

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

Conditional Use Permit, Variances and Site Plan Review
BZZ-4269
Preliminary Plat
PL-233

Date: December 8, 2008

Applicant: Hennepin Healthcare Systems, DBH, Hennepin County Medical Center (HCMC), Attn: Deborah Sweetland, 701 Park Avenue South, Minneapolis, MN 55415, (612) 873-4910

Addresses of Property: 1 28th Street West, 11 28th Street West and 2815 Blaisdell Ave

Project Name: HCMC Family Medical Center

Contact Person and Phone: Hennepin County Medical Center (HCMC), Attn: Deborah Sweetland, 701 Park Avenue South, Minneapolis, MN 55415, (612) 873-4910

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

Date Application Deemed Complete: November 12, 2008

End of 60-Day Decision Period: January 10, 2009

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

Ward: 6 Neighborhood Organization: Whittier Alliance

Existing Zoning: I1 (Limited Industrial District), Nicollet Franklin Area Pedestrian Oriented (PO) Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 25

Lot area: 133,052 square feet or approximately 3.05 acres

Legal Description: Not applicable for this application.

Proposed Use: A two-phase, Planned Unit Development.

Concurrent Review:

- Conditional Use Permit for a Planned Unit Development.
- Variance of several of the Pedestrian Oriented Overlay District Standards as well as specific provisions outlined for the Nicollet Franklin area.

- Site Plan review for a Planned Unit Development to be developed in two phases. The first phase would include a 2-floor or 43 foot tall, approximate 60,960 square foot medical clinic.
- Preliminary plat.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, and Chapter 530 Site Plan Review.

Background: The applicant proposes to construct a Planned Unit Development (PUD) in two phases on the block bounded by Nicollet Avenue on the east, Blaisdell Avenue on the west, West 28th Street on the north and West 29th Street on the south. The approximate 3 acre site is zoned I1 and is located in the Nicollet Franklin Area Pedestrian Oriented (PO) Overlay District. Phase one would include the construction of an approximate 60,960 square foot medical clinic, which is a permitted use in the I1 district, on the north half of the site with 68 parking spaces located underground as well as a temporary surface parking lot for 104 vehicles. The medical clinic proposed as part of phase one would be focused on family medical care with additional services including imaging, pharmacy, lab, OT/PT, sports medicine and a physician residency training program. The facility would support 48 exam rooms and auxiliary support space. Development of the second phase of the PUD as proposed would eliminate the majority of the proposed surface parking and bring the site into compliance with the minimum FAR of 1.0 required in the Nicollet Franklin Area PO standards.

Phase two is conceptual and would require further action from the CPC prior to any building permit issuance. A rezoning of the property would be necessary to develop the property as proposed and would include the construction of a 4-story structure on the southeast side of the site. This structure would include approximately 8,700 square feet of ground floor retail space facing Nicollet Avenue with an additional 27,000 square feet of office space located above. Another structure proposed on the southwest side of the site would be 3-stories tall and include a 3-level (1 level underground, two above grade) parking ramp with residential units lining the ramp. As proposed a total of 26 residential units would be provided and a total of 239 off-street parking spaces within the parking ramp to be shared between HCMC and the other future functions on the premises. With completion of both phases of the PUD, the applicant is proposing to locate a total of 330 off-street parking spaces (68 underground on the HCMC site, 23 surface parking stalls and 239 within the parking ramp proposed as part of phase two) on the premises.

The PUD as proposed would require variances of several of the PO standards as well as many of the specific provisions outlined for the Nicollet Franklin Area. These standards include: (1) Building placement as the first floor of buildings must be located no more than 8 feet from the front lot line. The medical clinic as proposed does not meet this standard. (2) Accessory parking provisions relating to location as on-site accessory parking facilities must be located to the rear or interior side of the site, within the principal building serviced, or entirely below grade; dimensions as parking lots are limited to not more than 60 feet of street frontage and driveways as driveway widths must

not exceed 20 feet of street frontage; and the following provisions as they specifically relate to the Nicollet Franklin Area (3) Corner cuts as new development on the corner of two street rights-of-way must have a setback at the sidewalk level on the corner of the building that must be no less than two feet and no greater than 8 feet from the corner of the property. The medical clinic as proposed does not meet this standard; and (4) Linear frontage of one use as no single commercial use in one building shall extend more than 120 linear feet of the first floor façade fronting any street. The medical clinic as proposed does not meet this standard. Site Plan review is also required as is a preliminary and final plat.

The City of Minneapolis is in the process of finalizing a Memorandum of Understanding (MOU) between the City and HCMC. Essentially, the document outlines the responsibilities that both the City of Minneapolis and HCMC will have moving forward with development on the subject site. Ultimately, the City will be responsible for the phase two development on the site and HCMC will be responsible for the maintenance of the site in the interim between phase one and phase two construction. The final document will be forward on to the Planning Commission for your information pending the outcome of the Council Committee on Community Development (CD) public hearing on December 2, 2008.

The Nicollet Franklin Area PO was adopted by the City Council in September of 2007. The adoption of these standards was a result of a City Council enacted moratorium on new construction in the area bounded by Nicollet Avenue (east and west alley to alley) from Franklin Avenue on the north to the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right of way on the south. The City Council was concerned about the scale, scope, and pace of development projects along Nicollet Avenue and enacted the interim ordinance in order to allow for the completion of a study to inform future development. It was determined that application of a Pedestrian Oriented Overlay District would address the concerns related to future development being in character with the traditional urban form of the area. City Staff met with representatives from the neighborhood group, Whittier Alliance, on an approximate monthly basis between August 2006 and April 2007. The content of the adopted Nicollet Franklin Area Pedestrian Oriented Overlay District is made up of the base pedestrian overlay language, some select components from other existing pedestrian oriented overlay districts, and a few unique features.

The subject site, now abandoned, was formerly used as a meat packing/processing plant since 1975 and is environmentally contaminated. The developers intend to clean-up the site as part of their development proposal. Further, HCMC is seeking LEED certification for the proposed structure on the site as well as incorporating extensive sustainable design practices. A memo which has been attached for reference outlines these practices.

