

Department of Community Planning and Economic Development – Planning Division
Expansion of a Nonconforming Use and Site Plan Review
BZZ – 4801

Date: August 16, 2010

Applicant: Karmel Properties, LLC

Address of Property: 2910 Pillsbury Avenue

Project Name: Karmel Plaza

Contact Person and Phone: Scott Nelson, (612) 676-2714

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: June 24, 2010

End of 60-Day Decision Period: August 23, 2010

End of 120-Day Decision Period: On August 4, 2010, staff sent the applicant a letter extending the decision period no later than October 22, 2010.

Ward: 6 **Neighborhood Organization:** Whittier Alliance

Existing Zoning: I1 Light Industrial District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 25

Legal Description: Not applicable for this application

Existing Uses: Shopping center

Proposed Use: Shopping center and self-service storage

Concurrent Review:

Expansion of a nonconforming use to add gross floor area and tenants to the shopping center.

Site plan review amendment to allow first floor additions to the shopping center and a third story addition for self-service storage.

Applicable zoning code provisions: Chapter 530 Site Plan Review and Chapter 531 Nonconforming Uses and Structures, Section 531.50(b).

Background: These applications were continued from the July 19th meeting to the August 16th meeting to allow the applicant time to address an unresolved zoning violation. Upon the Zoning office doing a follow-up inspection of the site, the pool tables and other indoor recreation facilities had been

CPED Planning Division Report
BZZ – 4801

removed and the need for variances has been eliminated. No changes have been proposed to the plans since the last meeting.

The applicant proposes to construct a third story on top of the multiple-tenant building located at the property of 2910 Pillsbury Avenue South. The approximately 31,250 square foot third-story addition would be used for self-service storage. The proposal also includes enclosing portions of the canopies on the ground floor to add three new tenant spaces and expand existing tenant spaces resulting in a total of 4,559 square feet being added to the first floor. A site plan review application is required for any addition to a nonresidential building that would increase its floor area by 1,000 square feet or more. Because a site plan review application was previously approved for this site, the applicant is requesting an amendment. The commercial uses, including general retail sales and services uses (identified on the plans as retail and salons), coffee shops, delicatessens, and sit down restaurants with limited entertainment, offices, a place of assembly (tenant prayer room), food and beverage production, and a developmental achievement center, on the first and second floors are part of a shopping center. A shopping center is not a permitted use in the I1 district. The original development proposed an ethnic market. The ethnic market was classified as a farmers' market. At the time, the zoning code did not include a definition for farmers' markets. The farmers' market that was approved for this site does not comply with the definition that was adopted in July of 2006, but the building was constructed and the use was established prior to the code change. Under today's code, the ethnic market that does not comply with the definition of farmers' market is considered a shopping center. Because the use was legally established, any expansion requires an expansion of nonconforming use application.

There is a mix of uses in the immediate area, but nonresidential uses are located primarily to the south and west of the site and residential uses are located primarily to the north and east of the site. The Midtown Greenway is located directly north of the site. The existing building fronts Pillsbury Avenue, Pleasant Avenue and the Midtown Greenway. Vehicle access to the surface and below-grade parking areas is through an entrance from Pillsbury Avenue. Vehicles exit to Pleasant Avenue. Pedestrian access to the site is the same as vehicles with the exception of one business that has a door with access to the Pillsbury Avenue sidewalk and an entrance from Pleasant Avenue.

The former Minneapolis Community Development Agency (now the Economic Development Division of CPED) owned the subject site prior to construction of the existing development. A redevelopment contract that required a minimum of 64,000 square foot building with office, commercial and light industrial uses and related improvements was executed as part of the sale of the property. According to the Economic Development staff, the City issued a certificate of completion for the project a few years ago because the developer met the minimum requirements and the contractual obligations that the City Council/MCDA Board established thereby releasing the developer of encumbrances with respect to the redevelopment contract.

The following is a summary of the land use application history for this site. In 2001, the city planning commission (CPC) approved a conditional use permit and site plan review application to allow a multiple-tenant development with offices, restaurant space, and an ethnic market (farmers' market). The City Council also approved the vacation of Elroy Street (ran east/west on the south end of the site). The CPC approvals expired and the applicant reapplied for the same applications to allow the same proposal. In 2003, the CPC approved the proposal again. The action was appealed by the neighborhood group, but the City Council upheld the CPC decision. Before constructing the existing building, the applicant submitted applications to allow a larger development adding multiple-family

CPED Planning Division Report
BZZ – 4801

residential with 72 units into the mix of proposed uses in 2004. The CPC granted partial approval of the proposed development, but denied the CUP for the farmers' market. The applicant appealed the CUP denial and the neighborhood group appealed the rest of the CPC actions, but the City Council upheld the CPC decision. With the exception of denying the CUP for the farmers' market, the mayor vetoed the City Council's decision. Following the veto, the council denied all of the applications. Although these applications were denied, the previous approvals had not expired yet and the project that was approved in 2003 with some administratively approved changes was allowed to be constructed. (The CPC actions from 2003 and the final site plan that were approved are attached for reference.)

The applicant started to construct the proposed third story addition, as shown in the attached photos, without the necessary permits. A permit for a rooftop deck had been issued, but the City and applicant have a disagreement stemming from the issuance of that permit about what was authorized to be built. In an attempt to resolve the disagreement, the Department of Regulatory Services is requiring the applicant to complete the land use application process and comply with other stipulations including "complete review and approval by all required City departments" to allow issuance of building permits for the addition. The applicant has agreed to these requirements through a memorandum of understanding signed by both parties and dated September 24, 2009. Since the MOU was signed, the applicant started installing the storefront windows to enclose the canopy adjacent to the parking lot without permits.

Although the proposed changes to the site plan require a land use application amendment, the project was not required to be reviewed at a Preliminary Development Review (PDR) meeting involving various City departments.

The applicant is drafting a Travel Demand Management Plan (TDMP). On July 16th, a second draft was submitted to the City. Planning and Public Works staff do not believe that the plan adequately addresses existing conditions related to access and site circulation that are deficient. Public Works has also asked the applicant to provide a full study of the actual parking demand for the existing uses and proposed uses and their cumulative impact. More detailed staff comments are attached to this report for reference. Planning and Public Works staff will continue to work with the applicant to complete the TDMP and encourage the applicant to implement the TDMP strategies.

Correspondence received from the neighborhood group, Whittier Alliance, is attached to this report. Staff will forward comments, if any are received, at the City Planning Commission meeting.

EXPANSION OF A NONCONFORMING USE: to add gross floor area and tenants to the shopping center.

