

Department of Community Planning and Economic Development – Planning Division
Expansion of a Nonconforming Use and Site Plan Review
BZZ – 5482

Date: April 9, 2012

Applicant: Karmel Properties, LLC

Address of Property: 2910 Pillsbury Avenue

Project Name: Karmel Plaza

Contact Person and Phone: Basim Sabri, (612) 825-4433

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: March 7, 2012

End of 60-Day Decision Period: May 6, 2012

Ward: 6 **Neighborhood Organization:** Whittier Alliance

Existing Zoning: I1 Light Industrial District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 25

Legal Description: Not applicable for this application

Existing Uses: Shopping center

Proposed Use: Shopping center and self-service storage

Concurrent Review:

Expansion of a nonconforming use for additions to the shopping center.

Site plan review amendment.

Applicable zoning code provisions: Chapter 530 Site Plan Review and Chapter 531 Nonconforming Uses and Structures, Section 531.50(b).

Background: At the property of 2910 Pillsbury Avenue South, the applicant proposes to add onto the existing building. In 2010, several additions to the building were approved by the planning commission. This proposal includes enclosing portions of the canopies on the ground floor that were not previously proposed to be enclosed. A total of 2,195 square feet is proposed to be added to the ground floor. One of the enclosures includes a parking booth addition that was built on the southeast corner of the building without a building permit. Although more information was requested for the other ground floor additions, the applicant has not indicated how they will be used. This proposal also

CPED Planning Division Report
BZZ – 5482

includes constructing a third story. The approximately 25,274 square foot third-story addition would be used for self-service storage. A third-story was previously approved for self-service storage, but was required to be set back one structural bay, or approximately 20 feet, so that the shadow on the Midtown Greenway is no more than the current two-story building. The proposed third-story would be set back one structural bay, except for a 51.5 foot wide extension. Finally, canopies extending over the parking lot gate arms, next to the entrance and exit, are proposed. These canopies have started to be constructed, but building permits have not been obtained for them. Since last reviewed by the planning commission, the applicant installed the gate arms and changed the vehicle entrance to Pleasant Avenue and the vehicle exit to Pillsbury Avenue to help ease congestion in the public streets. These measures were at one time included in the travel demand management plan drafted for this site that was encouraged by Public Works Department staff and Planning staff.

A site plan review application is required for any addition to a nonresidential building that would increase its floor area by 1,000 square feet or more. Because a site plan review application was previously approved for this site, the applicant is requesting an amendment. The commercial uses, including general retail sales and services uses, coffee shops, delicatessens, and sit down restaurants with limited entertainment, offices, a place of assembly (tenant prayer room), food and beverage production, and a developmental achievement center, on the first and second floors are part of a shopping center. A shopping center is not a permitted use in the I1 district. The original development proposed an ethnic market. The ethnic market was classified as a farmers' market. At the time, the zoning code did not include a definition for farmers' markets. The farmers' market that was approved for this site does not comply with the definition that was adopted in July of 2006, but the building was constructed and the use was established prior to the code change. Under today's code, the ethnic market that does not comply with the definition of farmers' market is considered a shopping center. Because the use was legally established, any expansion requires an expansion of nonconforming use application. With the exception of the parking booth addition, the ground floor additions are expanding the shopping center.

The following is a summary of the land use application history for this site. In 2001, the city planning commission (CPC) approved a conditional use permit and site plan review application to allow a multiple-tenant development with offices, restaurant space, and an ethnic market (farmers' market). The City Council also approved the vacation of Elroy Street (ran east/west on the south end of the site). The CPC approvals expired and the applicant reapplied for the same applications to allow the same proposal. In 2003, the CPC approved the proposal again. The action was appealed by the neighborhood group, but the City Council upheld the CPC decision. Before constructing the existing building, the applicant submitted applications to allow a larger development adding multiple-family residential with 72 units into the mix of proposed uses in 2004. The CPC granted partial approval of the proposed development, but denied the CUP for the farmers' market. The applicant appealed the CUP denial and the neighborhood group appealed the rest of the CPC actions, but the City Council upheld the CPC decision. With the exception of denying the CUP for the farmers' market, the mayor vetoed the City Council's decision. Following the veto, the council denied all of the applications. Although these applications were denied, the previous approvals had not expired yet and the project that was approved in 2003, with some administratively approved changes, was allowed to be constructed. (The CPC actions from 2003 and the final site plan that was approved are attached for reference.) In 2010, the applicant obtained approvals for an expansion of a nonconforming use and a site plan review amendment (the CPC actions and the final site plan that was approved in 2010 are also attached for reference). With the exception of landscaping improvements, signage and areas still under