The former proposal that was submitted for the subject site (BZZ-4145) was not supported by Planning Staff and was denied by the Planning Commission on September 22, 2008. This decision was appealed to the Zoning and Planning Committee on October 16, 2008, and continued to the October 30, 2008 and November 17, 2008 meetings. The

applications were then withdrawn on November 11, 2008, in order for the applicant to submit new applications for a PUD.

Staff received correspondence from the Whittier Alliance which is attached for reference. All emails/letters received prior to the Planning Commission meeting will be forwarded on for consideration.

CONDITIONAL USE PERMIT - for a Planned Commercial Development

Exceptions to Zoning Ordinance Standards: Chapter 527, Planned Unit Development authorizes the City Planning Commission to approve exceptions to the zoning regulations that are applicable to the zoning district in which the development is located. This may be done only upon finding that the Planned Unit Development includes adequate site amenities to address any adverse effects of the exception.

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – 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 Planning Division does not believe that a planned commercial development would be detrimental to or endanger the public health, safety or general welfare provided both phases of the proposed PUD are constructed. The property currently contains an abandoned meat packing/processing plant and is environmentally contaminated. Phase one, which would likely commence construction in the Spring of 2009, would include a 2-floor or 43 foot tall, approximate 60,960 square foot medical clinic as well as accessory underground and surface parking. Phase two would result in the elimination of the majority of the surface parking proposed as part of phase one as two separate structures would cover the majority of the site. A rezoning of the property would be necessary to develop the property as proposed in phase two. A 4-story structure is proposed on the southeast side of the site which would include approximately 8,700 square feet of ground floor retail space facing Nicollet Avenue with an additional 27,000 square feet of office space located above. Another structure proposed on the southwest side of the site would be 3-stories tall and include a 3-level (1 level underground, two above grade) parking ramp with residential units lining the ramp. As proposed a total of 26 residential units would be provided and a total of 239 off-street parking spaces within the parking ramp to be shared between HCMC and the other future functions on the premises. The proposed PUD complements other uses in the area and the mixed-use nature of the development incorporating residential, commercial/retail and office uses would strengthen the existing commercial base within the neighborhood.

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.

The Planning Division does not believe that a planned commercial development would be injurious to the use and enjoyment of surrounding property nor would it impede the normal development of the surrounding area provided both phases of the proposed PUD are constructed. The subject site is located along a busy Commercial Corridor within a destination neighborhood. The integration of additional daytime users (as well as residential, commercial/retail and office users) into this neighborhood as part of the proposed development would prove compatible with the surrounding uses. Further, utilizing the site for a true mixed-use development would support the existing commercial uses within the general vicinity.

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

The applicant will be working closely with the Public Works Department and with the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

The Travel Demand Management Plan (TDMP) has been reviewed by Public Works Staff and the applicant is working to incorporate applicable comments into the final plan. The applicant has met with Public Works and Planning Staff and is aware that the plan is expected to incorporate any applicable comments or modifications required by the Public Works Department.

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

The total number of required parking spaces for the proposed PUD is 280 off- street parking spaces. According to Chapter 541 of the Zoning Code, phase one of the proposed development requires one off-street parking space per 300 square feet of gross floor area for medical clinics. Therefore, based on the proposed 60,960 square foot structure with reductions for mechanical equipment of 3,591 equaling 57,369 square feet, a total of 192 parking spaces would be required for phase one. The applicant proposes to incorporate a sheltered transit stop into the development per the specifications outlined in Section 541.200 of the Zoning Code. This would allow for a 10% reduction. The applicant also proposes to include a bicycle rack in lieu of one required parking space. Therefore, with a 10% reduction for an adequate sheltered transit stop as well as a reduction for bicycle parking, the parking requirement would be reduced to 172 required spaces (the bike rack must accommodate four spaces) for phase one. The applicant is proposing to locate 172 off-street parking spaces on the premises; 68 underground and 104 surface parking stalls.

Further, the applicant is proposing to incorporate two small loading spaces within the parking lot to serve the proposed medical clinic use.

Phase two of the proposed PUD has several components. The residential component as proposed requires a total of 26 off-street parking spaces as a total of 26 residential units are proposed. The retail/office component as proposed totals 31,771 square feet. Chapter 541 requires one off-street parking space per 300 square feet of gross floor area for retail/office uses in excess of 4,000 square feet. Therefore, a total of 93 off-street parking spaces would be required for the retail/office component. Phase two of the proposed PUD requires a total of 119 off-street parking spaces prior to allowable reductions. The incorporated sheltered transit stop constructed as part of phase one would allow for a 10% reduction. Therefore, with a 10% reduction for an adequate sheltered transit stop, the parking requirement would be reduced to 108 required spaces for phase two. Further, the applicant is proposing to incorporate two additional small loading spaces into the second phase.

With completion of both phases of the PUD, the applicant is proposing to locate a total of 330 off-street parking spaces (68 underground on the HCMC site, 23 surface parking stalls and 239 within the parking ramp proposed as part of phase two) which exceeds the requirement of 280 spaces. Adequate measures would be provided to minimize traffic congestion in the public streets.

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

According to the *Minneapolis Plan*, the subject parcel is located within a vicinity that contains a mixture of land uses including services and commercial uses, retail commercial uses, single-family and multi-family development, etc. The subject site is also located along Nicollet Avenue which is a designated Commercial Corridor as well as in close proximity to an activity center located at the intersection of West 26th Street and Nicollet Avenue. According to the Principles and Policies outlined in the *Minneapolis Plan*, the following apply to both phases included as part of this PUD proposal:

4.9 Minneapolis will grow by increasing its supply of housing.

Implementation Steps:

- Support the development of new medium and high-density housing in appropriate locations throughout the city.
- Support the development of infill housing on vacant lots.

4.11 Minneapolis will improve the availability of housing options for its residents.

Implementation Steps:

- Increase the variety of housing styles and affordability levels available to prospective buyers and renters.
- Provide and maintain moderate and high-density residential areas.
- Promote mixed-income housing development that offers a range of dwelling unit sizes and levels of affordability.

