

**Department of Community Planning and Economic Development – Planning Division**  
Two Conditional Use Permits, Variance and Site Plan Review  
BZZ-2339

**Date:** June 13, 2005

**Applicant:** Kris Wirtanen with Lund Food Holding, Inc.

**Address of Property:** 1201, 1207 and 1213 Hennepin Avenue South

**Project Name:** Lunds Grocery Store

**Contact Person and Phone:** Rene Plumart with DJR Architecture, Inc., (612) 676-2700

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

**Date Application Deemed Complete:** May 16, 2005

**End of 60-Day Decision Period:** July 15, 2005

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

**Ward: 7      Neighborhood Organization:** Citizens for a Loring Park Community

**Existing Zoning:** B4S-1 with the Harmon Area and Downtown Parking Overlay Districts

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

**Zoning Plate Number:** 19

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

**Proposed Use:** Mixed-use building with a grocery store and offices

**Concurrent Review:**

**Conditional use permit:** for 24 hour operations of a Lunds Grocery Store

**Conditional use permit:** to allow a surface parking lot in the DP Downtown Parking Overlay District

**Variance:** to increase the number of surface parking stalls from 20 to 51 located in the DP Downtown Parking Overlay District

**Site plan review**

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(20) “to vary the standards of any overlay district, other than the SH Shoreland Overlay District or the FP Floodplain Overlay District”; and Chapter 530, Site Plan Review.

**Background:** The proposed development is located in the Loring Park Neighborhood. The site is located on the southwest corner of the intersection of Hennepin Avenue South and South 12<sup>th</sup> Street. The existing building located at 1201 Hennepin Avenue was constructed in 1912. The subject building is a contributing property in the designated Harmon Place Historic District. When the building was first constructed it housed a number of automobile showrooms before it was converted to offices in 1950. This building is one of the earliest automotive buildings remaining on Hennepin Avenue. The applicant is proposing to rehabilitate the building, construct a one-story addition on the south side of the building, install new signage and reconfigure and landscape the parking lot. The first and second floors of the building will be occupied by Lunds Grocery Store and associated administrative offices and the third floor of the building will be leased out to other office tenants.

The property is located in the DP Downtown Parking Overlay District. In this overlay district, accessory parking lots are limited in size to a maximum of 20 parking spaces. In order to exceed this amount a variance is required.

**CONDITIONAL USE PERMIT** - for 24 hour operations of a Lunds Grocery Store

**Findings as Required by the Minneapolis Zoning Code:**

The Department of Community Planning and Economic Development – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

**1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The site is located on the corner of Hennepin Avenue and South 12<sup>th</sup> Street in downtown Minneapolis. The uses surrounding the site include residential buildings of varying densities, offices and a variety of commercial uses. Given the location of the site in downtown the Planning Division does not believe that extending the hours of operation for Lunds Grocery Store will produce significantly more noise and traffic in the area during late night hours.

**2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The Planning Division staff uses the following criteria to determine compatibility of extended hours with the surrounding area:

**Proximity to permitted or conditional residential uses.** There are a number of residential uses that surround the site.

**Nature of the business and its impacts of noise, light and traffic.** The applicant is proposing to keep Lunds Grocery Store open 24 hours a day, seven days a week. There is a parking lot located to the side of the building where the customers and employees can park. The parking lot is surrounded by a

number of residential uses. Given this, staff is recommending that all deliveries, trash compacting and trash and recycling operations adhere to section 389.100 of the Minneapolis Code of Ordinances which does not allow these types of operations to occur between 10 pm and 6 am. In addition, a lighting plan showing footcandles was not submitted as part of the application materials. The Planning Division is recommending that the applicant submit a lighting plan so staff can verify that the lighting levels comply with the requirements of Chapter 535.

**Conformance of use.** Grocery stores and office uses are both permitted uses in the B4S-1 zoning district.

**Complaints received.** According to the information provided on the Minneapolis Property Information System's webpage, no police incidents have been reported for this property.

**3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements. Extending the hours of operation would not affect the adequacy of utilities, access roads, drainage, or other facilities.

**4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

The parking requirement in the B4S-1 zoning district is one parking space per every 1,400 square feet of gross floor area. The building is approximately 44,915 square feet. The parking requirement is 32 spaces. The applicant is proposing to provide a total of 51 parking spaces in the surface parking lot. Given that more parking spaces are being provided than what is provided, the Planning Division believes that measures have been taken to minimize traffic congestion in the public streets.