Findings as Required by the Minneapolis Zoning Code:

The Planning Commission may approve an application if it meets the following standards and all other applicable regulations in the zoning ordinance (this section shall not authorize a use prohibited in the zoning district in which it is located to be expanded beyond the boundaries of its zoning lot):

- 1. A rezoning of the property would be inappropriate.**

The site is zoned I1 Light Industrial District. The *Minneapolis Plan for Sustainable Growth* designates the future land use for this site as urban neighborhood.¹ The site is located half a block from Lake Street, which is designated as a commercial corridor. It is also located between the Lyn-Lake and Nicollet and Lake activity centers. These activity centers are located five blocks apart. The *Midtown Greenway Land Use and Development Plan*, adopted by the City Council in 2007 (after the original site plan approval was obtained), calls for high density housing (40-120 units per acre) on this site. The Midtown Greenway Rezoning Study was completed in April of 2010. Although Planning staff and the City Planning Commission recommended rezoning the site to the R5 Multifamily Residential District, the City Council did not change the zoning. If the site were to be rezoned, a high density residential district would be most appropriate to be consistent with the adopted policies affecting this site. Shopping centers are not permitted uses in the residence districts; therefore the nonconforming status of the use would not change. For this proposal, a rezoning is not appropriate.

2. The enlargement, expansion, relocation, structural alteration or intensification will be compatible with adjacent property and the neighborhood.

There is a mix of residential and nonresidential uses in the immediate area. The Midtown Greenway is located immediately north of the site. The expansion would fill in space under an existing canopy facing the interior parking lot and the greenway. The amount of floor area added in each area is 2,718 square feet and 1,841 square feet respectively. With the expansion, three new tenants would be added (each less than 1,000 square feet). The remainder of the space would be used to increase the floor area of 21 existing tenants by an average of 217 square feet. Because most of the additional floor area would be used to expand existing tenants, there should not be significant increases in traffic that would affect the surrounding properties and neighborhood. The additions would also increase the overall amount of windows facing the parking area. If the added floor area adjacent to restaurant tenants is used for seating, views to the Greenway should increase.

3. The enlargement, expansion, relocation, structural alteration or intensification will not result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion.

Most of the additional floor area would be used to expand the floor area of 21 existing tenants by an average of only 217 square feet. To reduce and meet the minimum parking requirement for the expansion, the applicant is providing 40 bicycle parking spaces to qualify for the bicycle incentive authorized by Chapter 541 of the zoning code. The proposed bicycle parking location adjacent to Pleasant Avenue has a dirt surface. The site plan does not indicate if the area will be paved or not. If the surfacing is not paved, it may discourage people from using the racks, which could affect congestion. Staff is recommending that the surface of the bicycle storage area be paved. If the staff recommendation is adopted, there should not be significant increases in adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion.

4. The enlargement, expansion, relocation, structural alteration or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.

¹ Urban neighborhood: Predominantly residential area with a range of densities. May include other small-scale uses, including neighborhood serving commercial, and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers.

CPED Planning Division Report
BZZ – 4801

The applicant has indicated that the open areas under the canopy have become a haven for loitering and other nefarious activity. Enclosing these areas and connecting them to the adjacent tenant spaces should improve safety. Additional storefront windows will be added with the expansion. The additional wall area should allow tenants more display area without covering up windows. This should improve the appearance of the development. Opening up the windows would allow views into and out of the building. As a condition of approval of the site plan review, staff is recommending that the planning commission require several conditions that would increase views into and out of the building from the ground floor.

- 5. In districts in which residential uses are allowed, the enlargement, expansion, relocation, structural alteration or intensification will not result in the creation or presence of more dwelling units on the subject property than is allowed by the regulations of the district in which the property is located.**

No additional dwelling units are proposed.

- 6. The enlargement, expansion, relocation, structural alteration or intensification will not be located in the Floodway District.**

The property is not located in the Floodway District.

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the site plan review:

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of the 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.

CPED Planning Division Report
BZZ – 4801

- 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, 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 530.120 of the zoning code.
- Ground floor active functions:

Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- The form and pitch of roof lines shall be similar to surrounding buildings.
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

CPED Planning Division Report
BZZ – 4801

Conformance with above requirements:

The existing building is built up to the lot lines adjacent to Pleasant and Pillsbury Avenues.

The principal entrances face the parking lot at the interior of the site as approved in the previous site plan review approval. Several other entrances to individual businesses and corridors are also oriented towards the adjacent streets or the parking area.

Parking is located at the interior of the site.

On the south elevation, the additions are divided into smaller identifiable sections because they follow the existing U-shaped footprint. On the north elevation, the first floor addition would recess and project and windows would be provided to further break up the façade. The façade of the third floor addition facing the greenway is 350 feet in width. It would fall in line with the floor below. Evenly spaced windows that cover 10 percent of the wall would be provided. The existing parapet roofline is flat for the entire length of the building. With the addition, the applicant would vary the height of the parapet wall to break up the roofline.

There would not be any blank, uninterrupted walls exceeding 25 feet in length on the additions with the exception of the third floor east courtyard elevation. A portion of the wall would be blank for 29.5 feet. The proposed windows are on center with the windows on the second floor. The wall below is also without architectural details for more than 25 feet. With the first floor addition, the amount of windows on this façade would be greatly increased. For these reasons, staff is recommending that the planning commission grant alternative compliance.

The existing primary exterior material is stucco. The proposed materials for the additions are glass and hardi-panel siding with a stucco texture. These materials are durable. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.

All sides of the building would be compatible.

Plain face concrete block would not be used as a primary exterior building material.

The principal entrance faces the parking lot at the interior of the site as approved in the previous site plan review approval. Several other entrances to individual businesses and corridors are also oriented towards the adjacent streets or the parking area. The principal entrance projects from the building and is surrounded by windows to emphasize its importance.

Each wall faces a public street, an on-site parking area, or a public pathway, therefore all sides of the building are subject to the minimum window requirements.

- In 2003 and today, 30 percent of the ground floor walls facing a public street or on-site parking area are required to be windows. When the site plan review was originally approved, window requirements did not apply to walls facing a public pathway. However, the new addition walls facing the Midtown Greenway are subject to the 30 percent requirement. The calculations of the existing and proposed percentage of windows on each wall are found in the table on the next page.

