

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit, Variances and Site Plan Review  
BZZ-1865

**Date:** November 22, 2004

**Applicant:** Bear Creek Capital on behalf of CVS Pharmacy

**Address of Property:** 2426 West Broadway Avenue

**Project Name:** CVS Pharmacy

**Contact Person and Phone:** Charles Schatz with DJR Architecture, Inc., (612) 676-2715

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

**Date Application Deemed Complete:** September 30, 2004

**End of 60-Day Decision Period:** November 29, 2004

**End of 120-Day Decision Period:** January 28, 2005

**Ward:** 4      **Neighborhood Organization:** Jordan Area Community Council

**Existing Zoning:** C2

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

**Zoning Plate Number:** 7

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

**Proposed Use:** Drug store

**Concurrent Review:**  
**Major site plan review.**

**Applicable zoning code provisions:** Chapter 530, Site Plan Review.

**Background:** This item was continued from the October 25, 2004 City Planning Commission hearing. Staff has not received a revised site plan or elevations. Therefore, the following report and recommendations are the same as the original staff report that was presented at the October 25, 2004 hearing.

An existing commercial building occupies the site. The applicant is proposing to demolish the existing building and construct a new 13,000 square foot building on the site. The building would be utilized by

CVS Pharmacy and would have a drive-through. The development would also include the reconfiguration of the surface parking lot on the site. The parking requirement for the development is one parking space per 300 square feet of gross floor area over 4,000 square feet, or 30 parking spaces. The applicant is providing a total of 73 parking spaces.

## **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. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

### **Section A: Conformance with Chapter 530 of Zoning Code**

#### **BUILDING PLACEMENT AND FACADE**

- **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.**
- **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 façade shall provide architectural detail and shall contain windows at the ground level or first floor.**
- **In larger buildings, architectural elements shall be emphasized.**
- **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 where visible from a public street or a residence or office residence district.**
- **Entrances and windows:**
- **Residential uses shall be subject to section 530.110 (b) (1).**
- **Nonresidential uses shall be subject to section 530.110 (b) (2).**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- This development does not reinforce the street wall, does not maximize natural surveillance and does not facilitate pedestrian access.
  - The building is located 30 feet from the property line along Sheridan Avenue North, between two and 62 feet from the property line along West Broadway Avenue and 86 feet from the property line along 26<sup>th</sup> Avenue North. To meet the requirements of Chapter 530, Site Plan Review the building would be located within eight feet of all three property lines.
  - The windows that are located on the building do not allow views into and out of the building as the windows that are lower than seven feet nine inches are sandblasted and have interior shelving units in front of them that are seven feet high. The windows that have clear vision glass do not start until a height of seven feet nine inches.
  - The entrance to the building is located on the southeast corner of the building. The entrance is located 62 feet from the property line along West Broadway Avenue and 86 feet from the property line along 26<sup>th</sup> Avenue North.
- The exterior materials of the building include EFIS and brick veneer.
- The percentage of windows required on the Sheridan Avenue North, West Broadway Avenue and parking lot side of the building is 30 percent.
  - According to the submitted drawings there is a total of 36 percent windows located on the Sheridan Avenue North side of the building. Although the applicant meets the percentage of windows on this side of the building all of the windows are sandblasted which will not allow views into and out of the building. Even if the windows were clear vision glass there are seven foot high shelving units located in front of them.
  - According to the submitted drawings there is a total of 48 percent windows located on the West Broadway Avenue side of the building. Although the applicant meets the percentage of windows on this side of the building 34 percent of the windows are sandblasted which will not allow views into and out of the building. Even if the windows were clear vision glass there are five to seven foot high shelving units located in front of them. The remaining 14 percent of windows on this side of the building are made of clear vision glass and allow views into and out of the building. Please note that all of these windows are located at the entryway.
  - According to the submitted drawings there is a total of 55 percent windows located on the parking lot side of the building. Although the applicant meets the percentage of windows on this side of the building 28 percent of the windows are sandblasted which will not allow views into and out of the building. Even if the windows were clear vision glass there are seven foot high shelving units located in front of them. The remaining 27 percent of windows on this side of the building are made of clear vision glass. Of the 27 percent windows that are made of clear vision glass, only ten percent of them allow views into and out of the building. Please note that all of these windows are located at the entryway. The remaining 17 percent of the widows that are made of clear visions glass are located above a height of seven feet nine inches which do not allow views into and out of the building.