- Promote the development of housing suitable for people and households in all life stages, and that can be adapted to accommodate changing housing needs over time.

9.5 Minneapolis will support the development of residential dwellings of appropriate form and density.

Implementation Steps:

- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.

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.

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 proposal to locate a mixed-use development on the subject site including a new 60,960 square foot medical clinic, 26 residential units and approximately 31,771 square feet of office/retail space as well as 239 stall parking ramp on the property is in compliance with the above listed principles, policies and implementation steps of the comprehensive plan.

There is an additional small area plan that must be considered when evaluating the proposal. “Nicollet Avenue – The Revitalization of Minneapolis’ Main Street”, was adopted by the City Council in May of 2000. The subject site is the former GFI meat packing/processing plant and is briefly discussed within the plan. Essentially the document recommends the following:

2.4 For industrial uses which are compatible with adjacent commercial and residential uses, encourage improved site and building design. If improved site and building design cannot be achieved, pursue relocation of the industrial use, rezoning of the site, and redevelopment compatible with surrounding uses and plans for the area.

2.5 For industrial uses which are incompatible with adjacent commercial and residential uses, pursue relocation of industrial use, rezoning of the site, and redevelopment compatible with surrounding uses and plans for the area.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

With the approval of the conditional use permit, variances, site plan review, preliminary and final plat as well as a future rezoning on the subject site prior to construction of phase two, this development would meet the applicable requirements.

Additional Findings Required for a Planned Unit Development

(1) That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:

a. The character of the uses in the proposed planned unit development, including in the case of a planned residential development the variety of housing types and their relationship to other site elements and to surrounding development.

The character of the uses in the proposed planned commercial development would be compatible with the surrounding area. The development would include a mix of office, commercial/retail and residential uses constructed within two phases. The proposed uses are similar to others that exist in the area and will support the existing commercial base within the immediate neighborhood.

b. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access and availability of transit alternatives.

The Public Works Department has reviewed a draft Traffic Demand Management Plan (TDMP) which analyzed the traffic generation characteristics of the proposed development in relation to street capacity, vehicular access, parking and loading areas, pedestrian access as well as the availability of transit alternatives. The applicant is working to incorporate Public Works and Planning comments into the final plan.

c. The site amenities of the proposed planned unit development, including the location and functions of open space and the preservation or restoration of the natural environment and historic features.

There are some initial green space amenities proposed as part of phase one which have been incorporated into the development proposal as well as the inclusion of gathering space within the proposed medical clinic for use by the community. As part of phase one, the applicant is proposing to provide an approximate 9,500 square foot landscaped area/community open space area with seating on the south side of the site at the corner of Nicollet Avenue and West 29th Street. Additionally, a large infiltration basin/garden area would be located along the

West 29th Street frontage providing a vegetative buffer to assist in screening the surface parking proposed as part of the phase one development. The proposed interior gathering space for community functions would be located within the proposed medical clinic located at the corner of Nicollet Avenue and West 28th Street. This amenity is proposed to be available even after construction of the second phase. Typically, amenities are provided as a tradeoff for exceptions to Zoning Code requirements such as height or parking for example. Based on the current proposal, no exceptions are being requested as the proposed PUD meets all applicable regulations other than those requiring variances.

d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development and protection of views and corridors.

The appearance and compatibility of individual buildings and parking areas within the proposed planned commercial development to other site elements and to surrounding development is apparent. The proposed building scale and massing is compatible with the scale of surrounding land uses within the context of the neighborhood as well as within the parameters outlined in the Zoning Code. Planning Staff would not expect the proposed development to have any significant impacts on the microclimate nor on any existing views or corridors.

e. The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.

Public Works will be reviewing the relation of the proposed planned unit development to existing and proposed public facilities. The development would need to comply with all applicable city regulations.

(2) That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.

With the approval of the proposed preliminary plat, the proposed planned commercial development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations. The final plat will need to be submitted at a later date for final approval prior to recordation at Hennepin County.

VARIANCES –Variance of the Pedestrian Oriented Overlay District Standards which include the following: **(1)** Building placement as the first floor of buildings must be located no more than 8 feet from the front lot line; **(2)** Accessory parking provisions relating to location, dimensions and driveways; and the following provisions as they relate to the Nicollet Franklin Area **(3)** Corner cuts; **(4)** Linear frontage of one use.

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

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.

Building placement: It is likely that the property could be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning ordinance would cause undue hardship. The subject site is an approximate 3 acre, full city block with frontage on four public streets. Regardless of what development were to be constructed on the premises, it would be difficult to fully adhere to this standard. Planning Staff typically believes that allowing a variance of this standard is a reasonable request. The proposed medical clinic to be located at the corner of West 28th Street and Nicollet Avenue would be recessed approximately 20 feet on the West 28th Street frontage and approximately 17 feet on the Nicollet Avenue frontage. Further, the clinic is not extended to the corner of Blaisdell Avenue and West 28th Street in order to allow for some surface parking and future clinic expansion space. In its proposed final configuration with the build-out of phases one and two, the full block would be in reasonably in compliance.

