

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit and Site Plan Review
BZZ-2296

Date: May 9, 2005

Applicant: UB Properties, LLC

Address of Property: 700 West Broadway

Project Name: Merwins Drug Store

Contact Person and Phone: Louis Dachis, (952) 697-5255

Planning Staff and Phone: Lonnie Nichols, (612) 673-5468

Date Application Deemed Complete: April 4, 2005

End of 60-Day Decision Period: June 3, 2005

End of 120-Day Decision Period: Not applicable at this time.

Ward: 3 **Neighborhood Organization:** Hawthorne

Existing Zoning: C-2 (Neighborhood Corridor Commercial)

Proposed Zoning: C-2, No zoning change proposed for this application.

Zoning Plate Number: 8

Legal Description: Block 1, Lot 2, Merwin Drug Addition to Minneapolis.

Proposed Use: Reconfigure floor plan of existing one-story commercial building to remove restaurant use and realign space for existing liquor store, drug store and financial services (check cashing) uses.

Concurrent Review: Amendment to Conditional Use Permit and Site Plan Review.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 530 Site Plan Review, Chapter 536 Specific Development Standards, Chapter 541 Off-street Parking, Chapter 548 Commercial Districts.

Background: The City Council approved a rezoning of the property in 1982 from B3SP-2 to B3-3 to permit a drugstore and medical clinic. The property was rezoned by the City to C2 in 1999 with the adoption of the zoning code. UB Properties, LLC has filed application to amend a conditional use permit (for a shopping center containing a liquor store) to change the floor plan in an existing building designed as a shopping center for a liquor store, financial institution, and drug store-pharmacy and

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major site plan review located at 700 West Broadway in the C-2 (Neighborhood Corridor Commercial) district. The property is an irregular shaped parcel located adjacent to a Hawthorn Crossing Corporation property and building that houses West Broadway Village Social Services. The two properties have existing easement agreements for the parking lot on the North side of the buildings (owned by Hawthorn Crossing Corporation and not part of this application) and shared parking for the parking lot on the South side of the buildings (owned by UB Properties and subject to site improvements). The Hawthorne Area Community Council business committee met with the applicant on February 25, 2005, and submitted a letter dated March 15, 2005, indicating they had voted unanimously to support the Merwin's remodeling project.

Findings as required by the Minneapolis Zoning Code:

The 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.

Reconfiguring the floor plan of an existing one-story commercial building to remove a restaurant use and realign space for an existing liquor store, drug store and financial services (check cashing) use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

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 proposed changes to the floor plan, modifications to the exterior of the building, and addition of landscaping and fencing to the site 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.

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

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

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

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The parking requirement for Merwins shopping center is 38 (calculation: liquor store $7725/300 = 25.75$, drug store = 4, pharmacy = 4, supercash = 4). Adjacent to the Merwins Shopping Center, in a separate building owned by Hawthorn Crossing Corporation is West Broadway Village Social Services, which has an estimated parking requirement of 13 for offices (calculation: $7700 - 4000 = 3700/300 = 12.33$). The applicant is providing 54 parking stalls, including two handicapped accessible parking stalls. The handicapped stalls should be striped for van accessibility (18' depth and 8' width parking stalls separated by an 8' width striped area). There is also a parking area located to the North of the Merwins building which provides 18 parking stalls. This parking area is owned by Hawthorn Crossings Corporation. This lot to the North of the buildings serves as an off-street parking area for employees of both Merwins and West Broadway Social Services. Merwins maintains an easement agreement on this area for access for deliveries and also refuse storage and pick up. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

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

MINNEAPOLIS PLAN: The comprehensive plan shows West Broadway Avenue as a commercial corridor from the Mississippi River to 26th Avenue North. Chapter four of *The Minneapolis Plan* states the following applicable objectives and implementation steps about community corridors:

4.1 Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods.

Relevant Implementation Steps

Develop standards based on a recognition of the qualities that make urban 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 which add interest at the scale of the pedestrian.

Designate certain streets as commercial corridors with the adoption of this Plan.

4.3 Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.

Relevant Implementation Steps

Ensure that commercial uses do not negatively impact nearby residential areas.

