4. February 9, 2009, letters to Council Member Remington and the Lyndale Neighborhood Association
5. Zoning Map
6. Architectural and civil plans
7. Aerial photos of the site and photos of the property