

Department of Community Planning and Economic Development – Planning Division
Variances and Site Plan Review
BZZ-5883

Date: January 7, 2013

Applicant: Susan Hewitt

Address of Property: 1124 Franklin Avenue E

Project Name: The Franklin Center

Contact Person and Phone: Susan Hewitt, (612) 280-2597

Planning Staff and Phone: Kimberly Holien, (612) 673-2402

Date Application Deemed Complete: December 13, 2012

End of 60-Day Decision Period: February 11, 2013

Ward: 6 Neighborhood Organization: Ventura Village

Existing Zoning: C1, Neighborhood Commercial district; TSA PO, Transit Station Area Pedestrian Oriented Overlay district; NP, North Phillips Overlay district

Proposed Zoning: Not applicable

Zoning Plate Number: 21

Lot area: 9,901 square feet

Legal Description: Not applicable.

Proposed Use: Construction of a 2-story commercial building with a secondhand goods store, restaurant and two office uses.

Concurrent Review:

- Variance to increase the maximum floor area ratio in the C1 district from 1.7 to 1.77.
- Variance to reduce the required front yard setback from 20 feet to zero to allow a two-story commercial building.
- Variance to reduce the required north interior side yard setback from seven feet to zero to allow a transformer, trash/recycling facilities and walkways greater than four feet in width.
- Variance to reduce the off-street vehicle parking requirement from 10 spaces to zero.
- Site plan review.

Applicable zoning code provisions: Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations,” Section 525.520 (3) “to vary the gross floor area, floor area ratio and seating requirements of a structure or use,” and Chapter 530 Site Plan Review.

Background: The development site is located in the northwest corner of the intersection of Franklin Avenue E and 13th Avenue S. The project includes a 17,533 square foot, two-story commercial building with four tenants. The first floor tenants include a secondhand goods store and a restaurant. The second floor will include two office uses. Each ground floor tenant space will have an entrance opening to Franklin Avenue E. The site currently contains a building that was formerly used for minor auto repair and is now vacant. This structure will be demolished as part of the project.

The property to the north contains a surface parking lot that directly abuts the subject site. This parking area will be impacted by construction for the proposed building and will be reestablished within the required side yard. An application for a side yard setback variance to allow parking in the required yard is being processed concurrently with the subject application.

Several variances have been requested for the project. The maximum floor area ratio for properties in the C1 district is 1.7. The applicant is proposing a 17,533 square foot building on a 9,901 square foot lot, equivalent to a floor area ratio of 1.77. The proposed building exceeds the maximum floor area by 702 square feet. A variance has been requested accordingly.

Where a street frontage includes property zoned as a residence or office residence district or includes structures used for permitted or conditional residential purposes and property zoned for commercial purposes, a front yard equal to the lesser of the front yard required by such residence or office residence district or the established front yard of a residential structure shall be provided in the commercial district for the first 40 feet from such residence or office residence district boundary. The parcel to the north is zoned R2B and has a front yard setback requirement of 20 feet along 13th Avenue S. The proposed building will have a zero-foot setback from the front lot line along 13th Avenue S and a setback variance from 20 feet to zero has been requested accordingly.

Similarly, when a side lot line abuts a side or rear lot line of a residence or office residence district, or a structure used for permitted or conditional residential purposes, a yard equal to the minimum side yard that would be required on the abutting residential lot shall be provided. The required north side yard setback for the proposed two-story building is seven feet. The building itself will maintain a 7-foot setback along the north property line. However, there are other aspects of the use that are proposed in this required yard that are not permitted encroachments, including the trash/recycling storage containers, a transformer and sidewalks that exceed four feet in width. A variance from seven feet to zero has been requested accordingly.

The combined minimum off-street parking requirement for the proposed uses is 14 spaces. The applicant is taking advantage of the bicycle incentive per Section 541.220 of the zoning code to reduce the minimum parking requirement by 10 percent or one space for each use. This

incentive reduces the minimum off-street parking requirement to 10 spaces. No parking is proposed on-site and a variance from 10 stalls to zero has been requested accordingly.

