

Department of Community Planning and Economic Development
Variance and Site Plan Review
BZZ-5908

Date: February 19, 2013

Applicant: 2700 Hennepin, LLC, c/o Nolan Properties Group, LLC, Attn: Katelyn Murray, 328 Barry Avenue South, Suite #300, Wayzata, MN 55391, (952) 767-2502

Address of Property: 2700 Hennepin Avenue

Project Name: 2700 Hennepin Avenue

Contact Person and Phone: Nolan Properties Group, LLC, Attn: Katelyn Murray, 328 Barry Avenue South, Suite #300, Wayzata, MN 55391, (952) 767-2502

CPED Staff and Phone: Becca Farrar, Senior City Planner, (612) 673-3594

Date Application Deemed Complete: December 27, 2012

End of 60-Day Decision Period: February 25, 2013

End of 120-Day Decision Period: On January 24, 2013, Staff sent a letter to the applicant extending the decision period to no later than April 26, 2013.

Ward: 10 **Neighborhood Organization:** East Isles Residents Association and Lowry Hill East Neighborhood Association (LHENA)

Existing Zoning: C2 (Neighborhood Corridor Commercial) District and SH (Shoreland) Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 24

Lot area: 20,463 square feet or approximately .47 acres

Legal Description: Not applicable for this application.

Proposed Use: A new single-story, multi-tenant retail development.

Concurrent Review:

- Variance of the front yard setback requirement along the east property line adjacent to Hennepin Avenue to allow a parking stall.
- Site plan review for a single-story, approximately 6,236 square foot multi-tenant retail development that includes a drive-through facility. The property is zoned C2 (Neighborhood Corridor Commercial) District and is located in the SH (Shoreland) Overlay District.

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

Background: The site is currently occupied by a vacant former gas station that has operated on the site for the past 70 years. The applicant proposes to redevelop the site by constructing a single-story approximately 6,236 square foot multi-tenant retail development that includes a drive-through facility on the property. The subject property is zoned C2 (Neighborhood Corridor Commercial) and a portion of the site (on the western side of the property) is also located in the SH (Shoreland) Overlay District. As proposed, the plans indicate that a total of three tenants would occupy the structure; the first tenant space totaling 2,394 square feet, the second tenant space totaling 1,329 square feet and the third tenant space with the drive-through (likely a bank/financial institution or coffee shop) totaling 2,513 square feet.

Retail uses are permitted uses in the C2 district, as are drive-through facilities. The proposal requires a variance of the front yard setback requirement along the east property line adjacent to Hennepin Avenue in order to allow an off-street parking space. Site plan is also required.

The project was originally scheduled for the February 4, 2013, Planning Commission meeting but at the request of the applicant was continued until the February 19, 2013, Planning Commission meeting.

Staff has not received official correspondence from the East Isles Residents Association or the Lowry Hill East Neighborhood Association (LHENA), prior to the printing of this report. Neighborhood correspondence received to date has been attached for reference. Any additional correspondence received prior to the Planning Commission meeting will be forwarded on for consideration.

VARIANCE – of the front yard setback requirement along the east property line Hennepin Avenue to allow a parking stall.

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.

Front yard setback to allow a parking stall: The subject property is subject to two front yard setback requirements along both 27th Street West and Hennepin Avenue as the abutting property is zoned R5 along 27th Street West and OR2 along Hennepin Avenue, and both properties are occupied by multi-family residential structures. The adjacent building along West 27th Street West is setback approximately two feet from the property line. The R5 district setback is 15 feet; the lesser applies for the first 40 feet from west to east. The proposal complies with this setback requirement. The adjacent building along Hennepin Avenue is setback approximately 27 feet, 6 inches. The OR2 district setback is 15 feet; the lesser applies, as a result a 15 foot setback for the first 40 feet from south to north is required. The actual property line along Hennepin Avenue is located 11 feet in front of the back of the public sidewalk; an 11-foot right-of-way easement exists that allows for the 5-foot interior boulevard and the existing 6-foot wide public sidewalk. As is standard practice in circumstances like this, the setback is calculated from the edge of the easement, which meets the intent of the setback provision to require a separation, prevent front yard encroachments and provide a buffer when commercial uses abut residential uses. As a result, the striped area for the accessible space is located in the required 15-foot setback. The proposal provides parking that exceeds the minimum requirements; as a result practical difficulties do not exist in complying with the ordinance; the removal of one parking space would meet the intent of the setback provision while still providing adequate parking for the proposed development.