Accessory parking provisions: It is likely that the property could be put to a reasonable use under the conditions allowed; however, strict adherence to all of the regulations of this provision of the zoning ordinance would cause undue hardship. The applicant is proposing to vary three accessory parking provisions as outlined in the PO standards relating to location, dimensions and driveways. Planning Staff would argue that based on the fact that the subject site encompasses an entire city block and has frontage on four public streets that it would be reasonable to allow some leniency relating to the location, dimension and driveway provisions provided the overall design of the development was deemed an appropriate use of the subject site. The location provisions states that on-site parking facilities should be located to the rear or interior of the site, within the principal building served, or entirely below grade. As part of phase one the applicant proposes to locate 68 parking spaces beneath the proposed medical clinic. Much of the rest of the site would be covered with surface parking until phase two is constructed. When phase two is constructed, the final build-out of the site would require a variance of the location provision as there is proposed to be surface parking located along the Blaisdell Avenue and West 28th Street frontage, as well as some handicapped parking and a drop-off area within the interior of the site. The surface parking would for the most part be screened by the proposed mechanical and trash enclosures proposed adjacent to the public sidewalk along Blaisdell as well as a proposed screen fence adjacent to the ramp access along West

28th Street. Planning Staff did express concern regarding the location of both the ramp and the equipment; however, the applicant has stated that relocating the ramp entry or locating any of these functions closer to the building will limit the clinic's ability to expand on the site in the future. Because the majority of the required parking will either be located underground or within the proposed parking ramp constructed as part of phase two on the south side of the site, Planning Staff believes that it would be a reasonable request to allow a relative small amount of surface parking adjacent to the two street frontages. Parking lots are limited to no more than 60 feet of street frontage in the PO. Planning Staff believes that allowing some parking along Blaisdell Avenue is a reasonable use of the site and allowing an approximate 90 foot segment would be appropriate given the rest of the proposed build-out on the site. The driveway width for all parking facilities is not allowed to exceed 20 feet of street frontage. In its current configuration the two curb cuts proposed for the full block site off of West 29th Street and Blaisdell Avenue are at approximately 24 feet. Planning Staff believes that due to the minimization of curb cuts on the site extending the curb cuts an additional four feet is a reasonable request.

Corner cuts: It is likely that the property could be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning ordinance could cause undue hardship. The Nicollet Franklin Area PO requires that new development on the corner of two street rights-of-way incorporate a setback at the sidewalk level on the corner of the building. The provision further states that the setback must be no less than two feet and no greater than 8 feet from the corner of the property. The purpose of this provision was to integrate a prominent design feature which is currently present along the corridor into new development specifically related to building entrances. Regarding the proposed medical clinic located on the north side of the site, while the applicant is indeed incorporating a corner cut at the intersection, it exceeds the requirement of 8 feet in order to provide a public plaza space and doesn't necessarily meet the intent of the provision as no building entrance is located in this vicinity. Planning Staff has encouraged the applicant to incorporate an actual principal entry to the building at the corner in order to meet the intent of this provision; however, the design does not reflect one. Despite the fact that the design of the structure does not meet this provision, Planning Staff believes that it would be reasonable to allow a variance due to the interior layout of the proposed building as well as due to the fact that a plaza area is incorporated at the corner which meets the intent of broader neighborhood goals. Further, incorporating an entrance relatively close to the intersection on the West 28th Street side would likely prove to be an acceptable alternative. The other two buildings proposed as part of the PUD meet this corner cut requirement, although they too do not incorporate entries at the corner.

Linear frontage of one use: It is likely that the property could be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning ordinance could cause undue hardship. The Nicollet Franklin Area PO limits single commercial uses in one building to 120 linear feet of the first floor façade fronting any public street. The primary intent of this objective was to preserve the character of small-

scale commercial uses along the Nicollet and Franklin corridors. In this specific circumstance, allowing a medical clinic on the premises to extend beyond the linear commercial use length limitation would seem a reasonable use of a portion of the subject site. The proposed parking ramp lined with residential uses also exceeds the 120 foot linear requirement along both Blaisdell Avenue and West 29th Street; however, this provision of the code isn't applicable due to the fact it is applicable for commercial uses only.

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.

Building placement: The circumstances could be considered unique to the parcel of land for which the variance is being sought; however, being that the persons presently having an interest in the property designed the proposed PUD lacking compliance with the applicable provisions, one could state that circumstances have also been created by persons presently having an interest in the property. The 3 acre, full city block site has frontage on four public streets. Requiring that development adhere to this requirement along all four street frontages would be challenging. Further, allowing an expansion space for the medical clinic as well as an additional setback for the medical building on the north side of the site while furthering neighborhood goals is a reasonable request.

Accessory parking provisions: The circumstances could be considered somewhat unique to the parcel of land for which the variance is being sought; however, being that the persons presently having an interest in the property designed the proposed PUD lacking compliance with the applicable provisions, one could state that circumstances have also been created by persons presently having an interest in the property. The 3 acre, full city block site has frontage on four public streets. Requiring that that development comply with all of the accessory parking provisions described above relating to location, dimensions and driveways would be difficult based on the proposed design of the development. Compliance with all of the provisions would result in fairly substantial modifications to the site. Planning Staff believes that the requests are reasonable. Further, with a future clinic expansion on the northwest side of the site all but the provision related to curb cut width would be eliminated.

Corner cuts: The circumstances would likely not be considered unique to the parcel of land for which the variance is being sought and have been created by persons presently having an interest in the property. The proposed design of the medical clinic results in the lack of compliance with this provision. Planning Staff has encouraged the applicant to adhere to the specifications of this requirement in order to preserve the existing character that exists along Nicollet Avenue in relation to primary building entrances being located at the corner. Although the development does not necessarily comply with the intent of this requirement even though there is somewhat of a corner cut at the

intersection, the tradeoff is that another neighborhood goal of incorporating gathering spaces and green space is located in lieu of the actually principal entry at the corner.

Linear frontage of one use: The circumstances could be considered unique to the parcel of land for which the variance is being sought and have been created by persons presently having an interest in the property. The proposed design of the structure results in the lack of compliance with this provision. The building extends approximately 215 feet along Nicollet Avenue and approximately 220 feet along West 28th Street. The purpose of this provision in the Nicollet Franklin Area PO was to preserve the character of small-scale commercial uses along the Nicollet and Franklin corridors.

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.

Building placement: The granting of the variance would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. For the most part, the proposed PUD once constructed will comply with this requirement along the street frontages. The only notable exception is the lack of a building wall at the corner of West 28th Street and Blaisdell Avenue. The applicant has stated that the space is being reserved for a future building expansion.

Accessory parking provisions: The granting of the variance for three provisions relating to location, dimensions and driveways, would likely be in keeping with the spirit and the intent of the ordinance and would likely 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, Planning Staff believes that is reasonable to support the relatively minor variance requests of these provisions.

