

Department of Community Planning and Economic Development – Planning Division
Variance, Site Plan Review
BZZ – 3989

Date: April 28, 2008

Applicant: Annex Commercial Real Estate

Address of Property: 1015 Lake Street West

Project Name: Uptown Retail

Contact Person and Phone: Anne Knuth, 612-325-1218

Planning Staff and Phone: Brad Ellis, (612) 673-3239

Date Application Deemed Complete: March 27, 2008

End of 60-Day Decision Period: May 27, 2008

End of 120-Day Decision Period: Not applicable

Ward: 10 **Neighborhood Organization:** Calhoun Area Residents Action Group (CARAG)

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

Zoning Plate Number: 24

Lot area: 17,775 square feet

Proposed Use: Three story addition for a restaurant use.

Concurrent Review:

- Variance to PO standards to increase the maximum parking allowed from 12 spaces to 19 spaces
- Site Plan Review

Applicable zoning code provisions: Chapter 525, Article IX, Variances – Chapter 530 Site Plan Review, Chapter 551, Overlay Districts

Background: The applicant is proposing to construct a new commercial building on the property located at 1015 Lake Street West. Currently on the site is a roughly 3,000 square foot one story restaurant and 25 parking stalls. The proposed building has two tenant spaces, each just over 3,000 square feet. The building is two stories per the zoning code but has only one floor, so it functions as a

one story space. The neighbor to the south has a fence and a hot tub encroaching on to the applicant's property.

The applicant has revised the plans since first submitted to take in to account feedback received. The applicant originally requested a variance to 19 spaces, but has since amended the site plan and is now requesting 18 spaces.

The applicant has identified two tenants for the two retail spaces. Both proposed tenants are General Retail Sales and Services Uses.

The proposed building is 6,522 square feet, and would have been authorized through an administrative Site Plan Review. However, the applicant is also applying to increase the parking maximum in the PO Pedestrian Oriented Overlay District, requiring the Site Plan Review to go to the Planning Commission as a concurrent application with the variance.

At the time of writing this staff report, staff has received one letter from an interested party and a letter from the neighborhood organization. Staff will provide additional comments, if any, at the City Planning Commission meeting.

VARIANCES

Findings Required by the Minneapolis Zoning Code for the Variance to the standards of the PO Pedestrian Oriented Overlay District.

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

The property can still be reasonably used for the uses proposed by the applicant. The applicant is proposing to exceed the maximum amount of accessory parking, but is meeting the minimum requirement. However, if one of the tenants were a restaurant as was originally proposed, they would not require the variance to the PO Pedestrian Oriented Overlay District Standards.

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

The parcel in question is located in Uptown, which according to the Uptown Small Area Plan has a great deal of parking pressures. The Uptown Small Area Plan notes there is an adequate parking supply Uptown, but calls for better use of the parking. The applicant will actually be reducing parking overall from the existing 25 spaces to 18 at this location while still helping to alleviate on-street parking along Dupont Avenue South. While Emerson Avenue South one block to the west is a Critical Parking area, Dupont Avenue South is not. 18 accessory parking spaces for the proposed building is a reasonable use of the property.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

The spirit and intent of the ordinance in question is to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and accessory parking facilities. One way the ordinance enhances the pedestrian character of the area by preventing the oversupply of accessory parking. The applicant exceeds the landscaping requirements of chapter 530, as noted below in the site plan review analysis, enhancing the pedestrian character of the site and mitigating the impacts of the additional parking requested. Since the initial application, the applicant has modified the site plan to improve the pedestrian environment of the development. These improvements include additional landscaping, relocating parking spaces and the loading zone, and increasing the windows facing the Dupont Avenue South and Lake Street West.

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

The variance may decrease parking congestion on the public streets since patrons and employees of the retail tenants who arrive by automobile would have a place to park off-street. The variance would not increase the danger of fire, be detrimental to the public welfare, nor endanger the public safety.

SITE PLAN REVIEW

Findings as Required By the Minneapolis Zoning for Site Plan Review

Required Findings for Site Plan Review

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
 - Residential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - 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.

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

The proposed building would reinforce the street wall along both Dupont Avenue South and Lake Street West. Pedestrian access is provided from both street frontages directly from the sidewalk.

The proposed building is on a corner lot. It is proposed to be built up to the property line on both Lake Street West and Dupont Avenue South.

There are principal entrances from both tenant spaces facing Lake Street West, as well as an additional entrance facing Dupont Avenue South for the westerly tenant space.

On-site accessory parking facilities are located entirely to the sides and rear of the proposed building.

There are no blank wall conditions shown on the submitted elevations.

The primary exterior material is stucco. The base of the building is to be burnished masonry. There will be brick elements along the wall to break up the stucco. The sides and rear of the building are of the same materials.

