

**Department of Community Planning and Economic Development - Planning Division**  
Site Plan Review modification  
BZZ-3060

**Date:** June 26, 2006

**Applicant:** George Johnson on behalf of Kowalski's Companies

**Address of Property:** 5327 Lyndale Avenue South

**Project Name:** Kowalski's Market

**Contact Person and Phone:** George Johnson – Harriss Architects 612-339-2190

**Planning Staff and Phone:** Jim Voll 612-673-3887

**Date Application Deemed Complete:** May 26, 2006

**End of 60 Day Decision Period:** July 25, 2006

**Ward:** 11     **Neighborhood Organization:** Tangletown

**Existing Zoning:** C2 Neighborhood Corridor Commercial District & R5 Residential.  
TP Transitional Parking Overlay District

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

**Zoning Plate Number:** 36

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

**Existing Use:** Grocery Store.

**Concurrent Review:**

**Site Plan Review:** Modification of the existing site plan to allow an approximately 1,513 square foot addition to the rear of the building.

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

**Prior Approvals and Background:** The City Planning Commission approved a site plan for Kowalski's in July of 2002 (BZZ-694 & PW#7182). The City Planning Commission approved a conditional use permit (BZZ-1591) for 24 hour operation at the site on February 23, 2004. A modification to the site plan (BZZ-1832 & PW-7799) was approved by the City Planning Commission in 2004 to allow a small cooler addition to the rear of the building as well as cub cut modifications on Lyndale Avenue and fencing modifications on Garfield Avenue. The site is in conformance with the approved site plan.

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Kowalski's now proposes to add a 1,513 square foot addition to the rear (east) side of the building to improve storage and loading areas and to minimize impacts on nearby residential properties. Trash compactors and dumpsters will be relocated to new enclosures that meet the requirements of the zoning code. Additions over 1,000 square feet that face a public right-of-way require site plan review.

The site is in the Tangletown neighborhood and is adjacent to the Lynnhurst neighborhood. Kowalski's notified the Tangletown and Lynnhurst neighborhoods and the Kenny, Windom, and Hale-Page-Diamond Lake neighborhoods as well. As of the writing of this report, staff has not received any comments from the neighborhood groups.

### **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.

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- **Entrances and windows:**
  - **Residential uses:**

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

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

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

    - a. Windows shall be vertical in proportion.
    - b. Windows shall be distributed in a more or less even manner.
    - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
    - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
    - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
    - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

Minimum window area shall be measured as indicated in section 530.20 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 building is located up to the property line on Lyndale Avenue, but is setback approximately 97 feet from Garfield Avenue. The addition will be to the rear of the existing structure and will extend out approximately 17 feet. It is not practical to require this addition to be up to the Garfield property line due to the location of the existing structure and staff is recommending alternative compliance.

The area between the building and the lot lines contains landscaping and parking. The principal entrance for the structure faces Lyndale Avenue, which is the front of the building.

The building facades of the addition will contain architectural detail including bricks and a cornice to match the south and west sides of the building. Part of the addition for the loading area will be masonry block painted to match the rest of the building. Plain faced concrete blocks are prohibited, so a type of masonry block other than plain faced is required. There is a blank uninterrupted façade of greater than 25 feet along the east side of the addition. Staff recommends the addition of architectural detail, such as recesses or projections, to interrupt the blank wall in this area.

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There are no windows on the east side of the building and no windows are proposed. This part of the building is used for loading and storage, so windows are impractical and would not provide views into and out of the structure due to the storage of materials. Staff recommends granting alternative compliance to allow architectural detail in lieu of windows.

The addition to the structure has a flat roof which is compatible with the style of this structure and adjacent commercial buildings.

### **ACCESS AND CIRCULATION:**

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.
- Site plans shall minimize the use of impervious surfaces.

The entrances to the building open onto the public sidewalks. Public Works and the Fire Department have reviewed the site plan for access and circulation and find them acceptable. Much of the site is covered by buildings, drives and walkways, but impervious will not increase from previously approved site plans. The building addition will cover area that was previously used for parking. A small landscaping area that will be removed will be replaced on the south side of the building for a net increase in landscaped area.

### **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.

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- 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 site is 51,350 square feet and the building foot print with the addition is 22,429 square feet. This leaves 28,921 square feet of site area without a building. Twenty percent of this is 5,784 square feet of required landscaping. The applicant is providing 2,867 square feet or approximately 9 percent of the site minus the building. Twelve trees are required and 8 are provided. Fifty-eight bushes are required and approximately 75 are provided. The landscaping plan and yards were approved as apart of site plan review in 2002 and 2004 and the site is in compliance with these approvals. Staff recommends granting alternative compliance for the number of trees, landscaping yards, and distance of parking from trees due to the fact that this is in conformance with previously approved site plans and that the addition is not eliminating reducing any of the landscaping requirements.

