

Department of Community Planning and Economic Development – Planning Division
Site Plan Review
BZZ-5311

Date: October 3, 2011

Applicant: Sal Elazab with ABRO, LLC

Addresses of Property: 424 Hennepin Avenue

Project Name: Liquid One Night Club and Bar

Contact Person and Phone: George Barr with Barr-Nelson, Inc., (763) 355-0322

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: September 16, 2011

End of 60-Day Decision Period: November 15, 2011

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

Ward: 7 **Neighborhood Organization:** Downtown Minneapolis Neighborhood Association

Existing Zoning: B4S-2, Downtown Service District with the DP Downtown Parking Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 19

Legal Description: Not applicable for this application

Proposed Use: Nightclub

Concurrent Review:
Site plan review

Applicable zoning code provisions: Chapter 530 Site Plan Review.

Background: The applicant is proposing to convert the existing building located at 424 Hennepin Avenue to a new nightclub. Please note that Augie's, an adult entertainment center, will remain on the first floor of the building facing Hennepin Avenue. The nightclub will have three levels. On the first floor there will be a kitchen and table seating along with a bar. On the second floor there will be a bar with a VIP area and a dance floor. And on the third floor there will be an outdoor bar area.

Proposed additions to the building would total more than 1,000 square feet, which is the threshold for requiring a site plan review application. There will be two new stairways built. One will be located on the corner of the building facing Hennepin Avenue and Fifth Street North. This stairway will provide access to the second and rooftop levels of the building. The other stairway will be located on the back side of the building. This stairway will be used as an emergency exit. Other changes to the building include new exterior materials, new windows, an additional elevator and a rooftop bar.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- 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, windows, and active functions:**
 - **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.**
 - g. **In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.**

- **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
- **Ground floor active functions: Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.**
- **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.**

PLANNING DIVISION RESPONSE:

- The building reinforces the street wall, facilitates pedestrian access and maximizes natural surveillance. The building is located up to the front property lines, there are entrances and exits at street level that can be accessed by patrons and employees and there are large windows on both street sides of the building that maximize the opportunities for people to observe adjacent spaces and the public sidewalks.
- The building is located up to the front property lines along both Hennepin Avenue and Fifth Street North.
- There is a principal entrance on both Hennepin Avenue and Fifth Street North. Both entrances lead into one vestibule.
- There will be no on-site parking provided.
- The exterior of the building will be rehabilitated. The proposed exterior materials of the building include stone, metal, glass and burnished block. Only the Hennepin Avenue and Fifth Street North sides of the building will be rehabilitated.
- There are no areas of the building that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements.
- At least 30 percent of the first or ground floor and at least 10 percent of the upper floors of the building that face a public street, public sidewalk, public pathway, or on-site parking lot are required to be windows. The window requirement pertains to the Hennepin Avenue and Fifth Street North sides of the building. Please note that the minimum window calculation for the first floor of the building is measured between two and ten feet above the adjacent grade. The analysis of the project's compliance with these requirements follows:
 - Hennepin Avenue: the percentage of windows on the first floor is 30 percent and the percentage of windows on the second floor of the building is 41 percent.
 - Fifth Street North: the percentage of windows on the first floor is 39 percent and the percentage of windows on the second floor of the building is 28 percent
- The windows are vertical in nature and are evenly distributed along the building walls.

- First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher. The Planning Division is recommending that this be a condition of approval.
- One-hundred percent of the building frontage along both Hennepin Avenue and Fifth Street North contains active functions.
- The principal roof line of the building will be flat. The stairway addition facing Hennepin Avenue and Fifth Street North will have a shed roof.

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.**

PLANNING DIVISION RESPONSE:

- The principal entrances on both Hennepin Avenue and Fifth Street North open directly to the public sidewalk.
- No transit shelters are proposed as part of this development.
- There will be no on-site parking provided.
- There are no public alleys adjacent to the site.
- There is no maximum impervious surface requirement in the B4S zoning district. According to the materials submitted by the applicant the entire site will be impervious.

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.**

PLANNING DIVISION RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the entire site is 6,467 square feet. The footprint of the buildings is 5,855 square feet. When you subtract the footprint from the lot size the resulting number is 612 square feet. Twenty percent of this number is 122 square feet. According to the materials submitted by the applicant there won't be any landscaping provided on the site. The Planning Division believes that strict adherence to the requirements is impractical given the size of the site and the footprint of the building. The only area of the site that is not occupied by the building is the area on either side of the emergency exit stairway on the west side of the property. These areas of the site need to remain open for exiting purposes.
- The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement for this site is one and six respectively. The applicant is proposing to have zero canopy trees and zero shrubs on the site. The Planning Division believes that strict adherence to the requirements is impractical given the size of the site and the footprint of the building. The only area of the site that is not occupied by the building is the area on either side of the emergency exit stairway on the west side of the property. These areas of the site need to remain open for exiting purposes.

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.**

PLANNING DIVISION RESPONSE:

- There will be no on-site parking provided.
- There are no important elements of the city that will be obstructed by the proposed building additions.
- The building additions should have minimal shadowing impacts on the adjacent properties.
- The building additions should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as the building entrances are located up to the front property line, there are windows where people can see in and out along all levels of the building and there are lights located near all of the entrances.
- This site is neither historically designated nor located in a historic district.