Corner cuts: The granting of the variance would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. While the design of the medical clinic doesn't exactly meet the intent of this PO provision, it is a compromise as there is somewhat of a corner cut at the intersection. Essentially, the tradeoff is that another neighborhood goal of incorporating gathering spaces and green space is located in lieu of the principal entry at the corner of Nicollet Avenue and West 28th Street.

Linear frontage of one use: The granting of the variance would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The purpose of this provision in the Nicollet Franklin Area PO was to preserve the character of small-scale commercial uses in this established small business-oriented corridor. Allowing a medical clinic to exceed the 120 foot maximum linear frontage of

one commercial use in this area would appear to be suitable based on the build-out proposed under phase two.

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.

Building placement: Staff believes that the granting of a variance of the building placement aspect of this PO variance would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

Accessory parking provisions: Staff believes that the granting of the variance of the accessory parking provisions aspect of this PO variance would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

Corner cuts: Staff believes that the granting of the variance of the corner cut provision of this PO variance would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

Linear frontage of one use: Staff believes that the granting of the variance of the linear frontage of one use provision of this PO variance would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or 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 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 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.**

There are three separate structures proposed on the subject site. The initial phase which includes the proposed medical clinic would be constructed on the north side of the site as part of phase one and the second phase would include the remaining two structures on the south side of the site, a parking ramp with liner residential uses and a retail/office building. The majority of the proposed L-shaped medical clinic to be constructed as part of phase one is located within 8 feet of Nicollet Avenue and West 28th Street. The medical clinic as proposed would be recessed at the corner; approximately 20 feet on the West 28th Street frontage and approximately 17 feet on the Nicollet Avenue frontage. Further, the clinic is not extended to the corner of Blaisdell Avenue and West 28th Street in order to allow for some surface parking and future clinic expansion space. Alternative compliance would be necessary. Planning Staff believes that based on the circumstances of the site with frontage on four public streets, that it would be reasonable to grant alternative compliance in this situation. The other two structures proposed as part of phase two would be located within 8 feet of the front lot lines. As previously mentioned, phase two is being reviewed conceptually and will require further action from the Planning Commission prior to any building permit issuance. The proposed PUD development is oriented toward two of the four public streets. The use of progressive design and street-oriented building alignments is reinforced with the proposed development. The design also maximizes natural surveillance and visibility, as well as facilitates pedestrian access and circulation as the entrances are either located directly adjacent to the public sidewalk or connected via walkways. The area between the buildings and the public streets would have new tree and shrub plantings along all four street frontages. On-site parking facilities are required to be located to the rear or the interior of the site, within the principal building served, or entirely below grade. Alternative compliance would be necessary for this provision. Planning Staff will recommend that the Planning Commission grant alternative compliance from this provision in this circumstance. Once phase two is constructed the majority of the parking would either be located underground or within a parking ramp. Allowing a total of 23 surface parking stalls on the northwest side and interior of the site would be reasonable.

The proposed design of the structures would incorporate windows at the first floor of all three buildings. At least 40% of the first floor façade that faces a public street or sidewalk shall be windows and at least 30% of the first floor façade that faces an on-site parking lot shall be windows. For the proposed medical clinic, approximately

57% are provided along the Nicollet Avenue frontage, and approximately 56% are provided along West 28th Street. Approximately 50% are provided on the south elevation facing the on-site surface parking lot and approximately 45% are provided on the west elevation of the building facing the on-site surface parking lot. All ground level windows must be transparent (non-reflective). The proposed structure meets the 10% window requirement on upper floors facing the public streets and on-site parking lot. The proposed structure exceeds all window requirements. The windows are vertical in proportion and distributed in a more or less even manner. There is one blank, uninterrupted wall greater than 25 feet in width along the west elevation of the building that does not include windows, entries, recesses or projections, or other architectural elements. Alternative compliance would be necessary. Planning Staff would recommend that the elevation comply with the requirement. Based on the uses located behind the building wall, Staff would expect architectural detail to be included in lieu of windows or doors. For the proposed retail/office building which would be located on the southeast side of the site, approximately 42% are provided along the Nicollet Avenue frontage and approximately 62% are provided along West 29th Street. All ground level windows must be transparent (non-reflective). The proposed structure meets the 10% window requirement on upper floors facing the public streets. The windows are vertical in proportion and distributed in a more or less even manner. No interior building elevations were provided. Those elevations will need to be evaluated for compliance with the applicable provisions prior to construction of the second phase. 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. For the proposed parking ramp/residential structure, approximately 64% are provided along the Blaisdell Avenue frontage and approximately 65% are provided along the West 29th Street frontage. All ground level windows must be transparent (non-reflective). The proposed structure meets the 10% window requirement on upper floors facing the public streets. The windows are vertical in proportion and distributed in a more or less even manner. No interior building elevations were provided. Those elevations will need to be evaluated for compliance with the applicable provisions prior to construction of the second phase. 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.

The exterior materials would be compatible on all sides of the proposed buildings within the PUD. The applicant is proposing that the exterior of the structures be composed of brick and various metal panels with metal elements.

The proposed building form and the pitch of the roof lines within the PUD are compatible with the area. The majority of the proposed roof lines would be flat, and a 4-story (2-floor), 43 foot tall medical clinic, a 3-story or 35 foot tall parking/residential structure and a 4-story or 55 foot tall office/retail structure would be compatible with other structures in the area.

All proposed parking for the development would be provided on site. As part of phase one, a total of 68 underground parking spaces would be constructed under the HCMC facility as well as 104 surface parking stalls for a total of 172 off-street parking spaces. As part of phase two, all but 23 of the surface parking stalls will be removed from the site, and a parking ramp constructed which would provide a total of 239 off-street parking stalls for a total of 330 off-street parking spaces on the premises to support all of the uses within the PUD.

