

**Department of Community Planning and Economic Development – Planning
Division**

Variance and Site Plan Review

BZZ-3285

Date: November 13, 2006

Applicant: Frank Stone, 1228 2nd Street NE, Minneapolis, MN 55413, (612) 910-9595

Addresses of Property: 1222 and 1224 2nd Street NE

Project Name: Frank Stone Gallery Expansion

Contact Person and Phone: Frank Stone, 1228 2nd Street NE, Minneapolis, MN 55413,
(612) 910-9595

Planning Staff and Phone: Becca Farrar, (612)673-3594

Date Application Deemed Complete: October 18, 2006

End of 60-Day Decision Period: December 17, 2006

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

Ward: 3 Neighborhood Organization: Sheridan Neighborhood Organization

Existing Zoning: C1 (Neighborhood Commercial) District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 9

Lot area: 3,349 square feet or .07 acres

Legal Description: Not applicable for this application

Proposed Use: Continue use of building with the proposed second story addition as an art gallery, antique store and office.

Concurrent Review:

- Variance of the off-street parking requirement from 3 spaces to zero.
- Site Plan review for a 2,580 square foot, second story addition to an existing building housing an art gallery, antique store and office uses in the C1 district.

Applicable zoning code provisions: Chapter 525, Article IX, Variances & Chapter 530 Site Plan Review.

Background: The applicant, Frank Stone, proposes to construct a second story addition on top of an existing single story structure utilized as an art gallery, antique store and office, to be located on the properties at 1222 and 1224 2nd Street NE. The site is zoned C1 which allows art galleries, antique stores and offices as principal permitted uses as of right. A variance is required to vary the parking requirement for the proposed building expansion from 3 parking spaces to zero as the required spaces for the existing structure are grandfathered. Additionally, site plan review is required as the proposed addition is greater than 1,000 square feet in size and faces a public street and sidewalk.

Staff has not received official correspondence from the Sheridan Neighborhood Organization stating a position on the applications prior to the printing of this report.

The project is required to go through the City's Preliminary Development Review process. Prior to the printing of this report, the applicant had not satisfied this requirement.

VARIANCE –Variance to reduce the on-site parking requirement from 3 spaces to zero

Findings as Required by the Minneapolis Zoning Code for the Variance:

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

To reduce the on-site parking requirement from 4 to zero: The property could likely not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of the zoning ordinance would cause undue hardship. The subject parcel is relatively small in size and the existing footprint of the structure covers nearly the entire parcel. There is no off-street parking on the premises. These conditions are existing. To not allow a variance of the off-street parking requirement would essentially result in not allowing the proposed construction of a second story. There is ample off-street parking available in the vicinity as well as several underutilized surface parking lots. Staff believes that due to the availability of parking in the area as well as the existing conditions on site, granting the off-street parking requirement from 3 to zero spaces is a reasonable request.

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.

To reduce the on-site parking requirement to zero: The circumstances could be considered unique as the site is fully developed at the ground level with no available off-street parking on the site. All required parking for the existing structure and uses has been grandfathered. Not allowing a variance of the off-street parking requirement would result

in not allowing the proposed second story addition. Further, there is available on-street parking in the immediate vicinity.

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.

To reduce the on-site parking requirement to zero: The granting of the variance to reduce the required on-site parking to zero would likely be in keeping with the spirit and intent of the ordinance and would not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. As previously mentioned there is available on-street parking in the area. Staff would not expect that a second story addition would generate substantial increases in traffic to and from the site. Staff does believe however, that it is practical for the applicant to provide a bike rack on site to help mitigate the lack of parking. Should the bike rack be located within the public right-of-way, an encroachment permit would need to be acquired.

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.

To reduce the on-site parking requirement to zero: The proposed parking variance would 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.

