Department of Community Planning and Economic Development – Planning Division
Rezonings, Conditional Use Permits, Variances, Site Plan Review, Alley Vacation
and Preliminary Plat
BZZ-3229

Date: November 13, 2006

Applicant: Penn Lowry Crossing LLC

Address of Property: 3010, 3108, and 3120 Penn Avenue North, 2125 Lowry Avenue North and 3023, 3027, 3101, 3107, 3111, 3115 and 3119 Oliver Avenue North

Project Name: Penn Lowry Crossing

Contact Person and Phone: Gonzalo Villares with Pope Associates, (651) 789-1619

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

Date Application Deemed Complete: October 4, 2006

End of 60-Day Decision Period: December 3, 2006

End of 120-Day Decision Period: A 60-day extension letter was mailed on October 27, 2006, extending the 120-day decision period to February 1, 2007

Ward: 4 **Neighborhood Organization:** Jordan Area Community Council

Existing Zoning: R2B, Two-Family District, C1, Neighborhood Commercial District and C2, Neighborhood Corridor Commercial District

Proposed Zoning: C1, Neighborhood Commercial District, C2, Neighborhood Corridor Commercial District and R2B, Two-Family District with the TP Transitional Parking Overlay District

Zoning Plate Number: 7

Legal Description:
A **portion of the property located at 3010 Penn Avenue North** from the C2 district to the C1 district: All of Lots 19, 20 and 21, Block 2, Hamisch's Second addition to Minneapolis.
All of **3108 and 3120 Penn Avenue North and 2125 Lowry Avenue North** from the C1 district to the C2 district: North 27 ½ feet of Lot 23 and all of Lots 24, 25, 26, 27 and 28, Block 2, Hamisch's Addition and all of lots 1 and 2, Block 2, Hamisch's Second addition to Minneapolis.
A **portion of the properties located at 3107, 3111, 3115 and 3119 Oliver Avenue North** from the R2B district to the C2 district: The westerly 19.5 feet of Lots 3, 4, 5 and the westerly 19.5 feet of the northerly 31.2 feet of Lot 6, Block 2, Hamisch's Second addition to Minneapolis.
A **portion of the property located at 3119 Oliver Avenue North** from the R2B district to the C2 district: Lot 3, excluding the westerly 19 ½ feet, Block 2, Hamisch's Second addition to Minneapolis.

A **portion of the properties located at 3023, 3027, 3101, 3107, 3111 and 3115 Oliver Avenue North** to add the TP Transitional Parking Overlay district to the existing R2B District: Lots 4 and 5, excluding the westerly 19.5 feet thereof, Lot 6, excluding the westerly 19.5 feet of and the northerly 31.2 feet thereof and all of Lots 7, 8 and 9, Block 2, Hamisch's Second addition to Minneapolis.

Proposed Use: Planned Commercial Development including the renovation of an existing 14,960 square foot commercial building and the construction of two new commercial buildings totaling 33,280 square feet and a parking lot that would be shared by all of the tenants

Concurrent Review:
Rezoning: of a portion of the property located at 3010 Penn Avenue North from the C2 district to the C1 district
Rezoning: of 3108 and 3120 Penn Avenue North and 2125 Lowry Avenue North from the C1 district to the C2 district
Rezoning: of a portion of the properties located at 3107, 3111, 3115 and 3119 Oliver Avenue North from the R2B district to the C2 district
Rezoning: of a portion of the property located at 3119 Oliver Avenue North from the R2B district to the C2 district
Rezoning: a portion of the properties located at 3023, 3027, 3101, 3107, 3111 and 3115 Oliver Avenue North to add the TP Transitional Parking Overlay district to the existing R2B district
Conditional use permit: for a Planned Commercial Development. The applicant is proposing to construct two commercial buildings on the site and a parking lot that would be shared by all of the tenants.
Conditional use permit: for a parking lot located in the TP Transitional Parking Overlay district
Variance: to reduce the front yard setback along Oliver Avenue North from the established 22 feet to five feet for a portion of the surface parking lot located in the TP Transitional Parking Overlay district
Variance: of section 551.430(1)(b) which requires that the width of the parking lot in the TP Transitional Parking Overlay District not exceed 75 feet.
Site plan review
Alley Vacation (Vac-1505)
Preliminary Plat (PL-205)