CPED Planning Division Report
BZZ – 4801

On the original plans reviewed by the CPC and on the final site plans approved by Planning staff, 30 percent of the walls facing the adjacent streets and the on-site parking area were shown as windows. The actual amount of windows installed on each wall is less than 30 percent, with the exception of the south elevation. Overall, the amount of windows on the exterior walls would increase with the proposed first floor additions. With the exception of three new tenant spaces adjacent to the parking area, the additions would expand existing tenant spaces. Although the amount of fenestration would increase as viewed from outside the building, opportunities to allow views into and out of individual tenant spaces would not change or would be reduced because the openings from these existing tenant spaces would not increase in size. One of the main purposes for the window requirements is to maximize natural surveillance and visibility to the adjacent streets, parking area, and public pathway. When walls within close proximity to exterior windows block views into and out of the majority of a tenant space, the intent of the window requirements is not met. In the table below, calculations for each wall that include only the windows that allow views into and out of the majority of the floor area of the adjacent tenant space are provided in the last column.² The comparison between total window calculations and calculations only including windows that allow views into and out of the majority of a tenant space shows significant differences. For the purposes of determining whether or not the amount of windows proposed meets the site plan review standard, the calculations from the last column are used. Where the percentage is less than 30 percent in the last column, alternative compliance is required. The one exception to this rule is the north wall facing the Midtown Greenway because the window requirements did not apply to walls facing a public pathway when the site plan review was originally approved and the applicant is not proposing to reduce the amount of windows that provide views into and out of the building.

Building wall elevation	Existing amount of windows	Proposed amount of windows on addition walls	Total amount of windows	Total amount of windows that allow views into and out of the majority of the floor area of adjacent tenant spaces
Pillsbury Ave (east)	28.1%	21.4%	27.5%	25.5%
Pleasant Ave (west)	23.2%	N/A	23.2%	23.2%
Wall facing the Midtown Greenway (north)	19.2%	36%	30.1%	19.2%
Walls facing the parking lot (south)	31%	83.8%	67.3%	37%
Interior wall facing the parking lot (east)	21.9%	94.9%	75%	20.5%
Interior wall facing the parking lot (west)	10.2%	100%	45.8%	45.8%

Alternative compliance is requested for the 30 percent window requirements on each of the following walls based on the calculations for the total amount of windows that allow views into and out of the majority of the floor area of adjacent tenant spaces:

² Please note the following: The additions would not result in any existing tenant space increasing its floor area by more than 50 percent. Therefore only some windows are included e.g. in no case were all of the windows included in the calculations for the existing tenants fronting the parking area.

CPED Planning Division Report
BZZ – 4801

Pillsbury Ave (east): Both the existing and proposed amount of windows would be deficient. Each addition wall is approximately seven feet wide and each would have a door limiting space to provide windows. Over 15 percent of the second floor wall facing Pillsbury Avenue is windows (10 percent is required). For these reasons and with the condition that the required ground floor windows allow views into and out of the building at eye level, staff is recommending that alternative compliance be granted.

Pleasant Ave (west): No changes are proposed to the first floor wall facing Pleasant Ave. However, the applicant needs to now request alternative compliance for the amount of windows required because alternative compliance was not granted with the original approval. Over 15 percent of the second floor wall facing Pleasant Avenue is windows (10 percent is required). For this reason and with the condition that the required ground floor windows allow views into and out of the building at eye level, staff is recommending that alternative compliance be granted.

Interior wall facing the parking lot (east courtyard elevation): With the additions, only 20.5 percent of the wall would contain windows that meet the requirements. The amount of windows on the south walls facing the parking area would exceed the requirement by seven percent. The amount of windows on the west wall facing the parking area would exceed the requirement by 15.8 percent. Because excess windows would be provided on these adjacent walls and with the condition that the required ground floor windows allow views into and out of the building at eye level, staff is recommending that alternative compliance be granted.

- On the third floor addition walls, at least 10 percent of each wall must be windows. The following is the amount of each addition wall that would be windows:
 - Pillsbury Ave (east): 11.3%
 - Pleasant Ave (west): 10.1%
 - Wall facing the Midtown Greenway (north): 10.5%
 - Walls facing the parking lot (south): 11.5%
 - Interior wall facing the parking lot (east): 6.8%
 - Interior wall facing the parking lot (west): 9.1%

On the interior courtyard walls facing the parking lot, the proposed amount of windows would be deficient. The overall amount of windows proposed on the first floor walls that face the parking lot would exceed the minimum requirements and should provide adequate natural surveillance from the building. For this reason, staff is recommending that the planning commission grant alternative compliance.

- All windows would all be vertical in proportion and distributed in a more or less even manner.
- Many of the ground floor windows do not allow views into and out of the building at eye level because they are blocked by merchandise, signage, or by other means. This was a site plan review standard in 2003 that applied to walls facing a public street or on-site parking area. Alternative compliance was not granted at that time. The current standards provide clarification for “eye level”. Shelving, mechanical equipment or other similar fixtures cannot block views between 4 and 7 feet above the adjacent grade. The purpose of this standard is to maximize natural surveillance and visibility to the adjacent streets, parking area, and public pathway. The applicant has not proposed an alternative that meets the intent of this ordinance. Staff is recommending that the planning commission not grant alternative compliance to this standard for any required windows on each building elevation. Also, staff is recommending that the entire ground floor Greenway elevation be subject to this standard to bring it closer to compliance with the current standard.

CPED Planning Division Report
BZZ – 4801

- A recently adopted site plan review standard requires that each individual ground level tenant space that faces a public street, public pathway or on-site parking lot must comply with the minimum window requirements. Not all of the individual tenant spaces comply with this new requirement. Staff is recommending that the planning commission grant alternative compliance because the condition exists.

A flat roof is proposed. Most of the buildings in the immediate 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.

Conformance with above requirements:

The site plan that was approved showed unobstructed walkways connecting to the public sidewalks on Pleasant and Pillsbury Avenue and leading to the on-site parking area and main entrance. The plan did not show the fence that has been installed extending into the public rights-of-way blocking both pedestrian walkways. There are no gates in the fences and pedestrians must enter the site by walking through the vehicle access points. Staff is recommending that the planning commission require the applicant to provide pedestrian access separate from the driveways that meets the following conditions:

- 1) Pedestrian access shall be provided from both Pillsbury Avenue and Pleasant Avenue.
- 2) Handicap accessible walkways at least four feet in width shall connect to the public sidewalks.
- 3) The pedestrian access shall be open during business hours.

As measured on the site plan provided, only a 2.5 foot wide walkway would be provided between the new storefront windows east of the below-grade parking garage entrance and the parking area. Two new tenant spaces and nine existing tenant spaces would have doors that open onto this narrow walkway. A 2.5 foot wide walkway doesn't meet accessibility codes and would not provide sufficient access to meet this site plan review standard. The applicant has shown one-way circulation for the parking adjacent to the middle building entrance. The minimum drive aisle dimension for one-way circulation with 90 degree spaces is 20 feet. The drive aisles shown on the site plan measure out to 22 feet. It is feasible for the applicant to shift the parking spaces to incorporate a four foot wide walkway. Staff is recommending that the planning commission not grant alternative compliance.