construction, the zoning administrator determined that the site was substantially in compliance with the previous approvals to allow the applicant to submit a new land use application.

Although the proposed changes to the site plan require a land use application amendment, the project was not required to be reviewed at a Preliminary Development Review (PDR) meeting involving various City departments.

As of the writing of this staff report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

EXPANSION OF A NONCONFORMING USE: for additions to the shopping center.

Findings as Required by the Minneapolis Zoning Code:

The Planning Commission may approve an application if it meets the following standards and all other applicable regulations in the zoning ordinance (this section shall not authorize a use prohibited in the zoning district in which it is located to be expanded beyond the boundaries of its zoning lot):

1. A rezoning of the property would be inappropriate.

The site is zoned I1 Light Industrial District. The *Minneapolis Plan for Sustainable Growth* designates the future land use for this site as urban neighborhood. The site is located half a block from Lake Street, which is designated as a commercial corridor. It is also located between the Lyn-Lake and Nicollet and Lake activity centers. These activity centers are located five blocks apart. The *Midtown Greenway Land Use and Development Plan*, adopted by the City Council in 2007 (after the original site plan approval was obtained), calls for high density housing (40-120 units per acre) on this site. The Midtown Greenway Rezoning Study was completed in April of 2010. Although Planning staff and the City Planning Commission recommended rezoning the site to the R5 Multifamily Residential District, the City Council did not change the zoning. If the site were to be rezoned, a high density residential district would be most appropriate to be consistent with the adopted policies affecting this site. Shopping centers are not a permitted use in the residence districts; therefore the nonconforming status of the use would not change. For this proposal, a rezoning is not appropriate.

2. The enlargement, expansion, relocation, structural alteration or intensification will be compatible with adjacent property and the neighborhood.

There is a mix of residential and nonresidential uses in the immediate area. The Midtown Greenway is located immediately north of the site. The expansion would fill in space under an existing canopy facing the interior parking lot and the greenway. The amount of floor area proposed to be added to the shopping center is approximately 2,050 square feet. If the additional floor area would be used to expand existing tenants, there should not be significant increases in traffic that would affect the surrounding properties and neighborhood.

3. The enlargement, expansion, relocation, structural alteration or intensification will not result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion.

The amount of floor area proposed to be added to the shopping center is approximately 2,050 square feet. Staff is recommending that the additions only be allowed to expand existing tenant spaces. To reduce and meet the minimum parking requirement for the expansion, the applicant is providing 40 bicycle parking spaces to qualify for the bicycle incentive authorized by Chapter 541 of the zoning code. If the staff recommendation is adopted, there should not be significant increases in adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion.

4. The enlargement, expansion, relocation, structural alteration or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.

The applicant has indicated that the open areas under the canopy have become a haven for loitering and other nefarious activity. Enclosing these areas and connecting them to the adjacent tenant spaces should improve safety. Additional storefront windows will be added with the expansion. The additional wall area should allow tenants more display area without covering up windows. This should improve the appearance of the development. Opening up the windows would allow views into and out of the building. As a condition of approval of the site plan review, staff is recommending that the planning commission require several conditions that would increase views into and out of the building from the ground floor.

5. In districts in which residential uses are allowed, the enlargement, expansion, relocation, structural alteration or intensification will not result in the creation or presence of more dwelling units on the subject property than is allowed by the regulations of the district in which the property is located.

No dwelling units are proposed.