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 FAÇADE:

- 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 531.20 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 existing single-story structure is located up to the property line along 2nd Street NE. The second story addition will match the edge of the existing structure along the street. The existing building placement and proposed addition would be consistent with the placement of other buildings on the block. There is no landscaping proposed between the building and the street as the building is constructed up to the property line. There are permanent concrete planters located in the right-of-way. The principal entries to the existing structure are oriented towards 2nd Street NE. The existing structure and proposed addition reinforce progressive design and a street-oriented building alignment. The existing structure reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access along 2nd Street NE.

The existing building incorporates windows at the first floor and would meet the 30% window requirement for non-residential uses facing a public street. The existing windows are distributed in a more or less even manner. The 10 percent window requirement as proposed on the new second story addition facing the street has been met as proposed.

There are no blank, uninterrupted walls greater than 25 feet in width that do not include windows, entries, recesses or projections, or other architectural elements on the proposed second story addition.

The exterior materials on the existing and proposed addition would be compatible on all sides of the structure. The existing building is composed of brick with decorative metal elements. The applicant is proposing that the exterior of the second story addition be clad in stainless steel to match into the decorative elements currently integrated into the exterior of the existing structure.

The proposed building form and the pitch of the roof line is compatible with other buildings in the area. The proposed roof line would be flat, and a 2-story building would be compatible with the district regulations as well as other structures in the area.

No parking ramp is proposed as part of the development. No on-site parking is being provided for the development.

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.**

The principal entrances to the proposed structure are directly connected to the public sidewalk.

There are no transit shelters within the development. The site is not immediately adjacent to a transit stop however it is in close proximity to several bus lines.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses.

There is a public alley adjacent to the site which has been and would continue to be utilized for access to the rear of the site.

The existing site has not been designed to minimize the use of impervious surfaces, however, the footprint of the existing structure almost entirely covers the lot.

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.

The proposal does not meet the 20% landscape requirement. The total site area is 3,349 square feet and the existing building footprint on the site is 2,580 square feet. A total of 153 square feet of landscaping would be necessary to meet the 20% requirement. The applicant is proposing no landscaping on site, although permanent concrete planters are located in the public right-of-way adjacent to 2nd Street NE. Alternative compliance would be required. The zoning code requires that there be at least 1 tree and 2 shrubs planted on the site. The proposal is not meeting the minimum landscape quantity requirements. Based on the existing conditions on the site Staff does not believe it is practical to require that the site meet the 20% landscaping requirement. Staff does believe, however, that the site could be enhanced by providing window box planters in the ground level windows facing 2nd Street NE. Staff would recommend that the Planning Commission grant alternative compliance subject to the condition that the window box planters be provided.

There is a required landscaped yard and required screening for the development as the rear or west property lot line is adjacent to an interior side yard of an adjacent single-family residential use. A 7 foot landscaped yard and screening would be required based on the proposal. Staff believes that in this circumstance it would not be practical to require the landscaped yard or screening as the site is unique in that it appears that the adjacent property and the subject properties share a parking area at the rear/interior of the site. To require the alteration of the area would likely result in a loss of functionality and circulation. Staff would recommend that the Planning Commission grant alternative compliance due to the unique circumstances on the site.

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.**

No parking is being provided on-site. Access to the site is being provided off of 2nd Street NE to the public alley on the south side of the site. The water drainage on site would need to be designed so as not to drain onto any adjacent lots.

There are no recommendations from the City's CPTED officer as the project has not been through the required Preliminary Development Review (PDR) process. Any recommendations made during this process will need to be incorporated into the final plans.

There are no parking facilities proposed for the development.

Staff would not expect the proposal to result in the blocking of views, shadowing of public space or adjacent properties. The proposed building would also not be expected to have significant impacts on light, wind and air in relation to the surrounding area.

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 existing and proposed uses are permitted in the C1 District. With the approval of the variances and site plan review, this development would meet the requirements of the C1 zoning district.