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(1) "to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations" and Section 525.520(20) "to vary the standards of any overlay district, other than the SH Shoreland Overlay District or the FP Floodplain District," Chapter 530, Site Plan Review, Chapter 551, Article, TP Transitional Parking Overlay District and Chapter 598, Land Subdivision Regulations

Background: The development site is located on the southeast corner of Penn Avenue North and Lowry Avenue North. All but five parcels on the block are included in the site. The City of Minneapolis currently owns a large portion of the development site. In May of 2005, the applicant responded to a request for Proposal (RFP) for the site and is currently working with the City on the

land sale. The other parcels that make up this property are either currently owned by the applicant or the applicant has a purchase agreement for them.

The applicant is proposing to construct two new commercial buildings, renovate an existing commercial building and reconstruct a surface parking lot to create a Planned Commercial Development. In total there will be approximately 48,240 square feet of commercial and office space within the development. The anchor tenant within the building located on the northwest corner of the site will be an Aldi grocery store. In addition to this tenant there will be upwards of three other commercial or office uses within the building. The existing building located on the southwest corner of the site will be renovated. The Family Dollar store will remain and one additional use will be located in the building. And the applicant is anticipating that a bank will occupy the proposed building located on the northeast corner of the site. Because a specific bank branch has not been identified the design of the building is shown for graphic purposes only. However, the applicant has indicated that the location of the bank on the site will not change.

The site currently has three different zoning classifications on it; R2B, C1 and C2. The applicant intends on realigning the property lines to better fit the new layout of buildings on the site. As a result the applicant is proposing to rezone several of the parcels of land, or portions of the existing parcels of land, within the development site. The new zoning classifications will include R2B with the TP Overlay, C1 and C2. In order to change the zoning classification of the residentially zoned parcels to commercial the applicant had to obtain signatures from 2/3's of the property owners within 100 feet of the property. On October 4, 2006, the City Attorney's Office sent a letter indicating that all requirements had been met.

The site is being replatted as part of this application. In total, there will be five new lots created. Three of the lots will have buildings on them and the remaining two will have parking lots on them. Lot 1 will have the Aldi grocery store building on it, Lot 2 will be a parking lot, Lot 3 will have the existing commercial building on it, Lot 4 will have the bank on it and Lot 5 will be a parking lot. For purposes of this report, where individual buildings are discussed, they are described as Lot 1 Building (Aldi building), Lot 3 building (existing building) and Lot 4 building (bank Building).

Hennepin County is reconstructing Lowry Avenue. As part of this reconstruction project a portion of the applicant's land along both Lowry Avenue North and Penn Avenue North will be used for road right-of-way. The preliminary plat shows the area that will be dedicated as right-of-way. It should be noted that the exact property lines may be shifted as the final plans for this intersection are developed. The Planning Division believes that any adjustments made to the property lines along both streets that may change the development can be administratively reviewed in the future.

REZONING - of a portion of the property located at 3010 Penn Avenue North from the C2 district to the C1 district for a surface parking lot

Findings as Required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The property is located along Penn Avenue North and approximately a half-block south of Lowry Avenue North (see zoning map). Both Penn and Lowry avenues are designated Community Corridors and the intersection itself is a designated Neighborhood Commercial Node. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods (Policy 4.1).
- Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on theses streets (Policy 4.2).
- 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 (Policy 4.4).
- Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services that are compatible with adjacent residential areas (Policy 4.5).