6. The enlargement, expansion, relocation, structural alteration or intensification will not be located in the Floodway District.

The property is not located in the Floodway District.

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the 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 the 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.**

CPED Planning Division Report

BZZ – 5482

- **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.**

CPED Planning Division Report
BZZ – 5482

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.
- 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.

Conformance with above requirements:

- The existing building is built up to the lot lines adjacent to Pleasant and Pillsbury Avenues.
- The principal entrances face the parking lot at the interior of the site as approved in the previous site plan review approval. Multiple entrances to individual businesses and corridors are also oriented towards the adjacent streets or the parking area. The applicant is proposing to add a principal common entrance facing Pillsbury Avenue.
- Parking is located at the interior of the site and within the building below-grade.
- On all building elevations, windows would be used to divide the additions into smaller identifiable sections. On the north elevation, the existing parapet roofline is flat for the entire length of the building. With the addition, the applicant would vary the height of the parapet wall to break up the roofline.
- There would not be any blank, uninterrupted walls exceeding 25 feet in length on the additions.
- The existing primary exterior material is stucco. The proposed materials for the additions are stucco, hardi-panel siding with a stucco texture, glass and metal panels. These materials are durable. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.
- All sides of the building would be compatible and similar to each other.
- Plain face concrete block would not be used as a primary exterior building material.
- A new principal common entrance is proposed on the Pillsbury Avenue side of the building. It would be surrounded by windows to emphasize its importance.
- The first floor exterior walls of each building addition faces a public street, an on-site parking area, or a public pathway, therefore they are all subject to the minimum window requirements.¹
 - On the north elevation facing the greenway, 19.2 percent of the first floor wall would be windows that allow views into and out of the majority of the floor area of adjacent tenant spaces. This is the amount that currently exists. When the site plan review was originally approved, window requirements did not apply to walls facing a public pathway. However, the

¹ One of the main purposes for the window requirements is to maximize natural surveillance and visibility to the adjacent streets, parking area, and public pathway. When walls within close proximity to exterior windows block views into and out of the majority of a tenant space, the intent of the window requirements is not met. For the purposes of determining whether or not the amount of windows proposed meets the site plan review standard, only the windows that allow views into and out of the majority of the floor area of adjacent tenant spaces are used. It appears that the additions would not result in any existing tenant space increasing its floor area by more than 50 percent. When the percentage is less than 30 percent, alternative compliance is required. The one exception to this rule is the north wall facing the Midtown Greenway because the window requirements did not apply to walls facing a public pathway when the site plan review was originally approved and the applicant is not proposing to reduce the amount of windows that provide views into and out of the building along this side.

CPED Planning Division Report
BZZ – 5482

new addition walls facing the Midtown Greenway are subject to the 30 percent requirement. The overall amount of proposed windows on the first floor is 30.1 percent.

- On the east elevation facing Pillsbury Avenue, the overall amount of windows is proposed to be reduced from 25.5 to 22.6 percent (a 50 square foot reduction). No windows are proposed on the parking booth addition and a window would be removed and replaced by a new principal entrance. Alternative compliance is requested.
- On the south elevation facing the parking lot, the overall amount of windows is proposed to be reduced by 60 square feet from 37 to 34.9 percent.
- On the third floor addition walls, at least 10 percent of each wall must be windows. No changes are proposed from what was previously approved by the planning commission on the walls facing the parking area. The applicant is proposing a 51.5 foot wide addition that would extend to the north wall of the second floor. The following is the overall amount of each altered elevation that would be windows:
 - Pillsbury Ave (east): 8.5%
 - Pleasant Ave (west): 8.5%
 - Wall facing the Midtown Greenway (north): 10.5%

The planning commission did not previously grant alternative compliance for the window requirements on the street facing elevations. Alternative compliance is requested.