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.

Front yard setback to allow a parking stall: The proposal to allow a parking space within the front yard setback along the east property line adjacent to Hennepin Avenue is unreasonable given the fact that the site exceeds the minimum off-street parking requirement while underutilizing a key redevelopment site, and fails to comply with several of the landscaping provisions as outlined in Chapter 530 of the Zoning Code. As such, the proposal would not be in keeping with the spirit and intent of the ordinance or the comprehensive plan. As previously noted, the purpose of the setback provision is to prevent front yard encroachments and to provide a separation and buffer when commercial uses abut residential uses. In this circumstance, the proposed development would result from a complete redevelopment of the site; therefore, the development should comply with as many standards as practically feasible.

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.

Front yard setback to allow a parking stall: The proposal to provide a striped area for an accessible off-street parking space in the required front yard when the development exceeds the minimum off-street parking requirement and in lieu of a required buffer and landscaping would arguably adversely alter the essential character of the locality and be injurious to the use and enjoyment of the abutting property. Further, lack of compliance in such a congested area could be detrimental to the health, safety, and/or welfare of the general public or of those utilizing the property or nearby properties.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

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

- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances, windows, and active functions:
 - Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.
 - g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
- Ground floor active functions: Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- 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.**

An approximate 6,236 square foot multi-tenant retail development is proposed on the property that includes a drive-through facility. As proposed, the plans indicate that a total of three tenants would occupy the structure; the first tenant space totaling 2,394 square feet, the second tenant space totaling 1,329 square feet and the third tenant space with the drive-through (likely a bank/financial institution or coffee shop) totaling 2,513 square feet. The development is subject to two yard requirements; a front yard requirement along Hennepin Avenue of 15 feet for the first 40 feet from south to north; and a reverse corner setback along West 27th Street of approximately 2 feet for the first 40 feet from west to east. The building complies with the setback requirements along both street frontages; however, a parking space located within the required yard along the east property line adjacent to Hennepin Avenue requires a variance as noted above. The building is setback 3 to 6 feet from the back of the sidewalk along Hennepin Avenue and 0 to 3 feet along West 27th Street. The proposed building is oriented towards Hennepin Avenue and West 27th Street and the use of progressive design and street-oriented building alignments is reinforced. The design also promotes natural surveillance and visibility, and facilitates pedestrian access and circulation along both street frontages. Each tenant space has a principal entrance on the east elevation of the building that is directly connected to the public sidewalk along Hennepin Avenue. Service doors are located on the west elevation of the building and are connected via a 4 and 5- foot wide walkway to the public sidewalk located along 27th Street West.

All elevations of the building are subject to a 30% window requirement. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot must comply with the minimum window requirements of this section. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets and facing on-site parking areas.

On the north elevation of the proposed structure facing West 27th Street, the proposal exceeds the 30% window requirement as a total of 47% are provided. The windows are vertical in nature but not evenly distributed as the windows are congregated towards the intersection or front half of this elevation. Alternative compliance is necessary for window distribution. Staff would recommend that the Planning Commission grant alternative compliance in this circumstance. Due to the configuration of the building on site, the applicant must meet a 30% window requirement on four elevations of the building that must be evenly distributed. Provided the windows remain unobstructed, Staff believes that the proposed distribution is reasonable.

On the east elevation of the proposed structure facing Hennepin Avenue, the proposal exceeds the 30% window requirement as a total of 46% are provided overall on the elevation. Each tenant individual tenant space also complies with the required window area. The windows are vertical in nature and evenly distributed.

The west elevation of the proposed structure facing the on-site parking lot does not meet the 30% window requirement as approximately 17.5% are provided overall on the elevation. Only one of the individual tenant spaces, located at the intersection of West 27th Street and Hennepin Avenue would comply with the 30% requirement. There are two windows and service doors located on this overall elevation. The windows are vertical in nature but not evenly distributed. Alternative compliance would be necessary for the overall window percentage and lack of even distribution. Staff would recommend that the Planning Commission grant alternative compliance in this circumstance in order to accommodate back-of-house operations.