No correspondence had been received from the neighborhood group as of the writing of this report. Any correspondence received will be forwarded on to the Planning Commission for consideration.

VARIANCE: to increase the maximum floor area ratio from 1.7 to 1.77

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

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

The maximum floor area ratio for properties in the C1 district is 1.7. The applicant is proposing a 17,533 square foot building on a 9,901 square foot lot, equivalent to a floor area ratio of 1.77. The proposed building exceeds the maximum floor area by 702 square feet.

Practical difficulties exist in complying with the ordinance due to City policies that call for very high density development in this location. The circumstances could be considered unique to the parcel of land as geographically the site is located within a Transit Station Area Pedestrian Oriented Overlay (TSA PO) district. High density development is encouraged near transit stations. Furthermore, the regulations for the Franklin Avenue LRT Station area call for a minimum floor area ratio of 1.0. The C1 district has a maximum FAR of 1.7. The building is not eligible for any density bonuses because no residential uses are proposed within the building. These circumstances are unique to the property and have not been created by the property owner.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

The proposed variance to allow 702 square feet of floor area over the maximum will result in a reasonable use of the property. Planning Division staff finds that the proposed FAR is reasonable based on the location of the site and its inclusion in a TSA PO. The proposed floor area ratio will also be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

Building bulk regulations are established in order to assure that the scale and form of new development will occur in a manner most compatible with the surrounding area. The surrounding area is developed with various commercial uses, many of which are on densely developed properties. In terms of consistency with the comprehensive plan, the subject site is in a TSA and on a Commercial Corridor. TSA policies call for high density development and a minimum floor area ratio of 1.0 that the applicant is balancing with the maximum floor area ratio of 1.7. Additionally, adopted policies for commercial corridors encourage a building height of at least

two stories. Achieving a two-story building as called for in the plan will often result in a floor area ratio greater than 1.7.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

The surrounding area contains a mix of commercial uses and a church. Franklin Avenue is primarily developed with commercial storefront buildings in this location, many of which are two-stories in height. Allowing the proposed building at the requested floor area ratio would allow for a two-story commercial storefront building on a commercial corridor in a TSA. The proposed floor area ratio would not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity.

VARIANCE: to reduce the required east front yard setback from 20 feet to 0 feet

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

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

Where a street frontage includes property zoned as a residence or office residence district or includes structures used for permitted or conditional residential purposes and property zoned for commercial purposes, a front yard equal to the lesser of the front yard required by such residence or office residence district or the established front yard of a residential structure shall be provided in the commercial district for the first 40 feet from such residence or office residence district boundary. The parcel to the north is zoned R2B and has a front yard setback requirement of 20 feet along 13th Avenue S. The proposed building will have a zero-foot setback from the front lot line along 13th Avenue S.

Practical difficulties exist in complying with the ordinance due to circumstances unique to the property. While the property to the north is zoned R2B, it contains a place of assembly and is not used for residential purposes. The structure on the lot to the north is 150 feet away from the proposed building and the two sites are separated by a large surface parking lot and a playground. The parking lot on the adjacent parcel extends within five feet of the front property line. These circumstances are unique in that the residentially zoned parcel does not contain residential structures. Further, there are practical difficulties that exist due to the size of the subject site and City policies that call for buildings to be constructed at the corner.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

The request to allow a reduced setback along the east property line is reasonable. The applicant is proposing to locate the building directly up to the property line. Granting this setback variance would be in keeping with the spirit and intent of the ordinance and comprehensive plan. In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The urban design policies of the comprehensive plan also address this issue in calling for building placement to allow light and air into the site and surrounding properties. The property to the north that results in the setback requirement does not contain a residential use and the portion of the adjacent property that abuts the subject site contains a surface parking lot. Thus, the proposed setback will allow for adequate access to light and air for the subject site and the adjacent property and would provide an adequate separation of uses.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

The surrounding area contains a mix of commercial uses and a church. Several other buildings in the immediate area are built from lot line to lot line with no setbacks. As such, the proposed setback would not alter the character of the locality or be injurious to the use and enjoyment of adjacent properties. The proposed setback would not be detrimental to the health, safety or welfare of the general public or those utilizing nearby properties. Granting the requested setback variance would allow for a two-story, commercial storefront building at the corner, on a commercial corridor in a TSA.