- All windows would all be vertical in proportion and distributed in a more or less even manner.
- Because many of the ground floor windows are blocked by merchandise, signage, shelving, or by other means and do not allow views into and out of the building at eye level, the planning commission required as a condition of approval of the previous site plan review that these and similar fixtures not block views into and out of the building between four and seven feet. This condition of approval is still in effect.
- Not all of the individual tenant spaces comply with the standard requiring that each individual ground level tenant space that faces a public street, public pathway or on-site parking lot must comply with the minimum window requirements. None of the proposed changes would increase noncompliance with this requirement.
- Ground floor active functions occupy 70 percent or more of the walls fronting a public street and public pathway.
- A flat roof is proposed. Most of the buildings in the immediate area have flat roofs.

ACCESS AND CIRCULATION:

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

Conformance with above requirements:

- The site plan that was originally approved showed unobstructed walkways connecting to the public sidewalks on Pleasant and Pillsbury Avenue and leading to the on-site parking area and main entrance. The plan did not show the fence that has been installed extending into the public rights-of-way. In 2010, the fence with no gates blocked both pedestrian walkways forcing pedestrians to enter the site by walking through the vehicle access points. To address the issues with pedestrian

CPED Planning Division Report
BZZ – 5482

access, the planning commission required the applicant to provide pedestrian access separate from the driveways that met the following conditions:

- 1) Pedestrian access shall be provided from both Pillsbury Avenue and Pleasant Avenue.
- 2) Handicap accessible walkways at least four feet in width shall connect to the public sidewalks.
- 3) The pedestrian access shall be open during business hours.

The pedestrian access from Pleasant Avenue now complies with these requirements. The parking booth addition has been constructed where the pedestrian access from Pillsbury Avenue was required. Therefore, the applicant is proposing to create another public common entrance on the Pillsbury Avenue elevation that will connect to the public sidewalk with a 5-foot wide walkway. A 4-foot wide walkway provides access to entrances facing the parking lot.

- A transit shelter is not adjacent to the site.
- Vehicles enter through a curb cut on Pleasant Avenue. Vehicles exit through a curb cut on Pillsbury Avenue. Circulation is designed to occur on-site. The site is not adjacent to an alley. Some residential uses are located in the immediate area. Staff is not aware of any conflicts created by the existing access location and circulation on pedestrians and surrounding residential properties.
- The applicant is not proposing to increase the amount of impervious surface from what was previously approved. Paved surfaces are used for required parking and driveways.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
 - **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year.**
- **Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

Conformance with above requirements:

- The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 82,372 square feet. The building footprint is approximately 38,238 square feet not including the canopies. The lot area minus the building footprints therefore consists of approximately 44,134 square feet. At least 20 percent of the net site area (8,827 square feet) must be landscaped. According to the landscaping plan, 10,915 square feet of the site is landscaped. That is equal to 24.7 percent of the net lot area. This amount has not changed from what was approved in 2010.
- The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The remainder of the landscaped area must be covered with turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. The tree and shrub requirement for this site is 18 and 88 respectfully. Eighteen trees and 214 shrubs are proposed on-site. This amount has not changed from what was approved in 2010.
- A landscaped yard at least 7 feet wide and screening that is 60 percent opaque and 3 feet in height is required between the parking area and the adjacent streets. A 7-foot wide landscaped yard and shrubs that meet the screening requirements would be provided.
- In 2010, the planning commission granted alternative compliance to allow all but six surface parking spaces to be located within 50 feet of an on-site deciduous canopy tree. This has not changed.

ADDITIONAL STANDARDS:

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
 - Natural surveillance and visibility
 - Lighting levels
 - Territorial reinforcement and space delineation
 - Natural access control
- To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

Conformance with above requirements:

- Continuous concrete curbing is installed around the surface parking area. Curbing is discontinued at the east and west sides to allow water to drain to catch basins.
- The building additions should not impede any views of important elements of the city.
- The applicant has not submitted an updated shadow study to show what effects the third floor extension would have on the Midtown Greenway. A shadow study from the 2010 application is attached to this report for reference. East to west, the total width of the building is 350 feet. All but 51.5 feet of the third floor would be setback 63 feet from the north property line adjacent to the Greenway. The 51.5-foot wide extension would be set back 43 feet from the lot line and is part of the third floor that has been started to be constructed. According to the study, the greenway would mainly be affected November through January. In 2010, the planning commission required the

applicant to set the third floor back one structural bay, or approximately 20 feet, so that the shadow on the greenway is no more than the current two-story building. Because the proposed extension would shadow the greenway more than the existing two-story building, staff is recommending that the condition of approval remain in effect.