The only entrance to new retail tenant space #184 (west of the parking garage entrance) opens onto a loading space. Overlapping the required loading space with a pedestrian walkway does not meet the intent of this standard. Staff is recommending that the planning commission require a separate walkway at least four foot wide and not grant alternative compliance. A separate walkway can be provided by reducing the size of the tenant space or by placing the entrance on the west wall.

A transit shelter is not adjacent to the site.

CPED Planning Division Report
BZZ – 4801

Vehicles enter through a curb cut on Pillsbury Avenue. Vehicles exit through a curb cut on Pleasant Avenue. Circulation is designed to occur on-site. The site is not adjacent to an alley. Some residential uses are located in the immediate area. Staff is not aware of any conflicts created by the existing access location and circulation on pedestrians and surrounding residential properties. The installation of the gate at the Pillsbury Ave entrance has contributed to congestion. This was not shown as part of the previous site plan approval. The applicant will need to address the factors of section 541.230 of the zoning code (see page 16 of this report) with the Public Works Department. Through the Travel Demand Management Plan, staff is requesting that the applicant provide site improvements that address the issue of congestion at the entrance.

If the landscaping shown on the plan for this application is installed, the effects of the total amount of impervious surface of the parking area would be lessened. More landscaping is shown on the approved plan because the applicant had shown that additional landscaping would be installed at the center of the parking lot. Although installing landscaping in that location would increase the amount of on-site stormwater retention, it would eliminate parking spaces. Also, a large, contiguous landscaped area is maintained adjacent to the Greenway and the amount of landscaped area on the site exceeds what is required.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
 - **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year.**
- **Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

Conformance with above requirements:

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 82,372 square feet. The building footprint is approximately 38,238 square feet including the canopies. The lot area minus the building footprints therefore consists of approximately 44,134 square feet. At least 20 percent of the net site area (8,827 square feet) must be landscaped. According to the landscaping plan, 10,915 square feet of the site is landscaped. That is equal to 24.7 percent of the net lot area. More landscaping is shown on the previously approved plan because the applicant had shown that additional landscaping would be installed at the center of the parking lot. Although installing landscaping in that location would increase the amount of on-site stormwater retention, it would eliminate parking spaces. Also, a large, contiguous landscaped area is located adjacent to the Greenway and the amount of landscaped area on the site exceeds what is required.

The zoning code requires at least one canopy 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 remainder of the landscaped area must be covered with turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. The tree and shrub requirement for this site is 18 and 88 respectfully. The original plan was approved with 17 trees including two trees located off-site. A current survey shows that the site is approximately 2,000 square feet larger than thought when the original plan was approved. This affects the landscaping requirements. The amended plan shows 16 trees including two trees located off-site. The displaced tree was shown at the proposed tenant space #184 location. Two additional trees could be provided in the landscaped area adjacent to the towing yard. No trees are located between the parking area and the adjacent streets. The applicant can provide those trees on-site as well. Staff is recommending that the planning commission require the applicant to provide not less than 18 trees on-site. The original plan proposed a total of 408 shrubs including those located in the rights-of-way and on the Karmel Square site. The amended plan shows 393 shrubs including those located in the rights-of-way and on the Karmel Square site. Many of the shrubs shown on the plan have not been installed. The shrubs or trees that have died, been removed or not been installed need to be replaced as shown on the plan. Some landscape areas, particularly those on the south side of the site have become overgrown with weeds or are dirt patches. Installing the landscaping shown on the site plan should adequately fill in these areas.

A landscaped yard at least 7 feet wide and screening that is 60 percent opaque and 3 feet in height is required between the parking area and the adjacent streets. In the previous site plan approval, alternative compliance was granted for allowing a two foot wide landscaped yard adjacent to Pleasant Avenue. The alternatives approved were landscaping all parking lot peninsulas, providing distinctive fencing, an arcade sidewalk feature, bicycle parking spaces, and building facades with a distinctive architectural style. The applicant did not and cannot install the parking lot landscaped peninsulas without eliminating parking and is enclosing the majority of the arcade/canopy sidewalk feature. The applicant is now proposing to install bicycle racks adjacent to Pleasant Avenue, which also does not allow room for an on-site seven foot wide landscaped yard. Because the applicant is proposing to install an amount of shrubs that greatly exceeds the minimum requirement and the seven foot wide interior boulevard would be landscaped, the alternative still meets the intent of the ordinance.

If the trees are installed as shown on the plan, all except six surface parking spaces would be within 50 feet of an on-site deciduous canopy tree. In 2003, this was not a site plan review standard. The area where these six spaces are located was not within 50 feet of a tree when the site plan was originally

CPED Planning Division Report
BZZ – 4801

approved. Staff is recommending the the planning commission grant alternative compliance for the six spaces. Compliance with this standard would require installing a landscape island, which would result in the loss of parking spaces.

Installation and maintenance of all landscape materials must comply with the standards outlined in section 530.210.

ADDITIONAL STANDARDS:

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

Conformance with above requirements:

Continuous concrete curbing is installed around the surface parking area. Curbing is discontinued at the east and west sides to allow water to drain to catch basins.

The building should not impede any views of important elements of the city.

The applicant has submitted a shadow study. The third floor addition would be set back 43 feet from the north property line adjacent to the Greenway. According to the study, the greenway would mainly be affected November through January.

Wind currents should not be major concern.

Some existing conditions do not meet the intent of the site plan review standards that promote crime prevention design elements. Windows are provided at ground level, but many of them are blocked by signage and merchandise. Complying with the sign and site plan review requirements would increase natural surveillance and visibility of the public sidewalks, greenway, and parking area. Fences have been installed that limit access and guide pedestrian movement, but the fences also block the walkways that connect main building entrances to the public sidewalks. Pedestrians walk through vehicle driveways to reach the walkways. Walkways that connect directly to the public sidewalks would be safer.

No demolition of existing structures is proposed.

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

ZONING CODE: The site is zoned I1. Self-service storage in the I1 district is a permitted use. The existing shopping center is not a permitted use in the I1 district, but was legally established. Therefore it is a legally nonconforming use.

Parking and Loading:

Minimum automobile parking requirements: The minimum parking requirement for a shopping center is determined by the zoning administrator based on the principal uses in the shopping center. The shopping center contains a mix of uses including general retail sales and services uses (identified on the plans as retail and salons), coffee shops, delicatessens, and sit down restaurants with limited entertainment (each less than 2,000 square feet), offices, a place of assembly (tenant prayer room), food and beverage production, and a developmental achievement center. The zoning administrator determined that the parking requirement for the shopping center uses located on the first and second floors shall be one space per 500 square feet of the gross floor in excess of 4,000 square feet with the following exceptions and conditions:

- The place of assembly (tenant prayer room) shall be subject to the respective minimum parking requirement identified in Table 541-1 of the zoning code.
- Any coffee shop, delicatessen, fast food restaurant, and sit down restaurant exceeding 2,000 square feet shall be subject to the respective minimum parking requirements identified in Table 541-1 of the zoning code.
- Any nightclub or restaurant with general entertainment shall be subject to the respective minimum parking requirements identified in Table 541-1 of the zoning code.
- All Commercial Recreation, Entertainment and Lodging uses shall be subject to the respective minimum parking requirements identified in Table 541-1 of the zoning code. Indoor recreation areas with pool or billiards are subject to a minimum parking requirement of parking equal to 30 percent of the capacity of persons.