The south elevation of the proposed structure facing the on-site parking lot does not meet the 30% window requirement as 24% windows are provided on this elevation. The windows are vertical in nature but not evenly distributed as the windows are congregated towards Hennepin Avenue or the front half of this elevation. Alternative compliance is necessary for overall window percentage as well as window distribution. Staff would recommend that in this specific circumstance that the Planning Commission grant partial alternative compliance. Staff would recommend that the Planning Commission require that the applicant provide the required overall window area of 30% but that the uneven distribution be allowed similar to the opposing north elevation. Provided the windows remain unobstructed, Staff believes that the proposed distribution is reasonable.

The building complies with the active functions provision as outlined above along both West 27th Street and Hennepin Avenue.

The exterior materials and appearance of the rear and side walls of the proposed building would be similar to and compatible with the front of the building. The materials on the proposed structure would include glass and cedar siding. The building incorporates a 3-foot overhang along a portion of the West 27th Street elevation and along the majority of the elevation facing Hennepin Avenue. The proposed building incorporates architectural elements including recesses and projections, windows and entries. There are blank uninterrupted walls that exceed 25 feet in width on the north, south and west elevations of the building. Alternative compliance is necessary. Staff would recommend that the Planning Commission grant alternative compliance provided a minimum of 100 square feet of living wall panels are installed on each of the three non-compliant elevations. Incorporation of the living walls panels should mitigate the blank areas on the elevation. The principal roof line of the building would be flat. In the area both pitched roofs and flat roofed buildings can be found.

A total of 21 off-street parking spaces are proposed on site within a surface parking lot. No ramp is proposed.

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.**

As proposed, three tenant spaces would occupy the proposed structure. Each tenant space has a principal entrance on the east elevation of the building that is directly connected to the public sidewalk along Hennepin Avenue. Service doors are located on the west elevation of the building and are connected via a 4 and 5- foot wide walkway to the public sidewalk located along 27th Street West.

The site is located along and within close proximity to several bus lines as the Uptown Transit Center is located approximately two blocks south of the site. In addition an HOURCAR Hub is located at the Uptown YWCA, which is well within walking distance of the subject site.

Despite the fact that a drive-through facility is proposed, the proposed development has been somewhat designed to minimize conflicts with pedestrian traffic and surrounding residential uses. The off-street parking for the proposed development would be located within a surface parking lot at the rear/interior of the site with

access via a single curb cuts off of West 27th Street and Hennepin Avenue. Vehicles leaving the parking lot via the curb cut on Hennepin Avenue will be required to turn right only due to Public Works concerns regarding congestion in the immediate vicinity.

There is no public alley adjacent to the site.

The site has been somewhat designed to minimize the use of impervious surfaces as a total of approximately 19.5% of the site not occupied by buildings is pervious as a result of providing some perimeter landscaping as well as planting areas between the building and the public sidewalk along both street frontages. Overall, a net of 89% of the site is impervious, however.

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% of the site not occupied by the building be landscaped. The lot area of the site is 20,463 square feet and the footprint of the building is 6,236 square feet. When you subtract the footprint from the lot size the resulting number is 14,227 square feet; 20% of this number is 2,845 square feet. According to the applicant's landscaping plan there is 2,776 square feet of landscaping on the site or approximately 19.5% percent of the site not occupied by the building which does not meet the minimum requirement. Alternative compliance is necessary. Staff would recommend that the Planning Commission require compliance with the minimum requirement as it would be practical to comply with the requirement. Compliance with the required front yard setback which would eliminate one off-street parking space would result in the site's compliance with the landscaping provision.

The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 6 trees and 28 shrubs. The applicant has submitted an inadequate landscaping plan as the majority of plantings proposed on site are grasses and perennials. The applicant is proposing to plant 3 canopy trees on site, 1 is existing and would be maintained for a total of 4 trees; a total of 28 shrubs are proposed. Alternative compliance is required for the number of on-site trees. Staff would recommend that the Planning Commission require compliance with the minimum requirement of canopy trees as it would be practical to comply with the requirement. There is adequate and ample space on site to accommodate two additional canopy trees.