**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 530.140 (b).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- The principal entrance to the building is connected to the public sidewalk via a walkway. The walkway connects to both West Broadway Avenue and 26<sup>th</sup> Avenue North.
- The Public Works Department has reviewed the vehicular access and circulation plan provided by the applicant. In order to be in compliance with the Public Works requirements, the drive-through facility would need to be moved further east to avoid conflicts with vehicles exiting the drive-through facility and entering the site through the driveway on Sheridan Avenue North.
- The applicant has indicated that snow will be stored in the landscape area on the east side of the site.

**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 shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- 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.
- 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 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a

required landscaped yard.

- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 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 530.220.
- 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 530.60, as provided in section 530.230.

#### **COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- According to the submitted plans approximately 24 percent of the site not occupied by the building will be landscaped. The landscaping requirement for this development is 14 trees and 70 shrubs. According to the plant schedule there will be a total of 35 trees and 147 shrubs.
- There is an existing three-foot high chain link fence located along the north property line that the applicant is proposing to keep on the site after construction is complete.

#### **ADDITIONAL STANDARDS**

- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- Site plans shall minimize the blocking of views of important elements of the city.
- Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- 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.
- 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.

#### **COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- A lighting plan showing footcandles was not submitted as part of the application.
- This development should not block views of important elements within the city.
- This development should not cast shadows on public spaces and adjacent properties.

- This development should not contribute to the wind tunnel effect.
- The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. In order to be in compliance with the CPTED requirements, there would be no pay phone on the site, there would be no benches located on the patio, there would be a fence located along the entire length of the north property line to prevent cut-through foot traffic and a camera plan would be submitted for review by the Police Department.
- The existing building is not historic nor is the site.

**Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan**

**ZONING CODE**

See conditional use permit finding number six above.

**THE MINNEAPOLIS PLAN**

The site is designated as retail-commercial in the comprehensive plan. The site is located on West Broadway Avenue which is a designated Commercial Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding one and two family dwellings.
- Support efforts that recognize the increased visibility and importance of corner properties.
- Enhance unique characteristics of the city’s commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment and by maintaining high quality public spaces and infrastructure.
- Require the landscaping of parking lots.
- Protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses.
- Require screening and buffering for new developments next to residential areas.
- Use the site plan review process to ensure that lighting and signage associated with non-residential uses do not create negative impacts for residentially zoned property.
- Integrate “eyes on the street” design principles into site plan review to foster safer and more successful commercial areas in the city.
- Support development in Commercial Corridors where it enhances the street’s character, improves its ability to accommodate automobile traffic and foster pedestrian movement and expands the range of goods and services.

The proposed site plan and elevations are not in conformance with the foregoing policies of the comprehensive plan. The orientation of the building does not take advantage of being located on a corner property or along a Commercial Corridor. In addition, the walls of the building are located more than eight feet from the property lines as well as the entrance. Besides the clear glass windows located in the entryway, there are no other windows located on this building that would allow views into or out of the building. The drive-through facility and the loading zone are located on the north side of the property without an appropriate transition area between them and the adjacent single-family dwellings.

The amount of signage, including the wall signs and the free-standing sign, are more than two and three times the amount allowed by the zoning code.

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

There are no small area plans adopted by the city for this particular location.

**ALTERNATIVE COMPLIANCE**

The Planning Commission may approve alternatives to any major 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, 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.

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- Alternative compliance is not warranted for this development.

**RECOMMENDATIONS**

**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 findings above and **deny** the site plan review application for CVS Pharmacy located at 2426 West Broadway.

Department of Community Planning and Economic Development – Planning Division  
BZZ-1865

**Attachments:**

1. Statement of proposed use
2. E-mail to CM Johnson
3. Correspondence between the applicant and staff regarding contact with the Jordan Area Community Council
4. Correspondence from adjacent property owners
5. Zoning Map
6. Site plan, floor plans and elevations
7. Sign information
8. Photographs of the site and surrounding area