All of the uses shown on the floor plans, with the exception of the place of assembly, are collectively subject to the requirement of one space per 500 square feet of the gross floor in excess of 4,000 square feet. The minimum requirement for these uses is 119 spaces. The minimum parking requirement for a place of assembly is parking equal to 10 percent of the capacity of persons in the main auditorium and any rooms which can be added to the main auditorium by opening doors or windows to obtain audio or visual unity. The place of assembly occupies approximately 3,370 square feet, therefore the minimum requirement is 22 spaces. The minimum parking requirement for self-service storage is equal to one space per 3,000 square feet of gross floor area of warehousing up to 30,000 square feet plus one space per 5,000 square feet of gross floor area of warehousing over 30,000 square feet. The self-service storage use would occupy the entire third floor (approximately 31,234 square feet of floor area), which would require a minimum of 10 spaces. The total minimum requirement equals 151 spaces. A total of 160 spaces would be provided. Of those spaces, 21 must be used to meet the parking requirement for the adjacent Karmel Square development. To make up the 12 space difference, the applicant is proposing to provide additional bicycle parking to qualify for the bicycle incentive authorized by section 541.220 of the zoning code. By providing bicycle parking equal to 25 percent of the number of

CPED Planning Division Report
BZZ – 4801

required automobile parking spaces (38 spaces), the minimum automobile parking requirement can be reduced by 10 percent (15 spaces) or 25 spaces, whichever is less. The bicycle parking must comply with the standards for required parking and must exceed the minimum bicycle parking requirement by at least one space. The applicant would provide 40 short term spaces. As a result, the minimum automobile parking requirement is reduced to 135 spaces.

At least 75 percent of the required spaces are required to comply with the minimum dimensions for standard spaces, or 102 spaces for this proposal. The remaining required spaces must comply with the minimum dimensions for compact spaces. The plans show that 14 spaces are compact spaces and the rest of the spaces would comply with the standard size requirements. Accessible parking spaces are also required in both the below-grade and surface parking areas. At least four accessible spaces are required below-grade and at least three are required in the surface parking area. Four accessible spaces would be provided in each of the parking areas.

Maximum automobile parking requirements: The maximum parking requirement for a shopping center is one space per 200 square feet of gross floor area. The shopping center would occupy a total of 67,027 square feet, therefore the maximum requirement is 335 spaces. The maximum parking requirement for self-service storage is one space per 1,500 square feet of gross floor area of warehousing up to 30,000 square feet plus one space per 2,500 square feet of gross floor area of warehousing over 30,000 square feet. The self-service storage would occupy the entire third floor (approximately 31,234 square feet of floor area), which is a maximum of 20 spaces. The total maximum parking requirement is 355 spaces. The plans show that a total of 139 spaces would be provided for Karmel Plaza.

Bicycle parking requirement: There is not a bicycle parking requirement for self-service storage. The minimum bicycle parking requirement for a shopping center is three spaces or one space per 5,000 square feet of gross floor area (13 spaces), whichever is greater. For a shopping center, not less than 50 percent of the required spaces must meet the standards for short-term parking. Most of the tenant spaces were constructed before the minimum bicycle parking requirements took effect in 2009. However, providing bicycle lock-up facilities with a capacity of at least 20 bicycles was a condition of the previous site plan review approval. The site plan shows that 40 bicycle parking spaces would be provided.

Loading: The minimum loading requirement for self-service storage uses with a total floor area between 30,001 and 60,000 square feet is two large spaces. The minimum loading requirement for a shopping center is determined by conditional use permit. Because the shopping center was originally established as a farmers' market and is a nonconforming use in the I1 district, the zoning administrator determined that the loading requirement would be based on the principal uses in the shopping center. When a development includes more than one nonresidential use with a low, medium, or high loading requirement, the square footage of uses within the same rating category are added together in order to determine the number of required loading spaces. The majority of the uses fall into a low rating. When uses with a low rating occupy between 50,001 and 100,000 square feet of gross floor area, a minimum of two small loading spaces are required. Therefore, a total of two large and two small loading spaces are required. The applicant is proposing to provide two large and two small spaces.

Access to Parking and Loading: Access to the parking and loading area must comply with Chapter Chapter 541 of the zoning code including:

CPED Planning Division Report
BZZ – 4801

541.230. Required plan approval. Plans for any use requiring movement of vehicles across public walks or access through a public alley or street shall be referred to the city engineer for review before any permits are issued. The city engineer shall consider, but not be limited to, the following factors when determining whether to approve the proposed plan:

- (1) The consolidation of curb cuts shall be encouraged, and new curb cuts shall be discouraged whenever appropriate, considering safe traffic flow, the objectives of this ordinance, and access points needed for the proper functioning of the use.
- (2) Where a residential use is served by an alley, direct access to the street through a curb cut shall be discouraged, except where such curb cut extends into a corner side yard.
- (3) The use shall not substantially increase congestion of the public streets or impede pedestrian traffic.
- (4) The space allocated to the use shall be adequate to keep vehicles clear of sidewalks, alleys and similar areas.
- (5) The location of driveways relative to other existing uses is such that street traffic shall not be seriously disrupted and no unnecessary hazards shall be established for pedestrians. In no instance shall a driveway be allowed on a limited access roadway ramp or combined limited access roadway ramp frontage road.

The previously approved plan did not include four loading spaces and gates limiting vehicle access to the site. As indicated in the attached email from Public Works, the installation of a gate adjacent to Pillsbury Ave is contributing to congestion. The additional loading demands from the self-service storage may also require modifications to the site to ensure efficient vehicle access to the site. The applicant will need to address the above factors, especially #3 and #4, with the submittal of plans for final approvals.

Maximum Floor Area: The lot area is 82,372 square feet. The maximum FAR allowed in the I1 District is 2.7. The total floor area would be 98,261 square feet, which is an FAR of 1.2.

Minimum Lot Area: Not applicable for this proposal

Dwelling Units per Acre: Not applicable

Lot Coverage: Not applicable

Impervious Surface Coverage: Not applicable

Building Height: The maximum height allowed in the I1 district is 4 stories or 56 feet, whichever is less. The proposed building would be three stories and 47 feet in height.

Yard Requirements: Not applicable

Specific Development Standards: Restaurants, coffee shops, and shopping centers are all subject to the following development standard:

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.