VARIANCE: to reduce the required north side yard setback from 7 feet to 0 feet

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

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

When a side lot line abuts a side or rear lot line of a residence of office residence district, or a structure used for permitted or conditional residential purposes, a yard equal to the minimum side yard that would be required on the abutting residential lot shall be provided. The required north side yard setback for the proposed two-story building is seven feet. The building itself will maintain a 7-foot setback along the north property line. However, there are other aspects of the use that are proposed in this required yard that are not permitted encroachments, including the trash/recycling storage containers, a transformer and sidewalks that exceed four feet in width.

Practical difficulties exist in complying with the ordinance. The side yard setback requirement in this location is due to the residential zoning of the adjacent parcel. However, the portion of the adjacent parcel that abuts the north property line contains surface parking stalls that are directly

up to the property line. These circumstances are unique to the property and have not been created by the applicant. The applicant is meeting the required seven foot setback for the building, but due to the limited size of the site, the trash enclosure, transformer and walkways are located in the required yard. This is the most appropriate location on the site for the trash/recycling facilities and transformer because of the reduced visibility on this side of the building.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

The request to allow a reduced setback along the north property line for the trash/recycling facilities, transformer and walkways is reasonable and in keeping with the spirit and intent of the ordinance. In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The urban design policies of the comprehensive plan also address this issue in calling for building placement to allow light and air into the site and surrounding properties. The building wall meets the 7-foot setback requirement and the proposed location for these functions will not impact access to light and air for the adjacent property. The transformer pad will be setback seven feet from the east property line and will be screened with landscaping and a cedar fence. The trash and recycling containers will also be screened with a 5-foot solid cedar fence, mitigating any visual impact on the adjacent property.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

The surrounding area contains a mix of commercial uses and a church. Several other buildings in the immediate area are built from lot line to lot line with no setbacks. As such, the proposed setback would not alter the character of the locality or be injurious to the use and enjoyment of adjacent properties. The proposed setback would not be detrimental to the health, safety or welfare of the general public or those utilizing nearby properties. As stated above, the transformer and refuse containers will be adequately screened to mitigate any visual impact on the adjacent property.

VARIANCE: to reduce the required number of off-street parking spaces from 10 to zero

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

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

The minimum vehicle parking requirement for each of the uses is as follows:

Use	Requirement	Size	Spaces Required	Requirement after 25% reduction
Secondhand Goods Store	1/500 sf of GFA in excess of 4,000 sf (4 space min.)	4368	4 spaces	3 spaces
Restaurant	1/500 sf GFA up to 2,000 sf + 1/300 sf of GFA in excess of 2,000 sf	2922	7 spaces	5 spaces
Office	1/500 sf of GFA in excess of 4,000 sf (4 space min.)	3706	4 spaces	3 spaces
Office	1/500 sf of GFA in excess of 4,000 sf (4 space min.)	3781	4 spaces	3 spaces
Total				14 spaces

As illustrated above, the base parking requirement for the combined total of uses in the building is 14 spaces. The 14 spaces required reflect a 25 percent reduction due to the presence of the Pedestrian Oriented Overlay district. The applicant is taking advantage of the bicycle incentive per Section 541.220 of the zoning code to reduce the minimum parking requirement by 10 percent or one space for each use by providing bicycle parking equal to 25 percent of the required number of vehicle parking spaces, but not less than four spaces per use. For the uses above, 16 bicycle parking spaces are required in addition to the minimum for each use. This incentive reduces the minimum off-street parking requirement to 10 spaces. No parking is proposed on-site.