Develop parking facilities and management strategies that balance the following goals: improved customer access, protection of sidewalk traffic; reduced visual impacts and shared use of parking facilities.

Ensure that parking structures and surface lots conform with identified design principles.

Reduce the impact of non-residential uses on neighboring residential areas by considering appropriate access, buffering between incompatible uses and regulating hours of operation.

Require that street design for Commercial Corridor streets provide automobile access and parking in keeping with traditional urban form

Require that street designs provide high quality access to Commercial Corridors for pedestrians and cyclists, as well as facilitate transit service and through passage of traffic.

4.4 Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

Relevant Implementation Steps

Provide for a range of commercial districts that provide the services required by the residents and businesses.

Plan, implement and monitor projects and programs that encourage and support the city's neighborhood commercial areas.

Encourage the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.

9.15 Minneapolis will protect residential areas from the negative impact of non residential uses by providing appropriate transitions between different land uses.

Relevant Implementation Steps

Provide appropriate physical transition and separation using green space, setbacks or orientation between residential and non residential uses.

Mitigate, through screening and buffering, limiting the size and scale of a building, and a business' hours of operation, the effects of commercial properties on residential areas.

The Minneapolis Plan identifies West Broadway from the Mississippi River to 26th Avenue North as a Commercial Corridor. Chapter 9, section 28 states Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered. *The Minneapolis Plan* identifies the intersection of West Broadway Avenue and Lyndale Avenue North, where the 501 West Broadway strip-mall is located, as the Auto-Oriented Commercial Center for North Minneapolis. Chapter 9, section 30 of the plan states Minneapolis will support a limited number of Auto-Oriented Shopping Centers while promoting their compatibility with the surrounding area and their accessibility to bus, bicycle and foot traffic. Given the establishment date of the Merwins Drug Store building (1983), its proximity to an existing auto-oriented commercial center, and the proposed physical improvements, the site is in conformance with these sections of the Minneapolis Plan.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

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Provided the dumpster is screened, signage meets code requirements, and landscaping and screening is provided as required by Chapter 541 of the zoning code, the project will conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

The applicant shall provide evergreen shrubs at the base of the freestanding sign along Broadway Avenue as per section 543.240 (d) of the code to meet the year round screening requirement. The applicant has proposed to remove asphalt at the south end of the site to create more landscaping area along Broadway Avenue. The applicant has requested alternative compliance on landscape area percentage and plant count, in exchange for the provision of wrought iron fencing along Lyndale and Broadway Avenues. Planning staff is supportive of alternative compliance, but is recommending the applicants add more landscape area and plantings (trees/shrubs) to the site, 6" more width along Broadway Avenue and consider landscaping the Southeast and Southwest corners of the lot. The shopping center building and liquor store are also subject to compliance with specific development standards from Chapter 536 of the zoning code listed in the site plan review section of this report.

Site Plan Review

On April 29, 2005, the City Council adopted changes to the site plan review ordinance of the zoning code. Based on these changes to the ordinance, a site plan review application is no longer required for this project given that the applicant is not proposing to expand the building. Note, however, that current landscaping and screening requirements may apply to this site.

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 amendment for a shopping center that includes an off sale liquor store located at 700 West Broadway Avenue, subject to the following conditions:

- 1) The CPED Planning Division shall review and approve the final site, signage, and landscaping plans.
- 2) Landscaping and screening shall be provided as required by section 541.360 or the zoning code. Decorative fencing may substitute for the required landscaped yard along Lyndale Avenue and be provided along Broadway Avenue in addition to the landscaped yard.
- 3) The refuse storage shall be screened as required by section 535.80 of the zoning code.
- 4) The shopping center and liquor store shall comply with the applicable specific development standards from Chapter 536 of the zoning code.

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**Recommendation of the Department of Community Planning and Economic Development –
Planning Division for the Site Plan Review:**

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **return** the site plan review application for the property located at 700 West Broadway Avenue.

Attachments:

1. Statement of use and Findings
2. Correspondence
3. Previous City Actions
4. PSPR Notes and Code Compliance Notes
5. Zoning map, Site and Landscaping Plans, Floor Plans and Elevations
6. Sign Illustrations and Photos