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.**

There are two principal entrances to the proposed medical clinic, one which is located along the Nicollet Avenue frontage and connected directly to the public sidewalk and another off of the interior site adjacent to the surface parking lot which is also connected in a rather circuitous manner to the public sidewalk via walkways that are at least 4 feet in width. The proposed structures located on the south side of the site would have their entrances located directly off of the public sidewalk. The parking facilities for the proposed development once the PUD is fully built out would be primarily located underground and within a parking ramp. A total of 23 surface parking stalls would be located toward the interior of the site and adjacent to the intersection of West 28th Street and Blaisdell Avenue. Access to the site would be located off of Blaisdell Avenue and West 29th Street.

The applicant is proposing to integrate an adequately sheltered transit stop on the south side of the site near the intersection of Nicollet Avenue and West 29th Street as the site is along a Metro Transit bus line.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. The on-site curb cuts have been consolidated as there is one on the Blaisdell Avenue frontage and one on the West 29th Street frontage.

Although there are adjacent residential uses across Blaisdell Avenue, there would not be significant negative impacts expected on those adjacent residential properties as the site is heavily landscaped and screened to mitigate the impacts of the proposed surface parking lot.

There is no public alley adjacent to the site as the subject site encompasses one full

city block.

The site has been designed to minimize the use of impervious surfaces through the use of landscaping throughout the site as the proposal meets the 20% requirement.

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 meets the 20% landscape requirement. The total site area of the subject site is 133,052 square feet or approximately 3.05 acres and the proposed building footprints on the site would total 52,351 square feet (approximately 30,130 in phase one and 22,221 in phase two). The phase one landscape plan would meet the majority of the landscaping requirements as it would exceed all landscape quantity requirements, has a 9 foot landscaped yard adjacent to the majority of the four public street frontages (alternative compliance would be necessary for a portion adjacent to Blaisdell Avenue and West 28th Street), meets the screening requirements, linear tree requirement, landscape island requirement, and on-site proximity to a deciduous tree. When evaluating the full PUD, a total of 16,140 square feet of landscaping would be necessary to meet the 20% requirement. The applicant is providing approximately 21,133 square feet or

approximately 26% of the site not occupied by buildings upon completion of both phases of the PUD. The zoning code requires that there be at least 33 trees and 162 shrubs. The applicant is proposing to provide 8 canopy trees, 15 ornamental trees and approximately 381 shrubs on the subject site when the site full PUD is built out. Also, 9 canopy trees and 13 ornamental trees are proposed in the public-right-of way. The proposal is not meeting the minimum landscape quantity requirements for trees. Alternative compliance is necessary. Planning Staff will recommend that the Planning Commission require additional canopy trees on the premises, however will not require the full amount. At least 12 additional canopy trees will be recommended to be installed on the site for a total of 20.

The surface parking located on the premises is subject to a 7 foot landscaped yard adjacent to Blaisdell Avenue and West 29th Street. Alternative compliance is necessary. The proposal is partially in compliance with this provision as there is some landscaping located at the corner; however, there is mechanical equipment/trash enclosure as well as a ramp to the underground parking located along the majority of the parking frontage. Planning Staff will recommend that additional landscaping be installed adjacent to the screening as well as at the corner to further buffer the surface parking. Additionally, the property is subject to the screening requirements as outlined in Chapter 530. The applicant is proposing to provide screening in the form of hedges and metal fencing along the street frontages which meets the screening requirements.

Parking lots fronting public streets are also subject to the provision that requires that not less than 1 tree shall be provided for each 25 linear feet of parking or loading area lot frontage. The proposal is not in compliance with this provision. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission require compliance with this provision. Additionally, interior lot landscaping is required for areas within parking lots are unavailable for parking or vehicular circulation. The proposal is in compliance with this provision. Parking lots with 10 spaces or more are also required to be designed so that no parking space is located more than 50 feet from the center of an on-site deciduous tree and tree islands must have a minimum width of 7 feet in each direction. The proposal does not comply with the proximity to an on-site deciduous tree at the interior of the site. Planning Staff would recommend that the Planning Commission require compliance with this provision.

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.**

The proposed surface parking lot that would be constructed as part of phase one would have curbing in some locations but also has an infiltration basin located on the south side of the site adjacent to West 29th Street. Due to the size of the parcel, a stormwater management plan has been required by Public Works. The proposed 23 space surface parking lot which will remain after construction of phase two is curbed in some locations as well, however, on site retention and filtration will occur on the property.

Planning Staff would expect the development to have minimal impacts on the blocking of views and shadowing of adjacent properties. The proposed buildings would also be expected to have negligible impacts on light, wind and air in relation to the surrounding area.

The City's CPTED officer commented that the plan met City of Minneapolis requirements for police safety and had no additional comments. Planning Staff found the submittal adequate as it incorporated a lighting plan.

There are no historic buildings or rehabilitation alternatives on the subject site as it is currently houses several vacant industrial structures.

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 use of the site in phase one for a medical clinic is permitted in the I1 district. The proposed uses of the site in phase two would require a rezoning to allow for the mixed-use (office, retail/commercial and residential) components of the proposal.

With the approval of the conditional use permit, variances, site plan review, preliminary and final plat as well as a future rezoning on the subject site prior to construction of phase two, this development would meet the applicable requirements.

Parking and Loading: The total number of required parking spaces for the proposed PUD is 280 off- street parking spaces. According to Chapter 541 of the Zoning Code, phase one of the proposed development requires one off-street parking space per 300

square feet of gross floor area for medical clinics. Therefore, based on the proposed 60,960 square foot structure with reductions for mechanical equipment of 3,591 equaling 57,369 square feet, a total of 192 parking spaces would be required for phase one. The applicant proposes to incorporate a sheltered transit stop into the development per the specifications outlined in Section 541.200 of the Zoning Code. This would allow for a 10% reduction. The applicant also proposes to include a bicycle rack in lieu of one required parking space. Therefore, with a 10% reduction for an adequate sheltered transit stop as well as a reduction for bicycle parking, the parking requirement would be reduced to 172 required spaces (the bike rack must accommodate four spaces) for phase one. The applicant is proposing to locate 172 off-street parking spaces on the premises; 68 underground and 104 surface parking stalls. Further, the applicant is proposing to incorporate two small loading spaces within the parking lot to serve the proposed medical clinic use.