The Planning Division believes that rezoning the site from the C2 zoning district to the C1 zoning district would be in conformance with the above policies of *The Minneapolis Plan*. The C1 District allows for a wide range of commercial uses which is appropriate for a site located on or near a Community Corridor and at a Neighborhood Commercial Node. Although the zoning could remain C2 the applicant has decided to rezone it to C1 in order to avoid the possibility of having more than 660 contiguous feet of C2 zoning along Penn Avenue North which would allow a new fast food restaurant to be established. The Planning Division believes that rezoning the site to C1 is a good strategy given that the parking lot could be eliminated and a building constructed on the site someday.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The amendment would allow the property owner to construct a Planned Commercial Development on the site. Specifically, this property will be used for a surface parking lot. A large portion of the site is owned by the City of Minneapolis and has undergone a RFP process in which the applicant was selected to redevelop the site. Through the adoption of *The Minneapolis Plan*, City stakeholders have located this site on or near two Community Corridors and at a Neighborhood Commercial Node where they believe more intensive commercial development such as the proposed development would be appropriate and in the public interest.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The overall development site occupies all but five parcels on the block. Those five parcels are all zoned R2B. Across the street to the north there is C1 zoning, to the east there is R5 and R2B zoning, to the south there is R2B and R4 zoning and to the west there is R5, R4, C2 and C1 zoning. Adjacent uses include commercial and office uses, a church, single family dwellings and a multiple-family development. Given the mixture of surrounding zoning classifications and uses in the area the Planning Division believes that the C1 zoning district would be compatible with the surrounding area.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are reasonable uses of the property permitted under the C2, Neighborhood Corridor Commercial district. Permitted uses in the C2 zoning district include, but are not limited to, the following:

- General retail sales and services
- Currency exchange
- Pet store
- Video store
- Coffee shop, with limited entertainment
- Reception or meeting hall
- Clinic, medical or dental
- School, vocational or business
- Museum

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Within this area of Minneapolis there has not been a change in zoning or in the type of development.

REZONING - of 3108 and 3120 Penn Avenue North and 2125 Lowry Avenue North from the C1 district to the C2 district for an approximate 20,500 square foot commercial building and a bank with a drive-through facility

Findings as Required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The properties are located between Penn Avenue North and Oliver Avenue North just south of Lowry Avenue North (see zoning map). Both Penn and Lowry avenues are designated Community

Corridors and the intersection itself is a designated Neighborhood Commercial Node. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods (Policy 4.1).
- Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on theses streets (Policy 4.2).
- 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 (Policy 4.4).
- Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services that are compatible with adjacent residential areas (Policy 4.5).

The Planning Division believes that rezoning the properties from the C1 zoning district to the C2 zoning district would be in conformance with the above policies of *The Minneapolis Plan*. The C2 District allows for a wide range of commercial uses which is appropriate for properties located on two Community Corridors and at a Neighborhood Commercial Node.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The amendment would allow the property owner to construct a Planned Commercial Development on the site. Specifically, these parcels of land will be used for an approximate 20,500 square foot commercial building and a bank with a drive-through facility. A large portion of the site is owned by the City of Minneapolis and has undergone a RFP process in which the applicant was selected to redevelop the site. Through the adoption of *The Minneapolis Plan*, City stakeholders have located these sites on two Community Corridors and at a Neighborhood Commercial Node where they believe more intensive commercial development such as the proposed development would be appropriate and in the public interest.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The overall development site occupies all but five parcels on the block. Those five parcels are all zoned R2B. Across the street to the north there is C1 zoning, to the east there is R5 and R2B zoning, to the south there is R2B and R4 zoning and to the west there is R5, R4, C2 and C1 zoning. Adjacent uses include commercial and office uses, a church, single family dwellings and a multiple-family development. Given the mixture of surrounding zoning classifications and uses in the area the Planning Division believes that the C2 zoning district would be compatible with the surrounding area.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are reasonable uses of the property permitted under the C1, Neighborhood Commercial District. Permitted uses in the C1 zoning district include, but are not limited to, the following:

- General retail sales and services
- Consignment clothing store
- Pet store
- Video store
- Coffee shop, with limited entertainment
- Sports and health facility, minor
- Clinic, medical or dental
- Preschool

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Within this area of Minneapolis there has not been a change in zoning or in the type of development.