**5. Is consistent with the applicable policies of the comprehensive plan.**

This site is located in one of the designated Downtown Residential Districts. According to the Principles and Polices outlined in *Minneapolis Downtown 2010*, the following apply to this proposal:

- Promote retail and other interesting uses at street level in order to reinforce the linking function of streets and to create vitality. These uses should be encouraged at the street level throughout downtown and required where the continuity of retail is important (Downtown's Physical Setting Policy number 2).
- ...Other retail, office and educational uses should be encouraged to provide diversity, but should be compatible with housing (Downtown Living Policy number 3).

It is the goal of the policy makers in the City of Minneapolis to make downtown a 24-hour city. In order to do so there needs to be activity occurring around the clock. Allowing Lunds Grocery Store to operate 24 hours a day will help in achieving this goal. However, because the site is surrounded on three sides

by residential uses, the Planning Division is recommending that all deliveries, trash compacting and trash and recycling operations adhere to section 389.100 of the Minneapolis Code of Ordinances which does not allow these types of operations to occur between 10 pm and 6 am.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located.**

With the approval of the two conditional use permits, the variance and the site plan review this development will be in conformance with the applicable regulations of the B4S-1 zoning district.

**CONDITIONAL USE PERMIT** - to allow a surface parking lot in the DP Downtown Parking Overlay District

**Findings as Required by the Minneapolis Zoning Code:**

The Department of Community Planning and Economic Development – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

**1. Will be detrimental to or endanger the public health, safety, comfort or general welfare.**

The Planning Division does not believe that a 51-space surface parking lot will be detrimental to the surrounding area given that a 90-space surface parking lot currently occupies the site.

**2. Will be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The Planning Division does not believe that a 51-space surface parking lot would be injurious to the use and enjoyment of other property in the area as the site is currently used as a surface parking lot. The proposed configuration of the parking lot is much enhanced in comparison to the existing parking lot as there would be landscaping surrounding the lot and also located throughout the interior of the lot.

**3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

**4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

The development has a parking requirement of 32 spaces. There will be a total of 51 parking spaces provided on site.

**5. Is consistent with the applicable policies of the comprehensive plan.**

This site is located in one of the designated Downtown Residential Districts. According to the Principles and Policies outlined in *Minneapolis Downtown 2010* and *The Minneapolis Plan*, the following apply to this proposal:

- Maintain good automobile access (Downtown Movement Policy number 3).
- Ensure a sufficient supply of short-term parking (Downtown Movement Policy number 9).
- Provide bicycle parking area (Downtown Movement Policy number 13).
- Promote design solutions for automobile parking facilities that reflect principles of traditional urban form (City Form Policy number 9.12).

The surface parking lot will be utilized by customers and employees of the grocery store and the office tenants. The 51 spaces within the surface parking lot exceeds the minimum parking requirement for the entire development and therefore should provide an adequate supply of available parking for the commercial customers and employees throughout the day. The reconfigured surface parking lot contains landscaping surrounding the lot and also located throughout the interior of the lot. In addition, a bicycle rack is being provided near the entrance on the south side of the building.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located.**

With the approval of the two conditional use permits, the variance and the site plan review this development will be in conformance with the applicable regulations of the B4S-1 zoning district.

**VARIANCE** - to increase the number of surface parking stalls from 20 to 51 located in the DP Downtown Parking Overlay District

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

**1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**Parking stall increase:** The applicant is seeking a variance to increase the number of surface parking stalls from 20 to 51 located in the DP Downtown Parking Overlay District. The applicant has indicated that if the number of parking spaces within the parking lot were reduced to 20 that there would not be enough parking spaces for the customers and employees of the grocery store and the office tenants. In addition, the applicant has indicated that the number of parking spaces will be reduced by approximately 43 percent and replaced by landscaping.

**2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**Parking stall increase:** The fact that the applicant will be reducing the number of parking spaces within the parking lot by approximately 43 percent and replacing them with landscaping is a unique circumstance that is not generally applicable to other properties in the B4S-1 zoning district.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**Parking stall increase:** The granting of the variance will not significantly affect the essential character of the area given that the number of parking spaces within the parking lot will be reduced and replaced with landscaping. In addition, the parking lot is accessory to the use and is not a commercial lot. Please note that staff is recommending that the applicant increase the amount of green space on the site to 20 percent which could potentially reduce the number of parking spaces within the parking lot to less than 51.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**Parking stall increase:** The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed number of parking spaces be detrimental to welfare or public safety.