- Wind currents should not be of major concern.
- With the addition of the new Pillsbury Avenue entrance and continued implementation of the previous conditions of approval, the site plan will employ best practices that increase natural surveillance and visibility, control and guide movement through the site, and distinguish between public and non-public spaces with crime prevention design elements.
- No demolition of existing structures is proposed.

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 site is zoned I1. Self-service storage in the I1 district is a permitted use. The existing shopping center is not a permitted use in the I1 district, but was legally established. Therefore it is a legally nonconforming use.

Parking and Loading:

Minimum automobile parking requirements: The minimum parking requirement for a shopping center is determined by the zoning administrator based on the principal uses in the shopping center. The shopping center contains a mix of uses including general retail sales and services uses, coffee shops, delicatessens, and sit down restaurants with limited entertainment (each less than 2,000 square feet), offices, a place of assembly (tenant prayer room), food and beverage production, and a developmental achievement center. The zoning administrator determined that the parking requirement for the shopping center uses located on the first and second floors shall be one space per 500 square feet of the gross floor area in excess of 4,000 square feet with the following exceptions and conditions:

- The place of assembly (tenant prayer room) shall be subject to the respective minimum parking requirement identified in Table 541-1 of the zoning code.
- Any coffee shop, delicatessen, fast food restaurant, and sit down restaurant exceeding 2,000 square feet shall be subject to the respective minimum parking requirements identified in Table 541-1 of the zoning code.
- Any nightclub or restaurant with general entertainment shall be subject to the respective minimum parking requirements identified in Table 541-1 of the zoning code.
- All Commercial Recreation, Entertainment and Lodging uses shall be subject to the respective minimum parking requirements identified in Table 541-1 of the zoning code. Indoor recreation areas with pool or billiards are subject to a minimum parking requirement of parking equal to 30 percent of the capacity of persons.

All of the uses shown on the first and second floor plans, with the exception of the place of assembly, are collectively subject to the requirement of one space per 500 square feet of the gross floor area in excess of 4,000 square feet. These uses would occupy 64,329 square feet; therefore the minimum parking requirement for these uses is 121 spaces. The minimum parking requirement for a place of assembly is parking equal to 10 percent of the capacity of persons in the main auditorium and any

CPED Planning Division Report
BZZ – 5482

rooms which can be added to the main auditorium by opening doors or windows to obtain audio or visual unity. The place of assembly occupies approximately 3,370 square feet, therefore the minimum parking requirement is 22 spaces. The minimum parking requirement for self-service storage is equal to one space per 3,000 square feet of gross floor area of warehousing up to 30,000 square feet plus one space per 5,000 square feet of gross floor area of warehousing over 30,000 square feet. The self-service storage use would occupy the entire third floor (approximately 25,274 square feet of floor area), which would require a minimum of 8 parking spaces. The total minimum parking requirement equals 151 spaces. A total of 158 spaces (not including the two for emergency vehicles) would be provided. Of those spaces, 21 must be used to meet the parking requirement for the adjacent Karmel Square development. To make up the 14 space difference, the applicant is proposing to provide additional bicycle parking to qualify for the bicycle incentive authorized by section 541.220 of the zoning code. By providing bicycle parking equal to 25 percent of the number of required automobile parking spaces (38 spaces), the minimum automobile parking requirement can be reduced by 10 percent (15 spaces) or 25 spaces, whichever is less. The bicycle parking must comply with the standards for required parking and must exceed the minimum bicycle parking requirement by at least one space. The applicant would provide 40 short term spaces. As a result, the minimum automobile parking requirement is reduced to 136 spaces.