REZONING - of a portion of the properties located at 3107, 3111, 3115 and 3119 Oliver Avenue North from the R2B district to the C2 district for an approximate 20,500 square foot commercial building

Findings as Required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The properties are located along Oliver Avenue North (see zoning map). However, it is only the westerly 19 ½ feet of the properties that are being rezoned. The properties are located east of Penn Avenue North and south of Lowry Avenue North. Both Penn and Lowry avenues are designated Community Corridors and the intersection itself is a designated Neighborhood Commercial Node. According to the principles and polices outlined in *The Minneapolis Plan,* the following apply to this proposal:

- Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods (Policy 4.1).
- Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and

residential livability of the streets, and the type of transit service provided on theses streets (Policy 4.2).

- 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 (Policy 4.4).
- Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services that are compatible with adjacent residential areas (Policy 4.5).

The Planning Division believes that rezoning the sites from the R2B zoning district to the C2 zoning district would be in conformance with the above policies of *The Minneapolis Plan*. The C2 District allows for a wide range of commercial uses which is appropriate for a site located near two Community Corridors and at a Neighborhood Commercial Node.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The amendment would allow the property owner to construct a Planned Commercial Development on the site. Specifically, these parcels of land will be used for an approximate 20,500 square foot commercial building. A large portion of the site is owned by the City of Minneapolis and has undergone a RFP process in which the applicant was selected to redevelop the site. Through the adoption of *The Minneapolis Plan*, City stakeholders have located these properties near two Community Corridors and at a Neighborhood Commercial Node where they believe more intensive commercial development such as the proposed development would be appropriate and in the public interest.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The overall development site occupies all but five parcels on the block. Those five parcels are all zoned R2B. Across the street to the north there is C1 zoning, to the east there is R5 and R2B zoning, to the south there is R2B and R4 zoning and to the west there is R5, R4, C2 and C1 zoning. Adjacent uses include commercial and office uses, a church, single family dwellings and a multiple-family development. Given the mixture of surrounding zoning classifications and uses in the area the Planning Division believes that the C2 zoning district would be compatible with the surrounding area.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are reasonable uses of the property permitted under the R2B, Two-family District. Permitted uses in the R2B zoning district include, but are not limited to, the following:

- Single-family dwelling
- Two-family dwelling
- Community residential facility serving six (6) or fewer persons
- Community garden
- Park, public
- Place of assembly

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Within this area of Minneapolis there has not been a change in zoning or in the type of development.

REZONING - of a portion of the property located at 3119 Oliver Avenue North from the R2B district to the C2 district for a bank with a drive-through facility

Findings as Required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The property is located along Oliver Avenue North (see zoning map). The property is located east of Penn Avenue North and south of Lowry Avenue North. Both Penn and Lowry avenues are designated Community Corridors and the intersection itself is a designated Neighborhood Commercial Node. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods (Policy 4.1).
- Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on theses streets (Policy 4.2).
- 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 (Policy 4.4).
- Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services that are compatible with adjacent residential areas (Policy 4.5).

The Planning Division believes that rezoning the site from the R2B zoning district to the C2 zoning district would be in conformance with the above policies of *The Minneapolis Plan*. The C2 District