### **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 FACADE:**

- 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.**

- **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
- **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. 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.**

**PLANNING DEPARTMENT RESPONSE:**

- The building and the addition reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access.
- The building is existing. The building is located at the property lines along both Hennepin Avenue and 12<sup>th</sup> Street South. The addition that the applicant is proposing would project approximately 57 feet from the south wall of the existing building and would extend from the front property line along Hennepin Avenue to within 7 feet of the rear property line. The addition would only be one story tall.
- Given the location of the building, there are no amenities located between the building and the front and corner side property lines.
- There are three principal entrances proposed for the building. Two of the entrances lead into the Lunds Grocery Store and the other leads into the lobby area for the third floor office space. One of the entrances to Lunds is located on the corner of Hennepin Avenue and 12<sup>th</sup> Street South and the other entrance faces the parking lot on the south side of the building. Both of these entrances are emphasized by signage and canopies. The office entrance is located on the northeast corner of the building facing 12<sup>th</sup> Street South. This entrance is recessed approximately 4 feet and will be emphasized by signage.
- The accessory parking lot is located to the interior of the site. The parking lot will be screened from both Hennepin Avenue and 13<sup>th</sup> Street South by a decorative fence and landscaping.
- The exterior materials of the building are brick and stucco. The west and south walls of the addition will be brick and the east wall of the addition will be stucco. Both of these building materials are compatible with the existing building. Along the south side of the addition there is a row of transom windows located between 13 and 15 feet above grade. To break up the long south wall of the building, vertical brick columns have been spaced along the wall, which mimic the concrete columns on the upper two floors of the existing building. The side of the building addition that faces the alley has a segment of wall that is blank and over 25 feet long. Given the historic nature of the building, the Planning Division is recommending alternative compliance to allow a blank segment of wall that is over 25 feet in length provided the Heritage Preservation Commission deems this design acceptable.
- Windows will be installed in the existing portion of the building as they originally were. In the addition, the windows along Hennepin Avenue will be similar in design to those in the existing

portion of the building. A similar storefront design will wrap around the southwest corner of the building where the new entrance will be located. Along the south wall of the addition a row of transom windows will be located between 13 and 15 feet above grade.

- At least 30 percent of the first floor and at least 10 percent of the upper floors of the building walls on Hennepin Avenue, 12<sup>th</sup> Street South and the parking lot side of the building are required to be windows. All but the first floor of the building facing the parking lot meet these requirements. The first floor of the building facing the parking lot has 14 percent windows. There is a row of transom windows located along this wall but because they are located between 13 and 15 feet above grade they are not included in the 30 percent calculation. The Planning Division is recommending that the commission grant alternative compliance to allow less than 30 percent windows on the first floor of the building facing the parking lot. The applicant had incorporated architectural detailing along this wall as well as an outdoor patio and planters.
- Along the first floor of the building on the Hennepin Avenue side of the building there is 73 percent windows and along the first floor of the building on the 12<sup>th</sup> Street South side of the building there is 51 percent windows. The zoning code requires that at least 30 percent of the windows allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views. The Planning Division is recommending that an interior layout plan be submitted so staff can verify that at least 30 percent of the windows being provided on the first floor along both Hennepin Avenue and 12<sup>th</sup> Street South and the entire 14 percent windows along the parking lot side of the building comply with the regulations of the zoning code.
- The roof line of the addition will be flat, similar to the roof line of the existing building.

#### **ACCESS AND CIRCULATION:**

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

#### **PLANNING DEPARTMENT RESPONSE:**

- All of the entrances that lead into the building are located at the property line and are therefore connected to the public sidewalks. Within the parking lot the row of parking spaces immediately adjacent to the building are connected to the entrance via a walkway. The remaining parking spaces are not connected to the building entrance via a walkway.
- The number of curb cuts leading to this site from Hennepin Avenue have been reduced from three to one. By doing this, vehicular conflicts with pedestrians is being minimized.
- The applicant is proposing to utilize the public alley for delivery vehicles. The zoning code allows this as there is no residential zoning on the block.
- Seventy-nine percent of the site is impervious. The landscaping requirement for this site is not being met. Please see the landscaping section below for a more detailed description of the Planning Division's recommendation regarding this issue.