Parking and Loading: Chapter 541 of the zoning code requires 1 space per 300 square feet of gross floor area in excess of 4,000 square feet. The existing structure has grandfathered parking rights to 4 spaces. With the proposed 2,580 square foot addition to the existing 2,580 square foot structure, the gross floor area of the structure would be 5,160 square feet. A total of 3 off-street parking spaces would be required for the development based on the proposed addition. The applicant is proposing to vary this requirement to zero.

Dumpster screening: Section 535.80. Refuse 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.

Lighting: There is existing lighting adjacent to the building entrances and along the alley. Any new lighting would need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541.

Signs: All new signage is required to meet the requirements of the code. Permits are required from the Zoning Office should any signage be included for the development.

Maximum Floor Area: The maximum F.A.R. for all structures located in the C1 district is the gross floor area of the building which is 5,160 square feet divided by the area of the lot which is 3,349 square feet. The outcome is 1.5 which is less than the maximum of 1.7 that is permitted in the C1 District.

Minimum Lot Area: Not applicable for this development.

Height: Maximum building height for of all principal structures located in the C1 district is 2.5 stories, not to exceed 35 feet. The proposed structure would comply with this limitation as the proposed development is 2 stories or 29 feet, 6 inches.

Yard Requirements: There are no required yards for the proposed development. Staff has determined that the development has nonconforming rights to the yard required by 548.140(b)(3).

Building coverage: Not applicable for this development.

Impervious surface area: Not applicable for this development.

MINNEAPOLIS PLAN

The proposed development on a commercial parcel is consistent with the relevant provisions of the Minneapolis Plan, as follows:

Relevant Policy: **9.6** Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.

Relevant Implementation Steps:

- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods.

Relevant Policy: **9.23** 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.

The project would comply with the above listed policy and implementation steps of the comprehensive plan.

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

No small area plans for this area of Minneapolis have been adopted by the City Council.

ALTERNATIVE COMPLIANCE

The Planning Commission 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.

The proposal does not meet the 20% landscape requirement. The total site area is 3,349 square feet and the existing building footprint on the site is 2,580 square feet. A total of 153 square feet of landscaping would be necessary to meet the 20% requirement. The applicant is proposing no landscaping on site, although permanent concrete planters are located in the public right-of-way adjacent to 2nd Street NE. Alternative compliance would be required. The zoning code requires that there be at least 1 tree and 2 shrubs planted on the site. The proposal is not meeting the minimum landscape quantity requirements. Based on the existing conditions on the site Staff does not believe it is practical to require that the site meet the 20% landscaping requirement. Staff does believe, however, that the site could be enhanced by providing window box planters in the ground level windows facing 2nd Street NE. Staff would recommend that the Planning Commission grant alternative compliance subject to the condition that the window box planters be provided.

There is a required landscaped yard and required screening for the development as the rear or west property lot line is adjacent to an interior side yard of an adjacent single-family residential use. A 7 foot landscaped yard and screening would be required based on the proposal. Staff believes that in this circumstance it would not be practical to require the landscaped yard or screening as the site is unique in that it appears that the adjacent property and the subject properties share a parking area at the rear/interior of the site. To require the alteration of the area would likely result in a loss of functionality and circulation. Staff would recommend that the Planning Commission grant alternative compliance due to the unique circumstances on the site.

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application to allow a variance to reduce the on-site parking requirement to zero for property located at 1222 and 1224 2nd Street NE.

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

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for property located at 1222 and 1224 2nd Street NE subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation and landscaping plans.
2. All site improvements shall be completed by November 13, 2007 unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Installation of permanent planter boxes into the ground level windows on the east elevation located adjacent to the 2nd Street NE frontage.
4. Any changes to the site plan as a result of Preliminary Development Review may result in another public hearing by the City Planning Commission if the Zoning Administrator deems such changes significant under sections 525.360 and 530.100 of the zoning code.
5. Installation of a bike rack on site to mitigate the lack of parking.

Attachments:

1. Description of project and findings
2. Correspondence
4. Zoning map
5. Plans –site plan, floor plans, elevations
6. Photos