Practical difficulties exist in complying with the minimum parking requirement in this location due to the size of the lot. The lot is only 9,901 square feet. Below grade parking is not possible in this location because the site does not have adequate space in either direction to provide the ramp length and landing area necessary for underground parking. The size of the site and reflective setback requirements also limit the potential for surface parking. There are also circumstances unique to the site due to the proximity to transit. The site is within a TSA PO because it is less than one-half mile from the Franklin Avenue LRT station. These circumstances have not been created by the applicant.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

The requested parking variance from 10 spaces to zero is reasonable due to the proximity to transit and alternative modes of transportation available in the immediate area. Furthermore, the Planning Division finds that the granting of the variance will be in keeping with the spirit and intent of the ordinance. The parking and loading regulations are established to recognize the parking and loading needs of uses and structures and to enhance compatibility between parking and loading areas and their surroundings. The site is located within a TSA as it is less than one-half mile from the Franklin Avenue LRT Station. *The Minneapolis Plan for Sustainable Growth* states that development in TSAs is designed with the pedestrian, bicyclist, and/or transit user in

mind and development in these areas serves individuals who are more likely to use transit. The site also contains the Pedestrian Oriented Overlay District which is established to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity. The parking reduction is not expected to contribute to traffic congestion in the area. In addition to the Hiawatha LRT line, there are three bus lines with midday service that stop near the site. One Metro Transit route, the 14, stops directly across the street from the site on Franklin Avenue. Two other routes, the 2 and the 9, provide midday service with route stops at the intersection of Franklin Avenue and Chicago Avenue. The applicant is providing 28 bicycle parking spaces and there is on-street parking available on 13th Avenue E. There are also several privately-owned, large surface parking lots in the area.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

The reduction in parking will not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. As noted above, the requested variance is not expected to contribute to traffic congestion in the adjacent public streets. As such, the proposed variance will not be detrimental to the public health, safety of welfare and will not result in significant congestion in the adjacent streets. The project's proximity to multiple bus routes and the Franklin Avenue LRT station will allow for customers and employees to use alternate modes of transportation.

SITE PLAN REVIEW

Required Findings for Site Plan Review

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**

- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.

- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
- Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:

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

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

Minimum window area shall be measured as indicated in section 531.20 of the zoning code.

- 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. 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 building is located at the corner of Franklin Avenue E and 13th Avenue S. The building is located directly up to the front lot line along 13th Avenue S and the setback along Franklin Avenue ranges from zero feet to 0.66 feet, due to the slight angle of the property line. The restaurant has an entrance facing Franklin Avenue E and a secondary entrance facing 13th Avenue S that will primarily serve an outdoor seating area on the east side of the building. The secondhand goods store has an entry from a common vestibule that also provides access into the building for the second floor tenants. The entrance vestibule is recessed and the main entry door faces east. As a condition of approval, this vestibule shall be modified so that the principal entrance faces Franklin Avenue E. The placement of the building and the building design will promote natural surveillance and visibility of the surrounding area. The primary entrances to the commercial spaces will open directly onto the public sidewalk along Franklin Avenue E. Each commercial entrance will be emphasized with significant glass coverage, an aluminum trellis and signage. Turning the principal entrance for the secondhand goods store so that it faces the south will make this entrance more prominent.

No on-site parking or loading is proposed as part of the project. The applicant is requesting a parking variance from 10 spaces to zero and there is no loading requirement for any of the uses.

A blank, uninterrupted wall that is 84 feet in length is shown on the west elevation. This wall will be very visible from Franklin Avenue E. Alternative compliance is required for this design and staff does not recommend granting alternative compliance to allow the blank wall. As a condition of approval, the applicant shall be required to provide a material change, recess, projection or other architectural element to break up the length of this wall into sections that are 25 feet or less and provide visual interest.

Plain face concrete block is not proposed.