Phase two of the proposed PUD has several components. The residential component as proposed requires a total of 26 off-street parking spaces as a total of 26 residential units are proposed. The retail/office component as proposed totals 31,771 square feet. Chapter 541 requires one off-street parking space per 300 square feet of gross floor area for retail/office uses in excess of 4,000 square feet. Therefore, a total of 93 off-street parking spaces would be required for the retail/office component. Phase two of the proposed PUD requires a total of 119 off-street parking spaces prior to allowable reductions. The incorporated sheltered transit stop constructed as part of phase one would allow for a 10% reduction. Therefore, with a 10% reduction for an adequate sheltered transit stop, the parking requirement would be reduced to 108 required spaces for phase two. Further, the applicant is proposing to incorporate two additional small loading spaces into the second phase.

It is important to note that there is a maximum parking provision that applies in the PO. The number of accessory parking spaces for nonresidential uses is not allowed to exceed one-hundred fifty (150) percent of the minimum required parking spaces as specified in Chapter 541. The PUD as proposed does not currently exceed the 150% maximum.

With completion of both phases of the PUD, the applicant is proposing to locate a total of 330 off-street parking spaces (68 underground on the HCMC site, 23 surface parking stalls and 239 within the parking ramp proposed as part of phase two) which exceeds the requirement of 280 spaces. Adequate measures would be provided to minimize traffic congestion in the public streets. Note that the City is currently considering revisions to its off-street parking requirements. In general, the proposed revisions would result in a reduction in minimum parking requirements for most uses.

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. A trash enclosure is located adjacent to

the Blaisdell Avenue frontage for the proposed medical clinic constructed in phase one. A trash room would be included in the second phase of the development for the other uses proposed for the site.

Signs: No signage is proposed at this time. The applicant has not submitted a sign plan as part of this application. The applicant has stated that a comprehensive sign plan will be submitted at a later date. An approved sign plan and permits are required before any signage may be installed on the premises.

Lighting: All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

Maximum Floor Area: The maximum F.A.R. for all structures in the I1 District is the gross floor area of the development which is 138,248 square feet (60,960 square feet for phase one + 77,288 square feet for phase two) divided by the area of the lot which is 133,052 square feet. The outcome is 1.04 which is less than the maximum of 2.7 that is permitted. Further, the Nicollet Franklin Area PO mandates a minimum floor area ratio of 1.0 which the proposed project is meeting with the build-out of phase two. The proposed development is in compliance with the minimum and maximum floor area ratio that is applicable for the subject site.

Minimum Lot Area: Not applicable for the proposed development at this time. The residential component of the project proposed in phase two will require a rezoning. Further analysis of the minimum lot area requirement will depend ultimately on the zoning requested for the subject site.

Dwelling Units per Acre: With 26 dwelling units on a site having 133,052 square feet of lot area, the proposal would include approximately 8 dwelling units per acre.

Height: Maximum building height for principal structures located in the I1 District is 4 stories or 56 feet, whichever is less. The proposal would conform with this requirement as the medical clinic proposed in phase one would be 4 stories (2 floors) or 43 feet tall, and the phase two structures including the parking/residential structure is proposed at 3 stories or 35 feet and the office/retail structure is proposed at 4 stories or 55 feet.

Yard Requirements: Not applicable for the proposed development.

Building coverage: Not applicable for the proposed development.

Impervious surface area: Not applicable for the proposed development.

MINNEAPOLIS PLAN

According to the *Minneapolis Plan*, the subject parcel is located within a vicinity that contains a mixture of land uses including services and commercial uses, retail commercial uses, single-family and multi-family development, etc. The subject site is also located along Nicollet Avenue which is a designated Commercial Corridor as well as in close proximity to an activity center located at the intersection of West 26th Street and Nicollet Avenue. According to the Principles and Policies outlined in the *Minneapolis Plan*, the following apply to both phases included as part of this PUD proposal:

4.9 *Minneapolis will grow by increasing its supply of housing.*

Implementation Steps:

- Support the development of new medium and high-density housing in appropriate locations throughout the city.
- Support the development of infill housing on vacant lots.

4.12 *Minneapolis will improve the availability of housing options for its residents.*

Implementation Steps:

- Increase the variety of housing styles and affordability levels available to prospective buyers and renters.
- Provide and maintain moderate and high-density residential areas.
- Promote mixed-income housing development that offers a range of dwelling unit sizes and levels of affordability.
- Promote the development of housing suitable for people and households in all life stages, and that can be adapted to accommodate changing housing needs over time.

9.6 *Minneapolis will support the development of residential dwellings of appropriate form and density.*

Implementation Steps:

- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.

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.*

9.24 *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 proposal to locate a mixed-use development on the subject site including a new 60,960 square foot medical clinic, 26 residential units and approximately 31,771 square feet of off/retail space as well as a total of 330 off-street parking spaces is in compliance with the above listed principles, policies and implementation steps of the comprehensive plan.

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

There is an additional small area plan that must be considered when evaluating the proposal. “Nicollet Avenue – The Revitalization of Minneapolis’ Main Street”, was adopted by the City Council in May of 2000. The subject site is the former GFI meat packing/processing plant and is briefly discussed within the plan. Essentially the document recommends the following:

2.4 For industrial uses which are compatible with adjacent commercial and residential uses, encourage improved site and building design. If improved site and building design cannot be achieved, pursue relocation of the industrial use, rezoning of the site, and redevelopment compatible with surrounding uses and plans for the area.

2.5 For industrial uses which are incompatible with adjacent commercial and residential uses, pursue relocation of industrial use, rezoning of the site, and redevelopment compatible with surrounding uses and plans for the area.