CPED Planning Division Report
BZZ – 4801

Shopping centers are also subject to two additional development standards:

- (1) Only uses allowed in the zoning district in which the shopping center is located shall be allowed in the shopping center.
- (2) Uses which require a conditional use permit, site plan review or other land use approval shall comply with all review and approval requirements of this zoning ordinance.

Because the shopping center is a legal nonconforming use, an expansion of nonconforming use application is required to add or expand any general retail sales and services uses.

Hours of Operation: The applicant has indicated that Karmel Plaza is open to the public from 8:00 a.m. to 10:00 p.m. All uses located in the industrial districts, except residential uses, religious institutions, hotels and hospitals, must comply with the following regulations governing maximum hours open to the public, except where the city planning commission further restricts such hours:

Sunday through Thursday, from 6:00 a.m. to 10:00 p.m.

Friday and Saturday, from 6:00 a.m. to 11:00 p.m.

Signs: The applicant has not submitted any sign information. Permits for only three signs have been obtained. More than three signs exist on the site. Any new and existing signage that is not an interior sign, including banners, that has not received a sign permit requires Zoning Office review, approval, and permits. The amount of window signage is also regulated. They are allowed, provided such signage does not exceed 30 percent of the window area, whether attached to the window or not and do not block views into and out of the building in the area between four and seven feet above the adjacent grade. Some window signage installed in the building does not comply with these requirements. All window signage needs to be brought into compliance.

Refuse screening: Refuse and recycling 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. An enclosed refuse storage area is provided on the north side of the building; however, it is not effectively screened from Pleasant Avenue. Adequate screening must be provided.

Lighting: Lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

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 (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.

CPED Planning Division Report
BZZ – 4801

- (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: The *Minneapolis Plan for Sustainable Growth* designates the future land use for this site as urban neighborhood. The site is located half a block from Lake Street, which is designated as a commercial corridor. It is also located between the Lyn-Lake and Nicollet and Lake activity centers. These activity centers are located 5 blocks apart. According to the principles and polices outlined in the plan, the following apply to this proposal:

From the Land Use Chapter:

Policy 1.6: Recognize that market conditions and neighborhood traditions significantly influence the viability of businesses in areas of the city not designated as commercial corridors and districts.

Applicable Implementation Step

- 1.6.1 Allow for retention of existing commercial uses and zoning districts in designated Urban Neighborhood areas, to the extent they are consistent with other city goals and do not adversely impact surrounding areas.

Staff comment: The small area plan adopted for this area supports high density residential at this site, but not commercial uses, including the existing and proposed uses. The self-service storage use is a permitted use. The shopping center is a legal nonconforming use. Existing legally established nonconforming uses are allowed to remain as long as they are not discontinued for more than one year. With the adoption of the staff recommendations, any adverse affects associated with these uses should be lessened.

From the Transportation Chapter:

Policy 2.6: Manage the role and impact of automobiles in a multi-modal transportation system.

Applicable Implementation Step

- 2.6.1 Encourage the implementation of Travel Demand Management (TDM) plans and programs that identify opportunities for reducing the generation of new vehicle trips from large developments.

Staff comment: As mentioned in the background of this report, a TDMP has been drafted. Planning and Public Works staff recognizes that the existing development contributes to congestion in the neighboring area. Staff is working with the applicant to create and implement strategies to help mitigate some of the congestion.

CPED Planning Division Report
BZZ – 4801

From the Urban Design Chapter:

Policy 10.10: Support urban design standards that emphasize a traditional urban form in commercial areas.

Applicable Implementation Step

10.10.6 Require storefront window transparency to assure both natural surveillance and an inviting pedestrian experience.

Policy 10.22: 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.

Applicable Implementation Steps

10.22.1 Integrate “eyes on the street” into building design through the use of windows to foster safer and more successful commercial areas in the city.

10.22.3 Design the site, landscaping, and buildings to promote natural observation and maximize the opportunities for people to observe adjacent spaces and public sidewalks.

Staff comment: Many of the ground floor windows are filled with signage and merchandise. The signage will need to be brought into compliance and staff is recommending that the planning commission require that the site plan review standards pertaining to allowing views in and out of the building be met.

Policy 10.11: Seek new commercial development that is attractive, functional and adds value to the physical environment.

Applicable Implementation Steps

10.11.1 Require the location of new commercial development (office, research and development, and related light manufacturing) to take advantage of locational amenities and coexist with neighbors in mixed-use environments.

10.11.2 Ensure that new commercial developments maximize compatibility with surrounding neighborhoods.

Staff comment: Although the existing policies support residential development rather than nonresidential development at this site, the existing zoning allows the proposed use. The existing shopping center use was also legally established, therefore it is allowed to remain as long as it is not discontinued for more than a year. Traffic congestion is a problem in this area. The proposed additions could contribute to more congestion. To maximize compatibility with the surrounding neighborhood, additional bicycle parking would be provided and the strategies of a TDMP should be implemented.

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

Applicable Implementation Step

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.

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

CPED Planning Division Report
BZZ – 4801

screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.

Applicable Implementation Step

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.

Staff comment: The previously approved site plan included landscaping at the interior of the site in the parking lot. However, that landscaping has not been installed. Not all of the original landscaping has been installed. If the landscaping plan that was originally proposed is implemented, filtration of stormwater would increase and the urban heat island effect would be reduced. With the exception of the center islands around the stormwater basins, staff is recommending that the planning commission require additional landscaping than has been installed.

Policy 10.22: 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.

Applicable Implementation Step

10.22.5 Locate landscaping, sidewalks, lighting, fencing and building features to clearly guide pedestrian movement on or through the site and to control and restrict people to appropriate locations.

Staff comment: Six foot high fences have been installed where walkways connect to the public sidewalk requiring pedestrians to walk through the vehicle driveways. Staff is recommending that the planning commission require the applicant have a direct walkway connection from the main building entrances to the public sidewalks on both adjacent streets.

The *Midtown Greenway Land Use and Development Plan*, adopted by the City Council in 2007 (after the original site plan approval was obtained), calls for high density housing (40-120 units per acre) on this site. It defines appropriate development for this site as urban-oriented, including townhouses, small apartments (contains 4 to 16 dwelling units with surface parking), apartments, and greenway buildings.³ Specific development guidelines include:

Relationship to the Greenway

- Balconies, windows and additional entries oriented toward the Greenway are strongly encouraged.
- Solar access to the Greenway is highly important. Any given part of the Greenway trail should have exposure to the sun for much of the day. A number of strategies may be employed to achieve this objective. These include stepping back the mass of future buildings along the south side of the Greenway, giving taller buildings a relatively narrow east-west dimension, and pivoting the orientation of buildings to a diagonal that allows morning and afternoon sunlight to pass by the northeast and northwest building faces to shine on the greenway.
- Wherever possible, a minimum of 12 feet should be provided between private development and the Midtown Greenway right of way for a publicly accessible pedestrian promenade, except where a Greenway building is proposed.