A seven-foot wide landscaped yard and screening equal to 95% opacity is required between the parking area and the west and south sides of the property. The applicant is proposing an approximate 8-foot wide yard along the west property line; however, due to an existing easement with the abutting property owner a 4-foot walkway must be maintained within the required landscaped yard that connects to the public sidewalk along West 27th Street. A proposed 6-foot tall privacy fence would extend along the entire property line. Two canopy trees and 6 grasses are proposed within this required yard which is 107 feet in length which does not meet the landscaping requirements. Alternative compliance would be necessary. Staff would recommend that the Planning Commission require compliance with the landscaping provisions. While the walkway and a retaining wall somewhat limit the location of landscaping within the required yard, the perimeter area can still be designed to accommodate landscaping that meets the intent of the provision. Along the south side of the property the applicant is proposing an approximate 6-foot wide yard and 1 canopy tree and a coniferous hedge that meets the screening requirement. Alternative compliance is necessary for the width of the yard. Staff would recommend that the Planning Commission require compliance with the minimum perimeter yard requirement of 7 feet as it is practical to require compliance as the entire site is being redeveloped and should meet all of the basic design and maintenance provisions as outlined in the Zoning Code.

A seven-foot wide landscaped yard and screening equal to 60% opacity is required between the parking area and the north and east sides of the property. A 7-foot wide landscaped yard is provided along Hennepin Avenue and is screened in compliance with the Zoning Code standards. Along West 27th Street, the landscaped yard varies from 3 feet to 7 feet, the screening provided complies with the Zoning Code standards; however, alternative compliance is required for the width of the landscaped yard. Staff would recommend that the Planning Commission require compliance with the provisions as the entire site is being redeveloped and should meet all of the basic design and maintenance provisions as outlined in the Zoning Code.

In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. The applicant is proposing a total of 21 off-street parking spaces in the surface parking lot. All parking spaces are within 50 feet of an on-site deciduous tree. No tree islands are proposed. Regarding the provision that requires 1 tree per 25 linear feet of parking along a public street, the development complies with the provision along the east property line abutting Hennepin Avenue but does not meet the provision along 27th Street West. Alternative compliance would be necessary. Staff would recommend that the Planning Commission require compliance with this provision as it would be practical to include a canopy tree in the landscaped area abutting West 27th Street.

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 surface parking area will be designed with curb openings so that stormwater runoff drains towards the perimeter green space areas on the site.

Staff would not expect the two-story (1 floor) building to result in the blocking of any significant views or to have any shadowing impacts on adjacent properties or on public spaces. Staff would also not expect the proposal to have any impacts on light, wind and air in relation to the surrounding area.

The site appears to incorporate many of the applicable CPTED principles. The active uses proposed within the ground level of the building facing West 27th Street and Hennepin Avenue provide natural surveillance, that will allow people to observe adjacent public spaces and the entrances are connected to the public sidewalk. The site appears to be adequate lit; however the final lighting plan shall comply with all Zoning regulations. Staff has no additional comments or concerns at this time regarding site safety.

There are no designated or eligible historic structures on the subject property. The property currently is occupied by a vacant gas station.

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 retail uses and the allowable drive-through use is a permitted use in the C2 District. With the approval of the variance and site plan review, this development would meet the requirements of the C2 zoning district.

Parking and Loading:

Minimum automobile parking requirement: According to Chapter 541 of the Zoning Code, general retail uses and banks/financial institutions have a minimum parking requirement of 1 space per 500 square feet of gross floor area in excess of 4,000 square feet. As proposed, the plans indicate that a total of three tenants would occupy the structure, the first tenant space totaling 2,394 square feet, the second tenant totaling 1,329 square feet and the third tenant with the drive-through (likely a bank/financial institution or coffee shop) totaling 2,513 square feet. As a result, each of the three proposed tenant spaces (if the third tenant space was a bank/financial institution) would require 4 off-street parking spaces for a minimum total of 12 required off-street parking spaces. If the third tenant space was a coffee shop, the minimum off-street parking requirement would increase by an additional two spaces to a total of 14 required off-street parking spaces as coffee shops require 1 space per 500 square feet of gross floor area up to 2,000 square feet plus 1 space per 300 square feet of gross floor area in excess of 2,000 square feet. The applicant proposes to provide a total of 21 off-street parking spaces within the surface parking lot located on the perimeter of the west and south sides of the site.