The primary exterior materials would be durable and would primarily consist of face brick and glass. On the south elevation, facing Franklin Avenue E, there is a metal trellis proposed above the storefront windows for the secondhand goods store and fabric awnings proposed above the windows for the restaurant. These fabric awnings carry over to the east elevation. The north and west elevations are articulated with variations in masonry materials. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.

The window requirement for the first floor of the building is 40 percent due to the presence of the Pedestrian Oriented Overlay district. This requirement applies to the Franklin Avenue E elevation and the 13th Avenue S elevation as they are the only two sides of the building that face a public street. The elevations show glass for 60.9 percent of the first floor on the Franklin Avenue E elevation and 43.2 percent of the east elevation facing 13th Avenue S. The amount of

glazing provided exceeds the minimum requirement. Additional glass is provided at a height above ten feet on each elevation. The window requirement for the upper floors that face a public street, public sidewalk, public pathway, or on-site parking lot is 10 percent. Again, this applies to the Franklin Avenue E and 13th Avenue S elevations only. On the south elevation, facing Franklin Avenue E, 63 percent of the wall consists of glazing. The east elevation, 13th Avenue E, contains glazing for 62.5 percent of the upper floor. The proposed windows are more or less evenly distributed and vertical in proportion. As a condition of approval, no shelving, signage, merchandise, newspaper racks or other similar fixtures shall be allowed in front of the required ground level transparent windows to ensure that views in and out of the building are preserved.

The first floor of the building contains active functions for nearly 100 percent of each street-facing elevation.

The proposed roofline is flat, consistent with other buildings in the area.

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 building entrances will more or less open directly onto the public sidewalk adjacent to Franklin Avenue. The entrance for the secondhand goods store is recessed and comes from a common vestibule. As stated above, staff recommends that the vestibule be modified so that the principal entrance faces south instead of east. The principal entrance for the restaurant will open directly on to the public sidewalk adjacent to Franklin Avenue E.

No transit shelters are proposed or adjacent to the site.

All building entrances are connected to the public sidewalk directly to clearly direct pedestrian movements.

There is no parking proposed and no loading requirement for the uses in the building. As such, vehicle traffic is not expected to be generated by the use in a manner that would impact nearby residential properties and conflicts with pedestrian traffic are not expected. The applicant is working with Public Works to obtain a dedicated handicap accessible parking space and loading zone in the 13th Avenue S right-of-way, directly in front of the building.

The building footprint occupies the majority of the site. The applicant is proposing landscaping equivalent to 43 percent of the net site area, exceeding the minimum requirement and minimizing the use of impervious surfaces.

LANDSCAPING AND SCREENING:

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

The zoning code requires that at least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 9,901 square feet. The building footprint is 8,730 square feet. The net lot area is 1,171 square feet, of which at least 20 percent (234.2 square feet) must be landscaped. 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 tree and shrub requirement for this site is 1 and 2 respectively.

A total of 505 square feet of landscaping is proposed on site, equivalent to 43 percent of the net lot area. The applicant is proposing 35 shrubs and numerous perennial plantings on site. The majority of the on-site landscaping is proposed on the north and west sides of the building. On the north side of the building, plantings will help to screen the transformer and refuse storage containers. No trees are proposed on-site but five canopy trees are proposed within the right-of-way directly adjacent to the site. A significant number of additional shrubs and perennials are also proposed within the right-of-way. Alternative compliance is required to allow the canopy trees to be located in the right-of-way in lieu of on-site. Staff recommends granting alternative compliance, due to the limited size of the site and the overall number of plantings proposed as an alternative.

No parking is proposed and therefore no additional landscaping standards apply.

ADDITIONAL STANDARDS:

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

The site does not contain any parking lots or driveways and thus no curbing is proposed. Provisions for stormwater were reviewed by Public Works as part of the PDR process and that report is attached for review.

The proposed two-story building should not impede any views of important elements of the city.