Windows are required on 40 percent of the of the first floor facing Lake Street West and Dupont Avenue South due to the PO Pedestrian Oriented Overlay District Standards. 30 percent windows are required on the façades facing the on-site parking lot. The proposed windows (measured as per 530.120) are as follows:

Lake Street West (north) Elevation

1st floor facing a public street: 40 percent required, 56 percent provided

Dupont Avenue South (west) Elevation

1st floor facing a public street: 40 percent required, 44 percent provided

East Elevation

1st floor facing an on-site parking lot: 30 percent required, 44 percent provided

South Elevation

1st floor facing an on-site parking lot: 30 percent required, 0 percent provided

Staff is proposing alternative compliance to the 30 percent provision on the south façade, since it is impractical to meet at least 30 percent windows on all four sides of a building. The applicant has increased the percentage on the façades facing Dupont Avenue South and Lake Street West to make up for some of shortfall, and is also providing increased landscaping to further benefit the pedestrian environment..

The existing roof is flat, similar to nearby buildings.

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:

Entrances are located directly off the sidewalk. There is no walkway leading to the entrance on the east side of the building from the public sidewalk, but it would entail a variance to drive aisle minimum width to provide one.

There are no transit shelters on or adjacent to the site.

The applicant is proposing a loading zone next to the residential property to the south. The loading zone was originally in the required landscaping along the south side yard. The applicant has since moved the loading zone to the rear and modified the landscaping accordingly. By eliminating the loading zone from this location, the applicant is minimizing conflicts with the adjacent residential use. Extending the rear landscaping to accommodate the loading zone has the additional benefit of increased landscaping.

If the staff recommendation on the variance application is approved the site, vehicular access and circulation will be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.

There will be no alley access from the site.

The site plan is minimizing the use of impervious surfaces.

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:

The lot area (17,775 sq. ft.) minus the building footprint (6,522 sq. ft.) yields a net site of 11,253 sq. ft. The code requires a minimum of 2,251 sq. ft. of landscaping, five trees and 23 shrubs. The applicant is proposing a landscaped area of 2,942 sq. ft., less 470 sq. ft. of snow storage, for a net of 2,472 sq. ft., or 22 percent. The applicant is proposing seven deciduous trees and 53 shrubs, exceeding the requirements.

Should the parking variance be granted as recommended (allowing 18 total spaces), the applicant will be able move the proposed ground sign out of the sight triangle near the public alley. The applicant is not providing a tree in the landscaping between Lake Street West and the parking lot as required by 530.70(b)(3). The applicant is proposing a ground sign in that location, and the sign would be obscured by a fully grown deciduous tree. Staff is recommending alternative compliance to this provision: the applicant is providing trees in excess of the requirement along the west property line, and has increased the amount of landscaping along Lake Street West. The applicant has relocated the loading zone and the transformer from their original proposed locations, which will minimize impacts on surrounding residential properties, and improve the pedestrian character of the development.

Per Chapter 530, a seven foot landscaped yard is required between the parking lot and the street on Dupont Avenue South and Lake Street West. The applicant is providing 20.7 feet of landscaping along Dupont Avenue South and the parking lot, and 14.1 feet of landscaping between Lake Street west and the parking lot. A seven foot landscaped yard is also required between the residential lot to the south, and along the portion of the alleyway across from an OR1 District boundary. The applicant is proposing a 10.5 foot landscaped yard along the south property line, and a seven foot landscaped yard along the west property line. All yards meet or exceed the landscaping requirements.

The applicant is providing all required screening. The parking lot is being screened by hedging, and there is an existing six foot fence in poor condition along the south property line. The applicant is proposing to replace the existing fence in its current location, and to extend it along the western property line across from an office residence district as required by 530. The applicant will not require the existing hot tub encroaching on their property be moved.

All proposed parking is within 50 feet of an on-site deciduous tree.

Wood mulch will surround the plants where turf grass is not provided.

All landscape materials comply with the standards outlined in 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:

The applicant is proposing six (6) by six (6) continuous concrete curbing. The applicant is unable to allow drainage into the landscaping, because the portions of the property to the south and east where the landscaping is located are higher than the building. The applicant is unable to raise the building enough to allow drainage without affecting the pedestrian access to the building or the window requirement.

The project will not block views of important elements of the city nor create any substantive shadows on adjacent buildings. The building is to the north of nearby buildings, and will only shadow the parking lot and surrounding streets.

The project will not contribute to ground-level winds.

The site plan allows views from the public sidewalk into the site. Public and private spaces are clearly delineated. The parking lot will be well lit.

The existing building to be demolished is not an historic resource.

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.**

Conformance: Staff is recommending alternative compliance for window requirements. The applicant is providing more than the requirement on three of the four façades. The south façade has no windows. Staff is recommending excess windows along the façades facing the public streets as alternative compliance for the lack of windows on the south façade.

The applicant is not providing a tree in the landscaping between Lake Street West and the parking lot as required by 530.70(b)(3). Staff is recommending the applicant provide a greater landscaped yard between Lake Street West and the parking lot as well as additional trees as alternative compliance, and the applicant is indicating 14.1 feet, double the required amount.

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 proposed uses are permitted in the C2 Neighborhood Corridor Commercial District.