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:

- **Use:** Nightclubs are a permitted use in the B4S zoning district. Augie's, the existing adult entertainment center located in the building, is nonconforming because of the presence of more than one such use on the block. This use will not be expanded as part of this application.
- **Off-Street Parking and Loading:**

Minimum automobile parking requirement: There is no minimum parking requirement for a nightclub in the B4S zoning district. No on-site parking is being provided.

Maximum automobile parking requirement: The maximum parking requirement for a nightclub in the B4S zoning district is one space per every 200 square feet of gross floor area. The building is 19,030 square feet in size which would have a maximum parking requirement of 95 spaces. No on-site parking is being provided.

Bicycle Parking: Nightclubs do not have a bicycle parking requirement.

Department of Community Planning and Economic Development – Planning Division
BZZ-5311

Loading: There is no loading requirement for a nightclub that is smaller than 10,000 square feet. However, for uses that do not meet the minimum size requirement for loading requirement purposes they shall provide an adequate shipping and receiving facility that is accessible by motor vehicle and located off of an adjacent alley, service drive or open space on the same zoning lot. Given the site configuration all shipping and receiving activities will have to occur within the public right-of-way.

- **Maximum Floor Area:** The minimum FAR in the B4S-2 zoning district is 2.0 and the maximum FAR in the B4S-2 zoning district is 8.0. The lot in question is 6,467 square feet in area. The applicant proposes a total of 19,030 square feet of gross floor area, an FAR of 2.94.
- **Building Height:** There is no height limitation in the B4S-2 zoning district.
- **Minimum Lot Area:** There is no minimum lot area requirement for a nightclub in the B4S-2 zoning district.
- **Dwelling Units per Acre:** Not applicable for this development.
- **Yard Requirements:** There are no yard requirements for this development.
- **Specific Development Standards:** Nightclubs are subject to specific development standards:

Nightclub

- (1) Where alcoholic beverages are served, the use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.
 - (2) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
 - (3) Nightclubs established or expanded after the effective date of this ordinance shall be located at least five hundred (500) feet from a residence or office residence district boundary.
- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the B4S zoning district one can have two-and-a-half square feet of signage for every one foot of primary building wall. Wall signs are limited to 120 square feet in size. Projecting signs are limited to 48 square feet in size. The height limitation for both wall signs and projecting signs is 28 feet. Freestanding signs are limited to 32 square feet and can be no taller than 8 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one. The applicant is in the process of developing a sign plan.
 - **Refuse storage:** The trash and recycling containers are located outside between the building and the west property line. The area is screened from the public street and sidewalk by a solid wood fence.
 - **Lighting:** A lighting plan showing footcandles was not submitted as part of the application materials. The Planning Division is recommending that the final lighting plan conform to the standards of Chapter 535, Regulations of General Applicability.

MINNEAPOLIS PLAN:

This site is located on the northwest corner of Hennepin Avenue and Fifth Street North in downtown Minneapolis. Hennepin Avenue is a designated Commercial Corridor and Downtown Minneapolis is a designated Growth Center in *The Minneapolis Plan for Sustainable Growth*. The site is also located in the designated Warehouse District Activity Center in *The Minneapolis Plan for Sustainable Growth*. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the site as Mixed Use. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Support development along Commercial Corridors that enhances the street’s character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic (Land Use Policy 1.10).
- Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character. (Land Use Policy 1.12).
- Support development of Growth Centers as locations for concentration of jobs and housing, and supporting services (Land Use Policy 1.15).
- Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks (Implementation Step 10.6.1).
- Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses (Implementation Step 10.6.3).
- Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces (Implementation Step 10.6.4).
- Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level (Implementation Step 10.6.5).

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

The site is located within the boundaries of the *Downtown East/North Loop Master Plan* which was adopted by the Minneapolis City Council in October of 2003. The future land use map in the *Downtown East/North Loop Master Plan* designates the site as mixed use. The plan calls for building heights between five and 13 stories. The Planning Division believes that the proposed development is in conformance with the recommendations of the *Downtown East/North Loop Master Plan*.

ALTERNATIVE COMPLIANCE:

- **The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:**
- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural**

environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.

- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

PLANNING DEPARTMENT RESPONSE:

- Alternative compliance is not needed for this development.

RECOMMENDATIONS:

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for the property located at 424 Hennepin Avenue subject to the following conditions:

1. The first floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher
2. The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
3. No signs shall be installed without first obtaining a sign permit.
4. The final lighting plan shall conform to the standards of Chapter 535, Regulations of General Applicability.
5. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
6. All site improvements shall be completed by October 3, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Department of Community Planning and Economic Development – Planning Division
BZZ-5311

Attachments:

1. Project description
2. July 12, 2011, letter to Council Member Goodman, the Downtown Minneapolis Neighborhood Association and the Warehouse District Business Association
3. August 10, 2011, letter from the Downtown Minneapolis Neighborhood Association
4. Zoning map
5. Site plan, floor plans and elevations
6. Photos of the site and the surrounding area