There are no residential properties immediately adjacent to the site that would be impacted by shadowing. The property to the north is zoned residential but contains a place of assembly and large surface parking lot. The portion of the site that would minimally be impacted by any shadows contains surface parking.

Wind currents should not be a major concern.

The development would include crime prevention through environmental design. The applicant has provided a significant amount of window coverage facing both street frontages to provide opportunities for tenants and patrons to observe adjacent spaces. Entrances open directly to the public sidewalks to guide pedestrian movement in and around the site.

The site is not located in a historic district and the existing structure is not designated.

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 secondhand goods store, restaurant and office uses are permitted in the C1 district.

Off-Street Parking and Loading:

Minimum automobile parking requirement: The minimum vehicle parking requirement for each of the uses is as follows:

Use	Requirement	Size (sf)	Spaces Required	Requirement after 25% reduction
Secondhand Goods	1/500 sf of GFA in excess of 4,000 sf (4 space min.)	4,368	4 spaces	3 spaces
Restaurant	1/500 sf GFA up to 2,000 sf + 1/300 sf of GFA in excess of 2,000 sf	2,922	7 spaces	5 spaces
Office	1/500 sf of GFA in excess of 4,000 sf (4 space min.)	3,706	4 spaces	3 spaces
Office	1/500 sf of GFA in excess of 4,000 sf (4 space min.)	3,781	4 spaces	3 spaces
Total				14 spaces

As illustrated above, the base parking requirement for the combined total of uses in the building is 14 spaces. The 14 spaces required reflect a 25 percent reduction due to the presence of the Pedestrian Oriented Overlay district. The applicant is taking advantage of the bicycle incentive per Section 541.220 of the zoning code to reduce the minimum parking requirement by 10 percent or one space for each use by providing bicycle parking equal to 25 percent of the required number of vehicle parking spaces, but not less than four spaces per use. For the uses above, 16 bicycle parking spaces are required in addition to the minimum for each use. This incentive reduces the minimum off-street parking requirement to 10 spaces. No parking is proposed on-site and a variance from 10 stalls to zero has been requested accordingly.

Maximum automobile parking requirement: The maximum vehicle parking requirement for each of the uses is as follows:

Use	Requirement	Size (sf)	Spaces Required	Requirement after 25% reduction
Secondhand Goods	1/200 sf of GFA	4,368	22 spaces	16 spaces
Restaurant	1/75 sf of GFA	2,922	39 spaces	29 spaces
Office	1/200 sf of GFA	3,706	19 spaces	14 spaces
Office	1/200 sf of GFA	3,781	19 spaces	14 spaces
Total				73 spaces

No parking is provided as part of the project.

Bicycle parking requirement: The minimum bicycle parking requirement for each use in the building is three spaces, for a total of 12. These are required to be short-term spaces. The applicant is also pursuing the bicycle incentive to reduce the off-street parking requirement. An additional 16 bicycle parking spaces are required for this incentive. A total of 28 spaces are proposed within the right-of-way on the south and east sides of the site. Bike racks in the right-of-way require an encroachment permit from Public Works.

Loading: Due to the limited size, the uses proposed within the building are not subject to a minimum loading requirement. The applicant is working with Public Works on obtaining an on-street loading space along 13th Avenue S to serve the needs of the development.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. Two trash/recycling storage containers are proposed on the north side of the building, facing the church parking lot. Each container will be screened with a 5-foot, solid cedar fence. The easternmost fence will also screen the transformer.

Signs: Wall signage equivalent to 1.5 square feet of signage for every one foot of primary building wall is allowed on the south and east elevations because no freestanding signs are proposed. On the south elevation, up to 127 square feet of wall signage is allowed and on the east elevation, up to 156 square feet of wall signage is allowed. The maximum area of a single wall sign is 45 square feet and the maximum area of a projecting sign is 16 square feet. Projecting signs may not extend more than 4 feet from the building. The maximum height for signs is 14 feet. There is no limit on the number of signs and no height limit.