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Maximum automobile parking requirement: The maximum automobile parking requirement for general retail uses and banks/financial institutions is 1 space per 200 square feet of gross floor area. As a result, the maximum requirement if the third tenant space was a bank/financial institution) would be 29 off-street parking spaces. If the third tenant space was a coffee shop that maximum requirement would increase to 50 off-street parking spaces. The applicant proposes to provide a total of 21 spaces on site within a surface parking lot. The development complies with the maximum requirement.

Bicycle parking requirement: Retail uses, bank/financial institutions, and coffee shops each require 3 bicycle parking spaces. Therefore, a minimum of 9 bicycle parking spaces must be provided for the proposed development of which not less than 50 percent of the required bicycle parking shall meet the standards for short-term bicycle parking which is as follows:

- *“Required short-term bicycle parking spaces shall be located in a convenient and visible area within fifty (50) feet of a principal entrance and shall permit the locking of the bicycle frame and one (1) wheel to the rack and shall support a bicycle in a stable position without damage to the wheels, frame or components. With the permission of the city engineer, required bicycle parking may be located in the public right-of-way. Public bicycle parking spaces may contribute to compliance with required bicycle parking when located adjacent to the property in question.”*

The applicant is proposing to locate 10 bicycle parking spaces on site that meet the short-term stipulations. The development exceeds the minimum requirement

Loading: There is no loading requirement for the proposed development. All uses have a “Low” loading requirement and developments that are assigned this rating and that are below 20,000 square feet do not have to provide a designated loading space.

Stacking spaces for the drive-through: A minimum of 4 stacking spaces are required for either a bank teller lane measured from the teller or window, or for a restaurant (coffee shop) with a drive-through measured from the pick-up window. Each of the stacking spaces must be a minimum of 8 x 18 with pavement markings. There is no conflict of use and the pedestrian access to the facility would be off of the public sidewalk.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. A dumpster enclosure is located at the southwest corner of the site. The design of the dumpster enclosure meets the requirements of the Zoning Code.

Signs: While the elevations indicate general locations of future signage, no specific signage is proposed at this time. All signage must meet the requirements as outlined in Chapter 543 of the Zoning Code. Separate permits are required from the Zoning Office for any proposed future signage. Signage is indicated on the south elevation of the building which is not considered a primary building wall; signage would not be permitted in this location.

Lighting: While a photometric plan has been provided, the plan does not meet the specifications outlined in the Zoning Code. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 of the Zoning Code. A revised lighting plan shall be required as part of the final submittal.

Maximum Floor Area: The maximum FAR for all structures in the C2 zoning district is the gross floor area of the building, which is 6,236 square feet, divided by the area of the lot which is 20,463 square feet. The outcome is .30 which is less than the maximum of 1.7 permitted in the C2 District. The development is in compliance with the allowable FAR.

Minimum Lot Area and Lot Width: General retail sales and services uses do not have a minimum lot area or lot width requirement. However, retail sales and services with drive-through facilities and food and beverages uses with drive-through facilities require a minimum lot area of 12,000 square feet and a minimum lot width of 100 feet. The development is in compliance with both of these provisions.

Dwelling Units per Acre: Not applicable for this development.

Height: Maximum building height for principal structures located in the C2 zoning district is 4 stories or 56 feet, whichever is less. Properties located in the SH Overlay District have a maximum allowable building height of 2.5 stories or 35 feet. The height of the proposed building is 2 stories (1 floor) or 22 feet; therefore, it complies with the requirement.

Yard Requirements: The required yards are as follows:

Front - along Hennepin Avenue: 15 feet for the first 40 feet from south to north;

Reverse corner setback –along West 27th Street: approximately 2 feet for the first 40 feet from west to east;

Interior side yard/rear: 0 feet.