**LANDSCAPING AND SCREENING:**

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

**PLANNING DEPARTMENT RESPONSE:**

- **The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 42,069 square feet. The footprint of the building, including the addition, is 16,354 square feet. When you subtract the footprint from the lot size the resulting number is 25,715 square feet. Twenty percent of this number is 5,143 square feet. The applicant has a total of 3,322 square feet, or 13 percent of the site landscaped. The applicant is providing a total of 2,454 square feet of green space on the roof of the addition which they believe should count towards the required percentage of green space on the site. However, the zoning code requires that 20 percent of the site be landscaped not only to help minimize the amount of impervious surface on the site but to also provide an aesthetic edge to the site. The Planning Division is recommending that the commission grant alternative compliance to allow less than 20 percent green space on the site if some minor modifications are made to the site plan.**

- The zoning code requires at least 1 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 10 and 51 respectively. The applicant is providing a total of 16 trees and 126 shrubs.
- The zoning code requires that a 7-foot wide landscape yard be provided along a public street, sidewalk or pathway. The applicant is only providing a 5-foot wide landscaped yard along Hennepin Avenue. The Planning Division is recommending that a 7-foot wide landscaped yard be provided along Hennepin Avenue.
- To screen the parking lot from the public street and sidewalk, the applicant is proposing to utilize a combination of a decorative metal fence and landscaping. With these two combined, screening equal to 60 percent opaque should be achieved. The decorative fence would be located along both Hennepin Avenue and 13<sup>th</sup> Street South. The fence would be located at the property line.
- For each 25 linear feet along a public street, at least one tree needs to be provided. To meet this requirement at least one more tree needs to be located along 13<sup>th</sup> Street South.
- 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. In the proposed parking lot all of the parking spaces are located within 50 feet of an on-site deciduous tree. However, the two tree islands located in the middle of the parking lot do not measure 7 feet in any every direction. Widening the two tree islands would provide more green space on the site. The Planning Division is recommending that the tree islands be designed to measure 7 feet in every direction.

**ADDITIONAL STANDARDS:**

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
  - **Natural surveillance and visibility**
  - **Lighting levels**
  - **Territorial reinforcement and space delineation**
  - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be**

**locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

**PLANNING DEPARTMENT RESPONSE:**

- Water drains to the northeast corner of this site. Given this, the applicant is proposing to have continuous 6 by 6-inch curbing around the perimeter of the parking lot.
- A lighting plan showing footcandles was not submitted as part of the application materials. The Planning Division is recommending that the applicant submit a lighting plan so staff can verify that the lighting levels comply with the requirements of Chapter 535.
- This building should not block views of important elements in the city.
- This building should have minimal light and air effects on the surrounding area.
- This building should have minimal wind effects on the surrounding area.
- The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. To ensure the welfare of the customers and employees of the developments it was suggested that the applicant consider installing a camera plan that not only monitors the inside of the building but also the outside of the building, including the parking lot.
- The existing building is a contributing property in the designated Harmon Place Historic District. The proposed development is to be reviewed by the Heritage Preservation Commission on Tuesday, June 14<sup>th</sup>.

**Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council**

**ZONING CODE:**

- **Use:** Both the grocery store and offices uses are permitted in the B4S-1 District.
- **Off-Street Parking and Loading:** The zoning code requires 32 parking spaces. The applicant proposes to have 51 parking spaces.
- **Maximum Floor Area:** The maximum FAR in the B4S-1 District is 4. The lot in question is 42,069 square feet in area. The applicant proposes 44,915 square feet of gross floor area, an FAR of 1.06.
- **Building Height:** There are no height limitations in the B4S-1 District.
- **Minimum Lot Area:** There are no minimum lot area requirements for this development.
- **Yard Requirements:** There are no yard requirements for this development.
- **Specific Development Standards:** Grocery stores are required to inspect the premises, all adjacent streets, sidewalks and alleys and all sidewalks and alleys within one hundred feet regularly for purposes of removing any litter found thereon. There are no specific development standard for office uses.

- **Hours of Operation:** In the B4S-1 District, uses may be open to the public during the following hours: Sunday through Saturday from 6 a.m. to 6 a.m.
- **Signs:** Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code. The applicant proposes no signage at this time. The applicant has been told that the signs that were originally shown on their elevations (no longer shown) would require variances. The Planning Division anticipates that the applicant will need to go back to the Planning Commission for sign variances.
- **Refuse storage:** The applicant is proposing to have a self-contained trash compactor on the site. It would be located on the south side of the building. It will be screened by a brick wall on two sides and a wooden gate on the third side.