### **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.
- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- 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 lighting will comply with Chapters 535 and 541 including the following standards:

**535.590. Lighting.** (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or

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otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

The City's CPTED officer has recommended that all plantings follow the 3' – 7' rule to allow visibility into the site and that lighting be provided for security purposes.

The parking lot is bounded by the required curbing and screening.

The building addition will not significantly shadow neighboring properties, block significant views of the city, or generate wind currents at the ground level.

The structure is not historic.

### **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 is a permitted use in the C2 District.

**Off-Street Parking and Loading:** The zoning code requires 62 parking spaces and 80 are provided. Two handicapped accessible spaces are required, one of which one is required to be van accessible; three are provided, of which two are accessible.

**Maximum Floor Area:** The maximum FAR in the C2 District is 1.7. The zoning lot in question is 51,350 square feet in area. The applicant proposes 22,429 square feet of gross floor area, an FAR of 0.4.

**Building Height:** Building height in the C2 District is limited to 2.5 stories or 35 feet, whichever is less. The existing building and addition are one story.

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**Minimum Lot Area:** There is no minimum lot area for this use.

**Yard Requirements:** This site has a 15 foot setback along Garfield Avenue and the rest of the site is not required to provide setbacks. The addition will be setback almost 80 feet from Garfield Avenue.

**Specific Development Standards:** The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for the purposes of removing any litter found thereon.

**Hours of Operation:** This site received a conditional use permit for 24 hour operation in 2004.

**Signs:** Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. The existing signage is in compliance with the code and no new signage is proposed.

**Refuse storage:** 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. The applicant will provide a trash enclosure that meets the requirements of the code.

**MINNEAPOLIS PLAN:** *The Minneapolis Plan* identifies this part of Lyndale Avenue as a community corridor. The plan states the following about community corridors: “Community Corridors are locations that support new residential development at medium density and increased housing diversity in our neighborhoods. They support limited commercial uses, which are measured against their impacts on residential character, such as the production of fumes or noise or negative aesthetics. Design and development along these streets is oriented towards the pedestrian experience. The streets, which form the spine of the community corridors, carry fairly high volumes of traffic, but must balance vehicular travel against residential quality of life. These streets are also important identifiers and travel routes for neighborhood residents and pass-through traffic.” The proposed site improvements are in conformance with these polices of the comprehensive plan.

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### **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 existing building is located up to the property line on Lyndale Avenue, but is setback approximately 97 feet from Garfield Avenue. The addition will be to the rear of the existing structure and will extend out approximately 17 feet. It is not practical to require this addition to be up to the Garfield property line due to the location of the existing structure and staff is recommending alternative compliance.

Part of the addition for the loading area will be masonry block painted to match the rest of the building. Plain faced concrete blocks are prohibited, so a type of masonry block other than plain faced is required. There is a blank uninterrupted façade of greater than 25 feet along the east side of the addition. Staff does not recommend alternative compliance and recommends the addition of architectural detail, such as recesses or projections, to interrupt the blank wall in this area.

There are no windows on the east side of the building and no windows are proposed. This part of the building is used for loading and storage, so windows are impractical and would not provide views into and out of the structure due to the storage of materials. Staff recommends granting alternative compliance to allow architectural detail in lieu of windows.

The landscaping plan and yards were approved as part of site plan review in 2002 and 2004 and the site is in compliance with these approvals. Staff recommends granting alternative compliance for the number of trees, landscaping yards, and distance of parking from trees due to the fact that this is in conformance with previously approved site plans and that the addition is not eliminating reducing any of the landscaping requirements.

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### **RECOMMENDATION**

#### **Recommendation of the Community Planning and Economic Development Department - Planning Division for the site plan review:**

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the site plan review modifications for the Kowalski's store located at 5327 Lyndale Avenue South subject to the following conditions:

- 1) Staff review and approval of the final site plan and elevation before building permits may be issued. All site improvements shall be completed by June 26, 2007 (unless extended by the Zoning Administrator).
- 2) The use of plain faced concrete block is prohibited.
- 3) Provision of architectural detail such as recesses and projections to interrupt blank facades on the east side of the addition that are greater than 25 feet.
- 4) Compliance with previous Planning Commission approvals for the Kowalski's store.

#### **Attachments:**

1. Statement from applicant.
2. Zoning map.
3. Site plans and elevations.
4. Photos.