The proposal requires a variance of the front yard setback requirement along the east property line adjacent to Hennepin Avenue.

Building coverage: Not applicable for this development.

Impervious surface area: Not applicable for this development.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcels are located along Hennepin Avenue which is a designated Commercial Corridor in this location. The property is further designated for mixed-use development. According to *The Minneapolis Plan for Sustainable Growth*, Commercial Corridors “serve as boundaries connecting a number of neighborhoods and serve as focal points for activity. Development and revitalization of these corridors helps to strengthen surrounding urban neighborhoods. Commercial Corridors can accommodate intensive commercial uses and high levels of traffic. The corridors support all types of commercial uses, with some light industrial and high density residential uses as well. While the character of these streets is mainly commercial, residential areas are nearby and impacts from commercial uses must be mitigated as appropriate. Additionally, the City encourages new medium- to high-density residential development along Commercial Corridors, particularly as part of mixed use development. These corridors frequently carry large traffic volumes and must balance significant vehicular through-traffic capacity with automobile and pedestrian access to commercial property.” Regarding the mixed-use designation the plan states that “it allows for mixed-use development, including mixed-use with residential. Mixed use may include either a mix of retail, office or residential uses within a building or within a district.” Further, there is no requirement that every building be mixed-use. The following policies and implementation steps of *The Minneapolis Plan for Sustainable Growth* apply to this proposal:

Land Use Policy 1.1 states, “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.” This policy includes the following applicable implementation steps: (1.5.1) “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 states, “Ensure appropriate transitions between uses with different size, scale, and intensity.” This policy includes the following applicable implementation steps: (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.”

Land Use Policy 1.3 states, “Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.” This policy includes the following applicable implementation steps: (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 states, “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.” This policy includes the following applicable implementation steps: (1.4.1) “Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served”; (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 states, “Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.” This policy includes the following applicable implementation step: (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 1.10 states, “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.” This policy includes the following applicable implementation steps: (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”.

Urban Design Policy 10.10 states, “Support urban design standards that emphasize a traditional urban form in commercial areas.” The policy includes the following applicable implementation steps: (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.”

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

Staff believes that although the proposal results in the underutilization of a key redevelopment site (Land Use Policy 1.10.4, states “Encourage a height of at least two stories for new buildings along Commercial Corridors, in keeping with neighborhood character”) in the Uptown area, with the suggested conditions of approval, the proposal is supported by the above listed policies and implementation steps of *The Minneapolis Plan for Sustainable Growth*.

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

There is an additional plan that must be considered when evaluating the proposal which is the *Uptown Small Area Plan*, adopted by the City Council on February 1, 2008. The plan states for this area that “Hennepin Avenue between Franklin Avenue and 28th Street should continue to develop as a commercial corridor. It should be characterized by medium density housing containing street-level retail, and residences and small offices above. The retail and commercial uses should be mostly neighborhood and community oriented.” Further, “properties that extend from Hennepin Avenue to a parallel neighborhood street should be redeveloped with residential uses on the neighborhood street and mixed-use on Hennepin Avenue. Private parking for all new developments should be either underground, at the rear of the property, or in a surface lot in the interior of the block. New developments should create a strong urban street wall of two to four stories. The ground floor should contain either storefronts, common entries to apartment buildings, or stoops to townhouses.” The plan discusses neighborhood transitions and states “through a combination of select rezoning and good individual building designs, the Plan recommends preserving neighborhood scaled streets in the neighborhoods (maximum 35 feet) while allowing greater height mid-block (between Hennepin Avenue and the north/south neighborhood street)”.

The subject property is slated for urban oriented designs which are typified by townhouses, live/work, small apartments, courtyards, mixed-use developments and lofts. Recommendations for this geographic area include: “encourage buildings on Hennepin Avenue, north of 28th Street, to contain active fronts and wide sidewalks; new buildings throughout Uptown, and in particular on the Greenway, are encouraged to be designed as Green buildings with sustainable landscaping; create additional small triangular urban plazas on Hennepin Avenue north of 28th Street as properties are redeveloped; ensure that new development (residential and commercial) provides an adequate number of bicycle parking stalls; “encourage property owners on Hennepin Avenue (north of 28th Street) to combine parking lots in the rear of their buildings and to connect them to side streets allowing the reduction of curb cuts, the addition of on-street parking, and the reduction of mid-block left turns.