Off-Street Parking and Loading: Chapter 541 of the code requires one parking space for each 300 of gross floor area in excess of 4,000 sq. ft. with a minimum of four spaces. The parking requirement for the new building is eight spaces. The PO Pedestrian Orient Overlay stipulates that there be a number of accessory spaces, 150 percent of the minimum requirement, or 10 spaces, whichever is greater. 12 spaces are the maximum amount that can be provided ($1.5 \times 8 = 12$). The applicant originally proposed

19 spaces, is now proposing to provide 18 spaces. This is the subject of variance findings above.

Maximum Floor Area: The base maximum floor area ratio for a non-residential building in the C2 Neighborhood Corridor Commercial District is 1.7. The applicant is proposing an FAR of 0.37.

Building Height: The base maximum height in the C2 Neighborhood Corridor Commercial District is four stories or 56 feet, whichever is less. The applicant is proposing a building with only one floor, but is 21 feet 6 inches high, meeting the zoning code definition of a two story building.

Minimum Lot Area: Neither of the proposed uses have a minimum lot area requirement in the C2 Neighborhood Corridor Commercial District.

Dwelling Units per Acre: Not Applicable.

Yard Requirements: Due to the residential property to the south, the subject site is subject to a 20 foot setback for 40 feet into the property along Dupont Avenue South, as well as a five yard setback along the south property line.

Specific Development Standards: There are no specific development standards for the uses proposed

Hours of Operation: Permitted hours of operation in the C2 Neighborhood Corridor Commercial District Sunday through Thursday 6:00 am to 10:00 pm and Friday and Saturday from 6:00 to 11:00 pm.

Signs: The applicant is proposing one freestanding ground sign along the east edge of the property. The applicant has revised the original site plan, moving the proposed ground sign out of the site triangle from the alleyway on the east side of the property. The applicant is also proposing signage along the walls, although no specific signs have yet been applied for. The locations and square footage appear to meet requirements. Any signs will require a sign permit and must comply with the requirements of Chapter 543.

Refuse storage: All storage of refuse and recyclable materials will be located in the southeastern corner of the lot and shall be screened as per 535.80.

Lighting: All lighting must be in compliance with must comply with Chapter 535 and Chapter 541 of the zoning code.

Minneapolis Plan: Chapter 4.3 of *The Minneapolis Plan* states: “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. Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.” Implementation strategies for this policy include “Ensure that commercial uses do not negatively impact nearby residential areas,” “Develop parking facilities and management strategies that balance the following goals: improved customer access, protection of sidewalk traffic; reduced visual impacts and shared use of parking facilities,” “Ensure that parking structures and surface lots conform with identified design principles,” and “Reduce the impact of non-residential uses on neighboring residential areas by considering appropriate access, buffering between incompatible uses and regulating hours of operation.” The site plan with recommended changes accomplishes all of these implementation

steps by reducing the impact upon the adjacent residential use, improving customer access, protecting pedestrian traffic along the sidewalk, and meeting landscaping and screening requirements.

Chapter 9.11 and *The Minneapolis Plan* states: “Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.” One of the implementation strategies for policy 9.11 is to “Orient new buildings to the street to foster safe and successful commercial nodes and corridors.” The applicant is proposing a new building which is oriented to the street. Another implementation strategy is “Require storefront transparency to assure both natural surveillance and an inviting pedestrian experience.” After modifications to the windows, the building will be able to meet the 40 percent window requirements along both public streets, providing surveillance and a more inviting pedestrian experience.

Chapter 9.12 of *The Minneapolis Plan* states “Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.” One implementation strategy is “Establish reduced minimum and new maximum parking standards to discourage auto over-reliance.” Parking maximums have been incorporated into the PO Pedestrian Oriented Overlay District. However, this implementation strategy can be at odds with another strategy, “Encourage parking strategies that reduce the need for parking in order to avoid spillover into neighboring residential areas, including residential parking permits and the joint use of available parking in mixed-use areas.” The applicant is attempting to provide the correct amount of parking for the tenants, minimizing spillover effects. This property will not be available for joint use, although it is a possible long-term candidate for a shared parking agreement.

The Uptown Small Area Plan shows the area in which the subject site is located as primarily mixed-use or residential with three to five story buildings. In its built form section, the plan calls for mixed-use along Lake Street to connect Uptown to Lyn/Lake, and to discourage one-story buildings. The plan also calls for existing one story buildings to be redeveloped. Currently there are no regulations which prohibit the construction of one story buildings.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to the standards of the PO Pedestrian Oriented Overlay District to increase the maximum parking from 12 to 19 spaces:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the application for a variance to the PO Pedestrian Oriented Overlay to increase the maximum accessory parking from 12 to 19 spaces and in lieu thereof **approve** a variance to the PO Pedestrian Oriented Overlay to increase the maximum accessory parking from 12 to 18 spaces at 1015 Lake Street West.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Site Plan Review:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a Site Plan

Review at 1015 Lake Street West, subject to the following conditions:

1. CPED Planning staff review and approval of the final site, landscaping, and elevation plans.
2. All site improvements shall be completed by April 28, 2009, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

Attachments:

1. Statement of use/findings from the applicant
2. Correspondence
3. Zoning Map
4. Site plans and Elevations
5. Photos
6. PDR Report