Generic signage has been shown on the elevations, some of which does not meet the requirements of Chapter 543. Signs are shown on the west and north elevations. These elevations are not primary building walls and no signage is allowed on these walls. On the south elevation, one wall sign approximately 35 square feet in area is shown above the main entrance. This sign is shown at a height of 15 feet. The maximum height for signs in the C1 district is 14 feet. Therefore, the height of this sign would need to be adjusted. There is also two projecting signs on this elevation, each 16 square feet in area. On the east elevation, two wall signs are shown. One is at a height of approximately 30 feet and would not be allowed. The other is a 25 square foot wall sign that is approximately 15.5 feet in height. Again, this sign would need to be lowered to comply with the maximum height limit of 14 feet. Separate permits are required from the Zoning Office for any signage on site.

Lighting: A photometric plan was not submitted as part of the application. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapter 535 of the zoning code and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

Maximum Floor Area: The maximum floor area ratio for properties in the C1 district is 1.7. The Franklin Avenue Transit Station Area has a minimum floor area ratio of 1.0. The applicant is proposing a 17,533 square foot building on a 9,901 square foot lot, equivalent to a floor area ratio of 1.77. The proposed building exceeds the maximum floor area by 702 square feet. A variance has been requested accordingly.

Minimum Lot Area: Not applicable for this development.

Dwelling Units per Acre: Not applicable for this development.

Height: Maximum building height for principal structures located in the C1 District is 2.5 stories or 35 feet, whichever is less. The applicant is proposing a building that is two stories, 35 feet in height.

Yard Requirements: The applicant has requested variances to the required front yard and north side yard, as evaluated above.

Building coverage: Not applicable for this development.

Impervious surface area: Not applicable for this development.

Specific Development Standards: The following specific development standards apply to the proposed uses:

Secondhand goods store.

1. Back-lighted signs, back-lighted awnings, portable signs, temporary signs and freestanding signs shall be prohibited.
2. The window and door area of any existing first floor façade that faces a public street or sidewalk shall not be reduced, nor shall changes be made to such windows or doors that block views into the building at eye level.
3. For new construction, at least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allow views into the building at eye level.
4. The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.
5. The premises of 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.
6. All receipt, sorting and processing of goods shall occur within a completely enclosed building.
7. An appointment or set hours for the acceptance of donated goods shall be required.

The proposed use will comply with all of the applicable standards. The secondhand goods store will not accept donations at this location. An ample amount of glazing is provided facing Franklin Avenue E and as a condition of approval, these windows shall remain free of obstructions at eye level.

Restaurant, sit down.

1. Where alcoholic beverages are served, not less than sixty (60) percent of total gross sales revenue shall be from the sale of food and beverages not containing alcohol, and 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.

MINNEAPOLIS PLAN

The Minneapolis Plan for Sustainable Growth identifies this site as Urban Neighborhood on the future land use map. This is due to the fact that the site was formerly part of a larger parcel that contains a place of assembly and was split zoned, with the majority of the parcel being zoned R2B. However, the parcel fronts on Franklin Avenue E, which is a commercial corridor in this location. The site is also within one-half mile of a transit station, placing it in the Franklin Avenue LRT Station TSA. The following Comprehensive Plan policies apply to this proposal:

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

- 1.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.
- 1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Land Use Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

- 1.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.
- 1.2.2 Ensure that lighting and signage associated with non-residential uses do not create negative impacts for residential properties.
- 1.2.3 Lessen the negative impacts of non-residential uses on residential areas through controls on noise, odors, and hours open to the public.

Land Use Policy 1.3: Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.

- 1.3.1 Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings.
- 1.3.2 Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.

Land Use Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

- 1.4.2 Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.
- 1.4.4 Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.

Land Use Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.

- 1.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.

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.

- 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.

Land Use Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

Land Use Policy 1.10: 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.

- 1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low-impact light industrial – where compatible with the existing and desired character.