In general, the proposal is supported by many of the policies/recommendations outlined in the plan with a couple of notable exceptions. First, the plan discourages one-story commercial buildings; second, the plan calls for mixed-use on the subject parcel further encouraging medium density housing and neighborhood retail on Hennepin Avenue, north of 28th Street. Lastly, drive-through facilities are discouraged in this area but not prohibited as the Pedestrian Oriented (PO) Overlay District northerly boundary starts at the intersection of West 28th Street and Hennepin Avenue; approximately one block south of 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:

Window distribution: On the north elevation of the proposed structure facing West 27th Street, the proposal exceeds the 30% window requirement as a total of 47% are provided. The windows are vertical in nature but not evenly distributed as the windows are congregated towards the intersection or front half of this elevation. Alternative compliance is necessary for window distribution. Staff would recommend that the Planning Commission grant alternative compliance in this circumstance. Due to the configuration of the building on site, the applicant must meet a 30% window requirement on four elevations of the building that must be evenly distributed. Provided the windows remain unobstructed, Staff believes that the proposed distribution is reasonable.

Window percentage and distribution: The west elevation of the proposed structure facing the on-site parking lot does not meet the 30% window requirement as approximately 17.5% are provided overall on the elevation. Only one of the individual tenant spaces, located at the intersection of West 27th Street and Hennepin Avenue would comply with the 30% requirement. There are two windows and service doors located on this overall elevation. The windows are vertical in nature but not evenly distributed. Alternative compliance would be necessary for the overall window percentage and lack of even distribution. Staff would recommend that the Planning Commission grant alternative compliance in this circumstance in order to accommodate back-of-house operations.

The south elevation of the proposed structure facing the on-site parking lot does not meet the 30% window requirement as 24% windows are provided on this elevation. The windows are vertical in nature but not evenly distributed as the windows are congregated towards Hennepin Avenue or the front half of this elevation. Alternative compliance is necessary for overall window percentage as well as window distribution. Staff would recommend that in this specific circumstance that the Planning Commission grant partial alternative compliance. Staff would recommend that the Planning Commission require that the applicant provide the required overall window area of 30% but that the uneven distribution be allowed similar to the opposing north elevation. Provided the windows remain unobstructed, Staff believes that the proposed distribution is reasonable.

Blank uninterrupted walls: The proposed building incorporates architectural elements including recesses and projections, windows and entries. There are blank uninterrupted walls that exceed 25 feet in width on the north, south and west elevations of the building. Alternative compliance is necessary. Staff would recommend that the Planning Commission grant alternative compliance provided a minimum of 100 square feet of living wall panels are installed on each of the three non-compliant elevations. Incorporation of the living walls panels should mitigate the blank areas on the elevation. The principal roof line of the building would be flat. In the area both pitched roofs and flat roofed buildings can be found.

20% landscaping requirement: The zoning code requires that at least 20% of the site not occupied by the building be landscaped. The lot area of the site is 20,463 square feet and the footprint of the building is 6,236

square feet. When you subtract the footprint from the lot size the resulting number is 14,227 square feet; 20% of this number is 2,845 square feet. According to the applicant's landscaping plan there is 2,776 square feet of landscaping on the site or approximately 19.5% percent of the site not occupied by the building which does not meet the minimum requirement. Alternative compliance is necessary. Staff would recommend that the Planning Commission require compliance with the minimum requirement as it would be practical to require compliance. Compliance with the required front yard setback which would eliminate one off-street parking space would result in the site's compliance with the landscaping provision.

Landscaping quantities: The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 6 trees and 28 shrubs. The applicant has submitted an inadequate landscaping plan as the majority of plantings proposed on site are grasses and perennials. The applicant is proposing to plant 3 canopy trees on site, 1 is existing and would be maintained for a total of 4 trees; a total of 28 shrubs are proposed. Alternative compliance is required for the number of on-site trees. Staff would recommend that the Planning Commission require compliance with the minimum requirement of canopy trees as it would be practical to comply with the requirement. There is adequate and ample space on site to accommodate two additional canopy trees.