³ Greenway buildings are structures that form part of the wall of the Greenway trench and may have a lower level with doors or windows that face the Greenway. Some Greenway buildings represent the rehabilitation of formerly industrial buildings.

Staff comment: The existing amount of windows on the ground floor facing the Greenway is less than currently required. The first floor addition would not reduce the amount of windows. If the added floor area adjacent to restaurant spaces are used for seating, views to the Greenway should increase. Staff is recommending that the planning commission require the applicant to maintain views at eye level in all ground floor windows facing the Greenway. Ten percent of the third floor would contain windows. The building is set back 43 feet from the property line adjacent to the Greenway. The applicant has submitted a shadow study. The study shows that the Greenway would mostly be affected from November to January during midday. This site is one of the locations where reserving space for a promenade is recommended because 29th Street is not directly adjacent to either side of the Greenway. Existing conditions create challenges to installing a promenade at this time, including the existing steep slope between the building, adjacent sidewalks and the greenway, it would not currently link up with other segments, and measures to prevent potential conflicts with pedestrians and vehicles from mid-block crossings have not been studied. As more redevelopment adjacent to the greenway occurs in the future, it may be more appropriate at that time to install a promenade that would connect with other segments.

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.**

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

- **Blank walls**

There would not be any blank, uninterrupted walls exceeding 25 feet in length on the additions with the exception of the third floor east courtyard elevation. A portion of the wall would be blank for 29.5 feet. The proposed windows are on center with the windows on the second floor. The wall below is also without architectural details for more than 25 feet. With the first floor addition, the amount of windows on this façade would be greatly increased. For these reasons, staff is recommending that the planning commission grant alternative compliance.

- **Thirty percent window requirement**

Each wall faces a public street, an on-site parking area, or a public pathway, therefore all sides of the building are subject to the minimum window requirements. In 2003 and today, 30 percent of the ground floor walls facing a public street or on-site parking area are required to be windows. When the site plan review was originally approved, window requirements did not apply to walls facing a public pathway. However, the new addition walls facing the Midtown Greenway are

CPED Planning Division Report
BZZ – 4801

subject to the 30 percent requirement. The calculations of the existing and proposed percentage of windows on each wall are found in the table on the next page.

On the original plans reviewed by the CPC and on the final site plans approved by Planning staff, 30 percent of the walls facing the adjacent streets and the on-site parking area were shown as windows. The actual amount of windows installed on each wall is less than 30 percent, with the exception of the south elevation. Overall, the amount of windows on the exterior walls would increase with the proposed first floor additions. With the exception of three new tenant spaces adjacent to the parking area, the additions would expand existing tenant spaces. Although the amount of fenestration would increase as viewed from outside the building, opportunities to allow views into and out of individual tenant spaces would not change or would be reduced because the openings from these existing tenant spaces would not increase in size. One of the main purposes for the window requirements is to maximize natural surveillance and visibility to the adjacent streets, parking area, and public pathway. When walls within close proximity to exterior windows block views into and out of the majority of a tenant space, the intent of the window requirements is not met. In the table below, calculations for each wall that include only the windows that allow views into and out of the majority of the floor area of the adjacent tenant space are provided in the last column.⁴ The comparison between total window calculations and calculations only including windows that allow views into and out of the majority of a tenant space shows significant differences. For the purposes of determining whether or not the amount of windows proposed meets the site plan review standard, the calculations from the last column are used. Where the percentage is less than 30 percent in the last column, alternative compliance is required. The one exception to this rule is the north wall facing the Midtown Greenway because the window requirements did not apply to walls facing a public pathway when the site plan review was originally approved and the applicant is not proposing to reduce the amount of windows that provide views into and out of the building.

Building wall elevation	Existing amount of windows	Proposed amount of windows on addition walls	Total amount of windows	Total amount of windows that allow views into and out of the majority of the floor area of adjacent tenant spaces
Pillsbury Ave (east)	28.1%	21.4%	27.5%	25.5%
Pleasant Ave (west)	23.2%	N/A	23.2%	23.2%
Wall facing the Midtown Greenway (north)	19.2%	36%	30.1%	19.2%
Walls facing the parking lot (south)	31%	83.8%	67.3%	37%
Interior wall facing the parking lot (east)	21.9%	94.9%	75%	20.5%
Interior wall facing the parking lot (west)	10.2%	100%	45.8%	45.8%

⁴ Please note the following: The additions would not result in any existing tenant space increasing its floor area by more than 50 percent. Therefore only some windows are included e.g. in no case were all of the windows included in the calculations for the existing tenants fronting the parking area.

CPED Planning Division Report
BZZ – 4801

Alternative compliance is requested for the 30 percent window requirements on each of the following walls based on the calculations for the total amount of windows that allow views into and out of the majority of the floor area of adjacent tenant spaces:

Pillsbury Ave (east): Both the existing and proposed amount of windows would be deficient. Each addition wall is approximately seven feet wide and each would have a door limiting space to provide windows. Over 15 percent of the second floor wall facing Pillsbury Avenue is windows (10 percent is required). For these reasons and with the condition that the required ground floor windows allow views into and out of the building at eye level, staff is recommending that alternative compliance be granted.

Pleasant Ave (west): No changes are proposed to the first floor wall facing Pleasant Ave. However, the applicant needs to now request alternative compliance for the amount of windows required because alternative compliance was not granted with the original approval. Over 15 percent of the second floor wall facing Pleasant Avenue is windows (10 percent is required). For this reason and with the condition that the required ground floor windows allow views into and out of the building at eye level, staff is recommending that alternative compliance be granted.

Interior wall facing the parking lot (east courtyard elevation): With the additions, only 20.5 percent of the wall would contain windows that meet the requirements. The amount of windows on the south walls facing the parking area would exceed the requirement by seven percent. The amount of windows on the west wall facing the parking area would exceed the requirement by 15.8 percent. Because excess windows would be provided on these adjacent walls and with the condition that the required ground floor windows allow views into and out of the building at eye level, staff is recommending that alternative compliance be granted.

- Ten percent window requirement

Each wall faces a public street, an on-site parking area, or a public pathway, therefore all sides of the building are subject to the minimum window requirements. On the third floor addition walls, at least 10 percent of each wall must be windows. The following walls would have less than 10 percent provided:

- Interior courtyard wall facing the parking lot (east): 6.8%
- Interior courtyard wall facing the parking lot (west): 9.1%

The overall amount of windows proposed on the first floor walls that also face the parking lot would exceed the minimum requirements and should provide adequate natural surveillance from the building. For this reason, staff is recommending that the planning commission grant alternative compliance.