At least 75 percent of the required spaces are required to comply with the minimum dimensions for standard spaces, or 102 spaces for this proposal. The remaining required spaces must comply with the minimum dimensions for compact spaces. The plans show that 14 spaces are compact spaces and the rest of the spaces would comply with the standard size requirements. Accessible parking spaces are also required in both the below-grade and surface parking areas. At least four accessible spaces are required below-grade and at least three are required in the surface parking area. Four accessible spaces would be provided in each of the parking areas.

Maximum automobile parking requirements: The maximum parking requirement for a shopping center is one space per 200 square feet of gross floor area. The shopping center would occupy a total of 67,699 square feet, therefore the maximum parking requirement is 338 spaces. The maximum parking requirement for self-service storage is one space per 1,500 square feet of gross floor area of warehousing up to 30,000 square feet plus one space per 2,500 square feet of gross floor area of warehousing over 30,000 square feet. The self-service storage would occupy the entire third floor (approximately 25,274 square feet of floor area), which is a maximum of 17 parking spaces. The total maximum parking requirement is 355 spaces. The plans show that a total of 139 spaces (including the two emergency vehicle spaces) would be provided for Karmel Plaza.

Bicycle parking requirement: There is not a bicycle parking requirement for self-service storage. The minimum bicycle parking requirement for a shopping center is three spaces or one space per 5,000 square feet of gross floor area (14 spaces), whichever is greater. For a shopping center, not less than 50 percent of the required spaces must meet the standards for short-term parking. Most of the tenant spaces were constructed before the minimum bicycle parking requirements took effect in 2009. However, providing bicycle lock-up facilities with a capacity of at least 20 bicycles was a condition of the previous site plan review approval. The site plan shows that 40 bicycle parking spaces would be provided. At least 38 bicycle spaces are required to be provided to qualify for the incentive to reduce the minimum automobile parking requirement.

Loading: The minimum loading requirement for self-service storage uses with a total floor area between 10,001 and 30,000 square feet is one large space. The minimum loading requirement for a

CPED Planning Division Report
BZZ – 5482

shopping center is as determined by conditional use permit. Because the shopping center was originally established as a farmers' market and is a nonconforming use in the I1 district, the zoning administrator determined that the loading requirement would be based on the principal uses in the shopping center. When a development includes more than one nonresidential use with a low, medium, or high loading requirement, the square footage of uses within the same rating category are added together in order to determine the number of required loading spaces. The majority of the uses fall into a low rating. When uses with a low rating occupy between 50,001 and 100,000 square feet of gross floor area, a minimum of two small loading spaces are required. Therefore, a total of one large and two small loading spaces are required. The applicant is proposing to provide two large and two small spaces.

Maximum Floor Area: The lot area is 82,372 square feet. The maximum FAR allowed in the I1 District is 2.7. The total floor area would be 92,973 square feet, which is an FAR of 1.13.

Minimum Lot Area: Not applicable

Dwelling Units per Acre: Not applicable

Lot Coverage: Not applicable

Impervious Surface Coverage: Not applicable

Building Height: The maximum height allowed in the I1 district is 4 stories or 56 feet, whichever is less. The proposed building would be 3 stories and 47 feet in height.

Yard Requirements: Not applicable

Specific Development Standards: Restaurants, coffee shops, and shopping centers are all subject to the following development standard:

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.

Shopping centers are also subject to two additional development standards:

- (1) Only uses allowed in the zoning district in which the shopping center is located shall be allowed in the shopping center.
- (2) Uses which require a conditional use permit, site plan review or other land use approval shall comply with all review and approval requirements of this zoning ordinance.

Because the shopping center is a legal nonconforming use, an expansion of nonconforming use application is required to add or expand any general retail sales and services uses.

Signs: The applicant has not submitted any sign information and has indicated that no new signs are proposed. Zoning enforcement is working with the applicant and individual tenants to obtain permits for any new and existing signage that is not an interior sign, including banners, that has not received a sign permit. These signs require Zoning Office review, approval, and permits. The amount of window signage is also regulated. They are allowed, provided such signage does not exceed 30 percent of the

CPED Planning Division Report
BZZ – 5482

window area, whether attached to the window or not and do not block views into and out of the building in the area between four and seven feet above the adjacent grade. Some window signage installed in the building does not comply with these requirements. Zoning enforcement is also working with the applicant on this issue.