**MINNEAPOLIS PLAN:**

This site is located in one of the designated Downtown Residential Districts. According to the Principles and Policies outlined in *Minneapolis Downtown 2010* and *The Minneapolis Plan*, the following apply to this proposal:

- ...Other retail, office and educational uses should be encouraged to provide diversity, but should be compatible with housing (Downtown Living Policy number 3).
- Maintain good automobile access (Downtown Movement Policy number 3).
- Ensure a sufficient supply of short-term parking (Downtown Movement Policy number 9).
- Provide bicycle parking area (Downtown Movement Policy number 13).
- Promote design solutions for automobile parking facilities that reflect principles of traditional urban form (City Form Policy number 9.12).

The applicant is proposing to rehabilitate the building, construct a one-story addition on the south side of the building and reconfigure and landscape the parking lot. The first and second floors of the building will be occupied by Lunds Grocery Store and associated administrative offices and the third floor of the building will be leased out to other office tenants. The reconfigured surface parking lot contains landscaping surrounding the lot and also located throughout the interior of the lot. The applicant has not indicated that bicycle parking will be provided on the site. Staff believes that this development is compatible with the policies of the *Minneapolis Downtown 2010* plan.

**ALTERNATIVE COMPLIANCE:**

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

is similar in form, scale and materials to existing structures on the site and to surrounding development.

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

**PLANNING DEPARTMENT RESPONSE:**

- The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow a blank 25-foot segment of wall facing the alley. The side of the building addition that faces the alley has a segment of wall that is blank and over 25 feet long. Given the historic nature of the building, the Planning Division is recommending alternative compliance to allow a blank segment of wall that is over 25 feet in length.
- The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow there to be less than 30 percent windows on the parking lot side of the building. The applicant is proposing to have 14 percent windows on this side of the building. To break up the long south wall of the building, vertical brick columns have been spaced along the wall, which mimic the concrete columns on the upper two floors of the existing building. In addition, the area outside along the south wall of the building is a proposed patio with moveable planters. The Planning Division believes that with these elements the intent of the zoning code is being met.
- The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow there to be less than 20 percent green space on the site. The applicant is proposing to have 13 percent green space on the site. In addition to the 13 percent, the Planning Division is recommending that the applicant increase the width of the landscaped areas along Hennepin Avenue to 7 feet and that the tree islands be designed to measure 7 feet in every direction. With these two changes combined with the decorative fence that the applicant is proposing to have on the site and the green roof the Planning Division believes that the intent of the zoning code is being met.

**RECOMMENDATIONS**

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to allow for 24 hour operations of a Lunds Grocery Store located at 1201, 1207 and 1213 Hennepin Avenue South subject to the following conditions:

1. All deliveries, trash compacting and trash and recycling operations shall adhere to section 389.100 of the Minneapolis Code of Ordinances.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:**

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The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to allow a surface parking lot in the DP Downtown Parking Overlay District located at 1201, 1207 and 1213 Hennepin Avenue South subject to the following conditions:

1. There shall be no more than 51 parking spaces located in the surface parking lot.

**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 findings above and **approve** the variance to increase the number of surface parking stalls from 20 to 51 located in the DP Parking Overlay District located at 1201, 1207 and 1213 Hennepin Avenue South.

**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 adopt the above findings and **approve** the site plan review for the property located at 1201, 1207 and 1213 Hennepin Avenue South subject to the following conditions:

1. An interior layout plan shall be submitted so staff can verify that at least 30 percent of the windows being provided on the first floor along both Hennepin Avenue and 12<sup>th</sup> Street South and the entire 14 percent windows on the first floor along the parking lot side of the building allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views as required by section 530.120.
2. At least a 7-foot wide landscaped yard shall be provided along Hennepin Avenue as required by section 530.170.
3. Not less than one tree shall be provided for each 25 linear feet or fraction thereof of parking or loading area lot frontage along Hennepin Avenue and 13<sup>th</sup> Street South as required by section 530.170 of the zoning code.
4. The tree islands shall be designed to measure 7 feet in every direction as required by section 530.170.
5. The Department of Community Planning and Economic Development – Planning Division shall approve the final lighting plan.
6. The Community Planning and Economic Development Department – Planning Division shall approve the final site, landscaping and elevation plans.

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7. The applicant shall obtain an encroachment permit from the Public Works Department for any work done in the right-of-way.
8. All site improvements shall be completed by June 13, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**Attachments:**

1. Statement of proposed use and description of the project
2. Conditional use permit and variance findings
3. April 21, 2005, letter to the Citizens for a Loring Park Community organization and Council Member Goodman
4. Zoning Map
5. Site and civil plans
6. Truck movement plan
7. Landscaping plan
8. Floor plans and elevations
9. Photographs of the site and surrounding area