

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ – 4413

Date: June 8, 2009

Applicant: T&W Real Estate, LLC

Address of Property: 2111 East Franklin Avenue

Project Name: 2111 East Franklin Avenue

Contact Person and Phone: Paul Gates, (612) 282-8878

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

Date Application Deemed Complete: May 14, 2009

End of 60-Day Decision Period: July 13, 2009

Ward: 2 Neighborhood Organization: Seward

Existing Zoning: C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District

Proposed Zoning: Not applicable

Zoning Plate Number: 21

Legal Description: Not applicable

Proposed Use: Shopping center

Concurrent Review: Conditional use permit to allow a shopping center.

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits.

Background: The applicant proposes to renovate the building, formerly occupied by the Seward Coop, at the property of 2111 East Franklin Avenue into a multiple tenant building with three tenant spaces. One tenant space is proposed to be occupied by a bakery. The applicant has indicated that a restaurant and retail use would occupy the other two spaces. Some exterior changes are also proposed as part of the renovation including adding more windows and doors.

Because each commercial uses would not have a separate principal entrance facing the street, the development is classified as a shopping center. A shopping center is a conditional use in the C2 district.

Upon approval of the conditional use permit, the actions must be recorded with Hennepin County as required by state law.

Correspondence from the Seward Neighborhood Group was received and is attached to this report. Staff will forward comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT: to allow a shopping center.

Findings as required by the Minneapolis Zoning Code:

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

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

The establishment of a shopping center on the site would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

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

Mostly commercial uses are located along Franklin Avenue in the immediate area. Single-family to high density multiple family residences are also located around the site. Properties with non-residential uses are immediately adjacent to the site. An alley is located to the south of the site. Parking for apartment buildings is located next to the alley. The applicant has indicated that the new doors adjacent to the alley would be for bringing equipment into the building. The proposed shopping center should have little more, if any, effect on surrounding properties than the previous use occupying the site.

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

The site is served by existing infrastructure and vehicle access. A drainage plan has been approved by Public Works.

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

The minimum parking requirement for the proposed uses would be 13 spaces (four spaces for the bakery, nine spaces for the restaurant, and the retail space does not have a minimum requirement because it is less than 1,000 square feet in area). Because the site is located in a PO Overlay District, the minimum requirement is reduced by 25 percent (for nonresidential uses) to 10

spaces. This requirement is less than the requirement for the previous use of the building when it was established. An easement for shared parking between the subject property, the property directly to the west, and the property of 2027 Franklin Avenue East exists for the parking lot. The parking lot has 50 spaces. The minimum bicycle parking requirement is 6 short-term spaces (three for the bakery, three for the restaurant, and the retail space does not have a minimum requirement because it is less than 1,000 square feet in area). Approximately 30 short-term bicycle parking spaces exist on the site. The use should have little effect on congestion in the streets.

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

The site is adjacent to Franklin Avenue, which is designated as a commercial corridor by *The Minneapolis Plan*. It is also located in the designated Franklin Avenue Transit Station Area. In the update of the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*, Franklin Avenue remains designated as a commercial corridor, but the boundary of the TSA is located on 21st Street South, west side of the subject site. According to the principles and polices outlined in the plan, the following apply to this proposal:

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

Applicable Implementation Step

Support a mix of uses on Commercial Corridors--such as retail sales, office, institutional, higher density residential (including Major Housing Sites where designated), and clean low-impact light industrial--where compatible with the existing and desired character of the street.

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

4.18 Minneapolis will encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users.

Implementation Steps

Concentrate highest densities and mixed-use development nearest the transit station and/or along Commercial Corridors, Community Corridors and/or streets served by local bus transit.

Support and encourage small-scale, pedestrian-oriented services and retail uses to locate near stations and within mixed-use buildings to serve transit riders and the immediate neighborhood (e.g., day care centers, cafés, dry cleaners, convenience grocery, etc.).

Staff comment: The reuse of an existing commercial building on Franklin Avenue for small neighborhood serving uses is consistent with the comprehensive plan.

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

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Shopping centers are subject to the following development standards from Chapter 536 of the zoning code:

- (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.
- (3) 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.

The new windows must comply with the nonresidential window requirements in section 530.120 of the zoning code. Walkways to two of the new doors will eliminate some of the landscaping. A site plan was approved in 2004 for this property. Reducing the amount of landscaping would result in less than the minimum required. The applicant is proposing to relocate the amount of removed landscaping to another area on the site. These changes to the site plan will need to be approved by both Planning and Public Works staff before building permits can be issued for the project. The use will conform to the applicable regulations of the districts in which it is located upon the approval of the conditional use permit and the administrative approval of the amendments to the approved site plan.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:

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 conditional use permit to allow a shopping center for the property located at 2111 East Franklin Avenue, subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. Landscaping shall be installed and maintained as required by sections 530.160 and 530.210 of the zoning code to replace the removed landscaped areas required with previously approved plans.
3. Community Planning and Economic Development Department – Planning Division staff review and approval of the amended elevations, floor, site and landscape plans.
4. All site improvements shall be completed by June 8, 2010, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

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Attachments:

1. PDR comments
2. Statement of use
3. Applicant findings
4. Correspondence
5. Zoning map
6. Plans
7. Photos