- 1.10.2 Encourage commercial development, including active uses on the ground floor, where Commercial Corridors intersect with other designated corridors.
- 1.10.3 Discourage uses that diminish the transit and pedestrian character of Commercial Corridors, such as some automobile services and drive-through facilities, where Commercial Corridors intersect other designated corridors.
- 1.10.4 Encourage a height of at least two stories for new buildings along Commercial Corridors, in keeping with neighborhood character.

Land Use Policy 1.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

- 1.13.1 Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations.
- 1.13.5 Concentrate highest densities and mixed use development adjacent to the transit station and along connecting corridors served by bus.

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

- 10.10.1 Enhance the city's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality four season public spaces and infrastructure.
- 10.10.3 Enhance pedestrian and transit-oriented commercial districts with street furniture, street plantings, plazas, water features, public art and improved transit and pedestrian and bicycle amenities.
- 10.10.4 Orient new buildings to the street to foster safe and successful commercial nodes and corridors.
- 10.10.6 Require storefront window transparency to assure both natural surveillance and an inviting pedestrian experience.

Land Use 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.

10.11.3 Continue to curb the inefficient use of land by regulating minimum height, setbacks, build-to lines and parking through master planning methods and zoning code regulations.

The proposed development is consistent with the above land use policies of the comprehensive plan as it provides a two-story commercial building on a commercial corridor and within a TSA. While the site is designated as Urban Neighborhood on the future land use map, that is due to the fact that the subject site used to be part of a larger parcel that has residential zoning. The comprehensive plan specifically addresses this type of situation by allowing for retention of existing commercial zoning districts in designated Urban Neighborhood areas, to the extent they are consistent with other city goals and do not adversely impact surrounding areas. The proposed project is also consistent with the Urban Design policies of the comprehensive plan in that it is a two-story building at the corner with ample window coverage and streetscape improvements.

SMALL AREA PLANS

There are no adopted small area plans for the subject site.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

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

Alternative compliance is requested for the minimum tree planting requirement. A minimum of one canopy tree is required on site. No trees are proposed on-site but five canopy trees are proposed within the right-of-way directly adjacent to the site. A significant number of additional shrubs and perennials are also proposed within the right-of-way. Alternative compliance is

required to allow the canopy trees to be located in the right-of-way in lieu of on-site. Staff recommends granting alternative compliance, due to the limited size of the site and the overall number of plantings proposed as an alternative.

Alternative compliance is requested to allow blank walls in excess of 25 feet on the west elevation. Staff does not recommend granting alternative compliance for this requirement. As a condition of approval, the applicant shall be required to provide a material change, recess, projection or other architectural element to break up the length of this wall and provide visual interest.

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to increase the maximum floor area ratio from 1.7 to 1.77 for the property located at 1124 Franklin Avenue E.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the required east front yard setback from 20 feet to 0 feet for the property located at 1124 Franklin Avenue E.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the north side yard setback from 7 feet to 0 feet for the for the property located at 1124 Franklin Avenue E.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the minimum vehicle parking requirement from 10 spaces to zero spaces the property located at 1124 Franklin Avenue E, subject to the following condition:

1. A minimum of 28 bicycle parking spaces shall be provided that meet the standards for short-term bicycle parking.

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

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission **approve** the site plan review application for a two-story commercial building with four tenant spaces at the property of 1124 Franklin Avenue E, subject to the following conditions:

1. All site improvements shall be completed by January 7, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. Planning Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. No shelving, signage, merchandise, newspaper racks or other similar fixtures shall be placed in front of the required ground level transparent windows.
4. The west elevation shall be revised to include a material change, recess, projection or other architectural element to eliminate any blank walls in excess of 25 feet, in compliance with Section 530.120 of the zoning code.
5. The entrance vestibule on the south elevation shall be revised so that the door faces the street, in accordance with Section 530.110 of the zoning code.

Attachments:

1. Statement of findings and project description
2. PDR Report
3. Correspondence
4. Zoning map
5. Site plan, floor plans and elevations
6. Photos