- Views into and out windows at eye level

Many of the ground floor windows do not allow views into and out of the building at eye level because they are blocked by merchandise, signage, or by other means. This was a site plan review standard in 2003 that applied to walls facing a public street or on-site parking area. Alternative compliance was not granted at that time. The current standards provide clarification for “eye level”. Shelving, mechanical equipment or other similar fixtures cannot block views between 4 and 7 feet above the adjacent grade. The purpose of this standard is to maximize natural surveillance and visibility to the adjacent streets, parking area, and public pathway. The applicant has not proposed an alternative that meets the intent of this ordinance. Staff is recommending that the planning commission not grant alternative compliance to this standard for any required windows on each building elevation. Also, staff is recommending that the entire ground floor

CPED Planning Division Report
BZZ – 4801

Greenway elevation be subject to this standard to bring it closer to compliance with the current standard.

- Individual tenant space window requirements

A recently adopted site plan review standard requires that each individual ground level tenant space that faces a public street, public pathway or on-site parking lot must comply with the minimum window requirements. Not all of the individual tenant spaces comply with this new requirement. Staff is recommending that the planning commission grant alternative compliance because the condition exists.

- Walkways connecting to building entrances and the adjacent public sidewalks and on-site parking areas

The site plan that was approved showed unobstructed walkways connecting to the public sidewalks on Pleasant and Pillsbury Avenue and leading to the on-site parking area and main entrance. The plan did not show the fence that has been installed extending into the public rights-of-way blocking both pedestrian walkways. There are no gates in the fences and pedestrians must enter the site by walking through the vehicle access points. Staff is recommending that the planning commission require the applicant to provide pedestrian access separate from the driveways that meets the following conditions:

- 1) Pedestrian access shall be provided from both Pillsbury Avenue and Pleasant Avenue.
- 2) Handicap accessible walkways at least four feet in width shall connect to the public sidewalks.
- 3) The pedestrian access shall be open during business hours.

As measured on the site plan provided, only a 2.5 foot wide walkway would be provided between the new storefront windows east of the below-grade parking garage entrance and the parking area. Two new tenant spaces and nine existing tenant spaces would have doors that open onto this narrow walkway. A 2.5 foot wide walkway doesn't meet accessibility codes and would not provide sufficient access to meet this site plan review standard. The applicant has shown one-way circulation for the parking adjacent to the middle building entrance. The minimum drive aisle dimension for one-way circulation with 90 degree spaces is 20 feet. The drive aisles shown on the site plan measure out to 22 feet. It is feasible for the applicant to shift the parking spaces to incorporate a four foot wide walkway. Staff is recommending that the planning commission not grant alternative compliance.

The only entrance to new retail tenant space #184 (west of the parking garage entrance) opens onto a loading space. Overlapping the required loading space with a pedestrian walkway does not meet the intent of this standard. Staff is recommending that the planning commission require a separate walkway at least four foot wide and not grant alternative compliance. A separate walkway can be provided by reducing the size of the tenant space or by placing the entrance on the west wall.

- Minimum number of trees

The zoning code requires at least one canopy tree for each 500 square feet of required green space. The tree and shrub requirement for this site is 18. The original plan was approved with 17 trees including two trees located off-site, one in the Pleasant Avenue boulevard and the other Pillsbury Avenue boulevard between the parking and the street. The original plan was approved with 17

CPED Planning Division Report

BZZ – 4801

trees including two trees located off-site. A current survey shows that the site is approximately 2,000 square feet larger than thought when the original plan was approved. This affects the landscaping requirements. The amended plan shows 16 trees would be provided including two trees located off-site. The displaced tree was shown at the proposed tenant space #184 location. Two additional trees could be provided in the landscaped area adjacent to the towing yard. No trees are located between the parking area and the adjacent streets. The applicant can provide those trees on-site. Staff is recommending that the planning commission require the applicant to provide not less than 18 trees on-site.

- Distance between trees and parking spaces

If the trees are installed as shown on the plan, all except six surface parking spaces would be within 50 feet of an on-site deciduous canopy tree. In 2003, this was not a site plan review standard. The area where these six spaces are located was not within 50 feet of a tree when the site plan was originally approved. Staff is recommending the the planning commission grant alternative compliance for the six spaces. Compliance with this standard would require installing a landscape island, which would result in the loss of parking spaces.

RECOMMENDATION

Recommendation of the Community Planning and Economic Development Planning Division for the Expansion of Nonconforming Use:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for an expansion of a legal nonconforming use to add gross floor area and tenants to the shopping center located at 2910 Pillsbury Avenue South, subject to the following condition:

1. The bicycle parking area shall be surfaced with asphalt or concrete.

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 above findings and **approve** the application for a site plan review amendment to allow first floor additions to the shopping center and a third story addition for self-service storage for the property located at 2910 Pillsbury Avenue South, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final building elevation, floor, site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by August 16, 2011, or the permit may be revoked for non-compliance.
3. Unless otherwise authorized or required by the City Planning Commission, the conditions of approval for BZZ-1361 shall remain in effect.
4. Required ground floor windows on walls facing a public street, on-site parking area, or public pathway (the Midtown Greenway) shall allow views into and out of the building at eye level. Shelving, mechanical equipment, or other similar fixtures including merchandise shall not block views into and out of the building in the area between 4 and 7 feet above the adjacent grade as required by section 530.120 of the zoning code.
5. Walkways at least four feet in width shall connect the building entrances to the adjacent public sidewalks and on-site parking area as required by section 530.130 of the zoning code. The walkways shall not overlap driveways, parking spaces or loading spaces and shall be handicap accessible and shall be open during business hours.
6. At least 18 trees shall be provided on-site as required by section 530.160 of the zoning code.
7. Landscaping between the surface parking area and the adjacent streets shall be installed as shown on the site plan as required by section 530.160 of the zoning code.

CPED Planning Division Report

BZZ – 4801

8. The remainder of the landscaped area shall be covered with turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees as required by section 530.160 of the zoning code.
9. At least 38 bicycle parking spaces that comply with the standards for required bicycle parking found in section 541.180 of the zoning code shall be provided.
10. The applicant shall demonstrate that existing access and circulation operations comply with section 541.230 of the zoning code.
11. Sign permits shall be obtained for existing and proposed signage as required by section 543.100 of the zoning code.
12. Existing and proposed window signage shall comply with section 543.480 of the zoning code.
13. Screening of the refuse storage area shall comply with section 535.80 of the zoning code.

Attachments:

1. Applicant statement of use and findings
2. Correspondence
3. TDMP comments
4. Previous land use application actions and approved plan
5. Zoning map
6. Plans
7. Photos