Refuse screening: Refuse and recycling 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. An enclosed refuse storage area is provided on the north side of the building and is screened as required.

Lighting: Lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

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 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 arranged so as not to 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 source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of 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 to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

MINNEAPOLIS PLAN: The *Minneapolis Plan for Sustainable Growth* designates the future land use for this site as urban neighborhood. The site is located half a block from Lake Street, which is designated as a commercial corridor. It is also located between the Lyn-Lake and Nicollet and Lake activity centers. These activity centers are located 5 blocks apart. According to the principles and policies outlined in the plan, the following apply to this proposal:

Land Use Policy 1.6: Recognize that market conditions and neighborhood traditions significantly influence the viability of businesses in areas of the city not designated as commercial corridors and districts.

CPED Planning Division Report
BZZ – 5482

- 1.6.1 Allow for retention of existing commercial uses and zoning districts in designated Urban Neighborhood areas, to the extent they are consistent with other city goals and do not adversely impact surrounding areas.

Staff comment: The small area plan adopted for this area supports high density residential at this site, but not commercial uses, including the existing and proposed uses. The self-service storage use is a permitted use. The shopping center is a legal nonconforming use. Existing legally established nonconforming uses are allowed to remain as long as they are not discontinued for more than one year. With the adoption of the staff recommendations, any adverse affects associated with these uses should be lessened.

Urban Design Policy 10.10: Support urban design standards that emphasize a traditional urban form in commercial areas.

- 10.10.6 Require storefront window transparency to assure both natural surveillance and an inviting pedestrian experience.

Urban Design Policy 10.11: Seek new commercial development that is attractive, functional and adds value to the physical environment.

- 10.11.1 Require the location of new commercial development (office, research and development, and related light manufacturing) to take advantage of locational amenities and coexist with neighbors in mixed-use environments.
- 10.11.2 Ensure that new commercial developments maximize compatibility with surrounding neighborhoods.

Urban Design Policy 10.22: Use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land.

- 10.22.1 Integrate “eyes on the street” into building design through the use of windows to foster safer and more successful commercial areas in the city.
- 10.22.3 Design the site, landscaping, and buildings to promote natural observation and maximize the opportunities for people to observe adjacent spaces and public sidewalks.
- 10.22.5 Locate landscaping, sidewalks, lighting, fencing and building features to clearly guide pedestrian movement on or through the site and to control and restrict people to appropriate locations.

The *Midtown Greenway Land Use and Development Plan*, adopted by the City Council in 2007 (after the original site plan approval was obtained), calls for high density housing (40-120 units per acre) on this site. It defines appropriate development for this site as urban-oriented, including townhouses, small apartments (contains 4 to 16 dwelling units with surface parking), apartments, and greenway buildings.² Specific development guidelines include:

² Greenway buildings are structures that form part of the wall of the Greenway trench and may have a lower level with doors or windows that face the Greenway. Some Greenway buildings represent the rehabilitation of formerly industrial buildings.

Relationship to the Greenway

- Balconies, windows and additional entries oriented toward the Greenway are strongly encouraged.
- Solar access to the Greenway is highly important. Any given part of the Greenway trail should have exposure to the sun for much of the day. A number of strategies may be employed to achieve this objective. These include stepping back the mass of future buildings along the south side of the Greenway, giving taller buildings a relatively narrow east-west dimension, and pivoting the orientation of buildings to a diagonal that allows morning and afternoon sunlight to pass by the northeast and northwest building faces to shine on the greenway.
- Wherever possible, a minimum of 12 feet should be provided between private development and the Midtown Greenway right of way for a publicly accessible pedestrian promenade, except where a Greenway building is proposed.