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.**

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

- **Building placement:** The majority of the proposed L-shaped medical clinic to be constructed as part of phase one is located within 8 feet of Nicollet Avenue and West 28th Street. The medical clinic as proposed would be recessed at the corner; approximately 20 feet on the West 28th Street frontage and approximately 17 feet on the Nicollet Avenue frontage. Further, the clinic is not extended to the corner of Blaisdell Avenue and West 28th Street in order to allow for some surface parking and future clinic expansion space. Alternative compliance would be necessary. Planning Staff believes that based on the circumstances of the site with frontage on four public streets, that it would be reasonable to grant alternative compliance in this situation.
- **On-site parking facilities:** On-site parking facilities are required to be located to the rear or the interior of the site, within the principal building served, or entirely below grade. Alternative compliance would be necessary for this provision. Planning Staff will recommend that the Planning Commission grant alternative compliance from this provision in this circumstance. Once phase two is constructed the majority of the parking would either be located underground or within a parking ramp. Allowing a total of 23 surface parking stalls on the northwest side and interior of the site would be reasonable.
- **Blank walls greater than 25 feet:** There is one blank, uninterrupted walls greater than 25 feet in width along the west elevation of the medical clinic building that does not include windows, entries, recesses or projections, or other architectural elements. Alternative compliance would be necessary. Planning Staff would recommend that the elevation comply with this requirement. Based on the uses located behind the building wall, Staff would expect architectural detail to be included in lieu of windows or doors.
- **Landscape quantity requirements:** The zoning code requires that there be at least 33 trees and 162 shrubs. The applicant is proposing to provide 8 canopy trees, 15 ornamental trees and approximately 300 shrubs on the subject site when the site full PUD is built out. Also, 9 canopy trees and 13 ornamental trees are proposed in the public-right-of way. The proposal is not meeting the minimum landscape quantity requirements for trees. Alternative compliance is necessary. Planning Staff will recommend that the Planning Commission require additional canopy trees on the premises, however will not require the full amount. At least 12 additional canopy trees will be recommended to be installed on the site for a total of 20.
- **7-foot landscaped yard requirements:** The surface parking located on the premises is subject to a 7 foot landscaped yard adjacent to Blaisdell Avenue and West 29th Street. Alternative compliance is necessary. The proposal is partially in compliance with this provision as there is some landscaping located at the corner; however, there is mechanical equipment/trash enclosure as well as a ramp to the underground parking located along the majority of the parking frontage. Planning Staff will recommend that additional landscaping be installed adjacent to the screening as well as at the corner to further buffer the surface parking.
- **Linear tree requirement:** Parking lots fronting public streets are also subject to the provision that requires that not less than 1 tree shall be provided for each 25 linear feet of

parking or loading area lot frontage. The proposal is not in compliance with this provision. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission require compliance with this provision.

□ ***Parking within 50 feet of an on-site deciduous tree:*** Parking lots with 10 spaces or more are also required to be designed so that no parking space is located more than 50 feet from the center of an on-site deciduous tree and tree islands must have a minimum width of 7 feet in each direction. The proposal does not comply with the proximity to an on-site deciduous tree at the interior of the site. Planning Staff would recommend that the Planning Commission require compliance with this provision.

PRELIMINARY PLAT –

Required Findings:

1. Subdivision is in conformance with the land subdivision regulations including the requirements of section 598.100 relating to protection of natural resources, applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.

The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.230 (5), which requires utility easements to be 5 feet wide on side lot lines and 10 feet wide on rear lot lines, where no alley is provided. In order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (5) is required to eliminate the drainage and utility easements from the lots. While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

The site would be a fully developed property should the land use applications be approved with proposed buildings up to the property lines provided the PUD is built out as proposed. The existing drainage and utilities would not match the required easement locations and are not necessary, so Staff recommends granting the variance.

2. Subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.

The plat will create 2 lots for the proposed planned unit development. There are various conditions of approval on the planned unit development site plan that should address any negative impacts of the development.

3. All land intended for building sites can be used safely without endangering the residents or uses of the subdivision and the surrounding area by peril from floods, erosion, high water table, severe soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.

The site is flat and does not present the above hazards.

4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.

The lots being created by this plat present no foreseeable difficulties for the proposed development. No significant alterations to the land appear necessary.

5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The stormwater drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.

Public Works will review and approve drainage and sanitary system plans before issuance of building permits.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission **approve** the application for a conditional use permit to allow phase one of a Planned Commercial Development for property located at 1 28th Street West, 11 28th Street West and 2815 Blaisdell Avenue subject to the following conditions:

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.

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 **approve** the application for a variance of the Pedestrian Oriented Overlay District Standards as well as some of the specific provisions outlined for the Nicollet Franklin area which include: **(1)** Building placement as the first floor of buildings must be located no more than 8 feet from the front lot line; **(2)** Accessory parking provisions relating to location, dimensions and driveways; **(3)** Corner cuts; and **(4)** Linear frontage of one use; for property located at 1 28th Street West, 11 28th Street West and 2815 Blaisdell Avenue.

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 **approve** the site plan review application for phase one of the PUD for property located at 1 28th Street West, 11 28th Street West and 2815 Blaisdell Avenue subject to the following conditions:

1. Planning Staff review and approval of the final site plan, landscaping plan, and building elevations for phase one.

2. All site improvements for phase one shall be completed by December 8, 2010, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. All non-residential ground level windows must be transparent (non-reflective) as required by section 530.120 of the zoning code.
4. The blank, uninterrupted walls greater than 25 feet in width along the west elevation of the medical clinic building shall incorporate windows, entries, recesses or projections, or other architectural elements as required by section 530.120 of the zoning code.
5. A rezoning is required in order to develop the property as proposed in phase two. Phase two shall require further review by the Planning Commission prior to building permit issuance.
6. The site plan review application will need to be amended to include the approvals for phase two. Interior site elevations shall be required for review and approval for the development proposed in phase two.

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

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission **approve** the preliminary plat application for property located at 1 28th Street West, 11 28th Street West and 2815 Blaisdell Avenue.

Attachments:

1. PDR Report
2. Statement of use / description of the project
3. Findings – CUP
3. Correspondence
4. Zoning map
5. Plans – Site, landscape, elevations, floor plans, shadow survey, etc.
6. Photos
7. Oblique aerial

Department of Community Planning and Economic Development – Planning Division
BZZ-4269 and PL-233