Landscaping and screening requirement: A seven-foot wide landscaped yard and screening equal to 95% opacity is required between the parking area and the west and south sides of the property. The applicant is proposing an approximate 8-foot wide yard along the west property line; however, due to an existing easement with the abutting property owner a 4-foot walkway must be maintained within the required landscaped yard that connects to the public sidewalk along West 27th Street. A proposed 6-foot tall privacy fence would extend along the entire property line. Two canopy trees and 6 grasses are proposed within this required yard which is 107 feet in length which does not meet the landscaping requirements. Alternative compliance would be necessary. Staff would recommend that the Planning Commission require compliance with the landscaping provisions. While the walkway and a retaining wall somewhat limit the location of landscaping within the required yard, the perimeter area can still be designed to accommodate landscaping that meets the intent of the provision. Along the south side of the property the applicant is proposing an approximate 6-foot wide yard and 1 canopy tree and a coniferous hedge that meets the screening requirement. Alternative compliance is necessary for the width of the yard. Staff would recommend that the Planning Commission require compliance with the minimum perimeter yard requirement of 7 feet as it is practical to require compliance as the entire site is being redeveloped and should meet all of the basic design and maintenance provisions as outlined in the Zoning Code.

A seven-foot wide landscaped yard and screening equal to 60% opacity is required between the parking area and the north and east sides of the property. A 7-foot wide landscaped yard is provided along Hennepin Avenue and is screened in compliance with the Zoning Code standards. Along West 27th Street, the landscaped yard varies from 3 feet to 7 feet, the screening provided complies with the Zoning Code standards; however, alternative compliance is required for the width of the landscaped yard. Staff would recommend that the Planning Commission require compliance with the provisions as the entire site is being redeveloped and should meet all of the basic design and maintenance provisions as outlined in the Zoning Code.

25-foot linear tree provision: Regarding the provision that requires 1 tree per 25 linear feet of parking along a public street, the development complies with the provision along the east property line abutting Hennepin Avenue but does not meet the provision along 27th Street West. Alternative compliance would be necessary. Staff would recommend that the Planning Commission require compliance with this provision as it would be practical to include a canopy tree in the landscaped area abutting West 27th Street.

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance of the front yard setback requirement along the east property line adjacent to Hennepin Avenue to allow a parking stall on the property located at 2700 Hennepin Avenue.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application to allow a new single-story, approximately 6,236 square foot multi-tenant retail development with a drive-through facility on the property located at 2700 Hennepin Avenue subject to the following conditions of approval:

1. Staff review and approval of the final site, elevation, lighting and landscaping plans before building permits may be issued.
2. All site improvements shall be completed by February 19, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The lighting plan shall be modified to comply with Chapters 535 and 541 of the Zoning Code.
4. No shelving, signage, merchandise, newspaper racks or other mechanisms shall be placed in front of the required ground level transparent windows.
5. A detail of the privacy fence shall be provided in the final submittal. No board on board cedar fencing shall be permitted. The extent of the fencing shall be clearly delineated on the site plan in order to verify that it does not affect sight lines or encroach into required yards.
6. All signs require separate permits from the Zoning Office and must comply with Chapter 543 of the Zoning Code.
7. The south elevation of the proposed structure facing the on-site parking lot shall be modified to meet the 30% window requirement per Section 530.120 of the Zoning Code.
8. A minimum of 100 square feet of living wall panels shall be installed on the blank portions of the north, south and west elevations of the building to offset the lack of compliance with the blank wall provision outlined in Section 530.120 of the Zoning Code.
9. The final landscaping plan shall be modified to comply with all standards as outlined in Section 530.160 and 530.170 of the Zoning Code including but not limited to the 20% landscaping requirement, the minimum quantity requirement for canopy trees, the applicable landscaping and screening provisions as well as the 25-foot linear tree provision.
10. Compliance with all applicable specific development standards as outlined in Chapter 536 of the Zoning Code.

Attachments:

1. Statement of use and description of the project
2. Findings for the Variance
3. General correspondence
4. Zoning map
5. Site photos, site, landscape, floor, elevations, civils, rendering
6. PDR notes