Staff comment: The applicant has not submitted an updated shadow study to show what effects the third floor extension would have on the Midtown Greenway. A shadow study from the 2010 application is attached to this report for reference. East to west, the total width of the building is 350 feet. All but 51.5 feet of the third floor would be setback 63 feet from the north property line adjacent to the Greenway. The 51.5-foot wide extension would be set back 43 feet from the lot line and is part of the third floor that has been started to be constructed. According to the study, the greenway would mainly be affected November through January. In 2010, the planning commission required the applicant to set the third floor back one structural bay, or approximately 20 feet, so that the shadow on the greenway is no more than the current two-story building. Because the proposed extension would shadow the greenway more than the existing two-story building, staff is recommending that the condition of approval remain in effect.

This site is one of the locations where reserving space for a promenade is recommended because 29th Street is not directly adjacent to either side of the Greenway. Existing conditions create challenges to installing a promenade at this time, including the existing steep slope between the building, adjacent sidewalks and the greenway, it would not currently link up with other segments, and measures to prevent potential conflicts with pedestrians and vehicles from mid-block crossings have not been studied. As more redevelopment adjacent to the greenway occurs in the future, it may be more appropriate at that time to install a promenade that would connect with other segments.

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.**

CPED Planning Division Report
BZZ – 5482

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

Thirty percent window requirement

On the east elevation facing Pillsbury Avenue, the overall amount of windows is proposed to be reduced from 25.5 to 22.6 percent (a 50 square foot reduction). No windows are proposed on the parking booth addition and a window would be removed and replaced by a new principal entrance. Staff is recommending that the planning commission require the applicant to provide a principal entrance facing Pillsbury Avenue with direct access to the public sidewalk to replace the entrance that has become obstructed by the parking booth. Over 15 percent of the second floor wall facing Pillsbury Avenue is windows (10 percent is required). For these reasons, staff is recommending that alternative compliance be granted.

Ten percent window requirement

On the third floor addition walls, at least 10 percent of each wall must be windows. No changes are proposed from what was previously approved by the planning commission on the walls facing the parking area. The applicant is proposing a 51.5 foot wide addition that would extend to the north wall of the second floor. The overall amount of windows would be 8.5 percent on the Pillsbury Avenue wall and 8.5 percent on the Pleasant Avenue wall. The planning commission did not previously grant alternative compliance for the window requirements on the street facing elevations. To comply with this requirement, at least 21 square feet of windows would need to be added to each wall. It is not impractical to add more windows. Staff is recommending that the original planning commission condition of approval requiring the applicant to set the third floor back one structural bay, or approximately 20 feet, be upheld. If the third floor extension is not approved, alternative compliance is not necessary. For these reasons, staff is recommending that the planning commission not grant alternative compliance and if the third floor extension is approved additional windows will need to be provided as required by section 530.120 of the zoning code.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Planning Division for the Expansion of Nonconforming Use:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for an expansion of a legal nonconforming use for additions to the shopping center located at 2910 Pillsbury Avenue South, subject to the following condition:

1. No new tenant spaces shall be created. The additions shall be directly connected to existing tenant spaces with openings to allow access between the new and existing spaces.

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 above findings and **approve** the application for a site plan review amendment to allow first floor additions to the shopping center and a third story addition for self-service storage for the property located at 2910 Pillsbury Avenue South, subject to the following conditions:

1. Unless otherwise authorized or required by the City Planning Commission, the conditions of approval for BZZ-1361 and BZZ-4801 shall remain in effect.
2. A principal common entrance shall be provided adjacent to Pillsbury Avenue that will allow direct access to the Pillsbury Avenue public sidewalk via a walkway at least four feet in width as required by sections 530.110 and 530.130 of the zoning code.
3. The third floor shall be set back one structural bay, or approximately 20 feet, so that the shadow on the Midtown Greenway is no more than the current two-story building.
4. Community Planning and Economic Development Department – Planning Division staff review and approval of the final building elevation, floor, site and landscape plans.
5. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by April 9, 2013, or the permit may be revoked for non-compliance.

Attachments:

1. Previous land use application actions and approved plan
2. Applicant statement of use and findings
3. Correspondence
4. Zoning map
5. Plans
6. Photos