allows for a wide range of commercial uses which is appropriate for a site located near two Community Corridors and at a Neighborhood Commercial Node.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The amendment would allow the property owner to construct a Planned Commercial Development on the site. Specifically, the property will be used for a bank with a drive-through facility. A large portion of the site is owned by the City of Minneapolis and has undergone a RFP process in which the applicant was selected to redevelop the site. Through the adoption of *The Minneapolis Plan*, City stakeholders have located this property near two Community Corridors and at a Neighborhood Commercial Node where they believe more intensive commercial development such as the proposed development would be appropriate and in the public interest.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The site occupies all but five parcels on the block. Those five parcels are all zoned R2B. Across the street to the north there is C1 zoning, to the east there is R5 and R2B zoning, to the south there is R2B and R4 zoning and to the west there is R5, R4, C2 and C1 zoning. Adjacent uses include commercial and office uses, a church, single family dwellings and a multiple-family development. Given the mixture of surrounding zoning classifications and uses in the area the Planning Division believes that the C2 zoning district would be compatible with the surrounding area.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are reasonable uses of the property permitted under the R2B, Two-family District. Permitted uses in the R2B zoning district include, but are not limited to, the following:

- Single-family dwelling
- Two-family dwelling
- Community residential facility serving six (6) or fewer persons
- Community garden
- Park, public
- Place of assembly

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Within this area of Minneapolis there has not been a change in zoning or in the type of development.

REZONING - a portion of the properties located at 3023, 3027, 3101, 3107, 3111 and 3115 Oliver Avenue North to add the TP Transitional Parking Overlay district to the existing R2B district for a surface parking lot

Findings as Required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The properties are located along Oliver Avenue North (see zoning map). Both Penn and Lowry avenues are designated Community Corridors and the intersection itself is a designated Neighborhood Commercial Node. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods (Policy 4.1).
- Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on theses streets (Policy 4.2).
- 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 (Policy 4.4).
- Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services that are compatible with adjacent residential areas (Policy 4.5).

The Planning Division believes that rezoning the site to add the TP Transitional Parking Overlay district to the existing R2B zoning district would be in conformance with the above policies of *The Minneapolis Plan*. The TP Transitional Parking Overlay district allows for the construction of parking lots in residence and office residence districts when adjacent to a zoning district in need of additional parking. In this case the parking lot will serve the larger Planned Commercial Development. Given the residential nature of Oliver Avenue North, the Planning Division believes that rezoning the site to add the TP Transitional Parking Overlay district to the existing R2B District is a good strategy given that the parking lot could be eliminated and a building constructed on the site someday.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The amendment would allow the property owner to construct a Planned Commercial Development on the site. Specifically, the property will be used for a surface parking lot. A large portion of the site is

owned by the City of Minneapolis and has undergone a RFP process in which the applicant was selected to redevelop the site. Through the adoption of *The Minneapolis Plan*, City stakeholders have located these properties near two Community Corridors and at a Neighborhood Commercial Node where they believe more intensive commercial development such as the proposed development would be appropriate and in the public interest.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The site occupies all but five parcels on the block. Those five parcels are all zoned R2B. Across the street to the north there is C1 zoning, to the east there is R5 and R2B zoning, to the south there is R2B and R4 zoning and to the north there is R5, R4, C2 and C1 zoning. Adjacent uses include commercial and office uses, a church, single family dwellings and a multiple-family development. Given the mixture of surrounding zoning classifications and uses in the area the Planning Division believes that the TP Transitional Parking Overlay district would be compatible with the surrounding area.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are reasonable uses of the property permitted under the R2B, Two-family District. Permitted uses in the R2B zoning district include, but are not limited to, the following:

- Single-family dwelling
- Two-family dwelling
- Community residential facility serving six (6) or fewer persons
- Community garden
- Park, public
- Place of assembly

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Within this area of Minneapolis there has not been a change in zoning or in the type of development.

CONDITIONAL USE PERMIT - Planned Commercial Development

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 Planning Division does not believe that a planned commercial development including a total of approximately 48,240 square feet of commercial and office space will be detrimental to or endanger the public health, safety, comfort or general welfare. The surrounding area includes a mixture of commercial and office uses, a church, single family dwellings and a multiple-family development. The proposed development will complement the existing uses in the area and will add to the vitality of the area.

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 does not believe that a planned commercial development including a total of approximately 48,240 square feet of commercial and office space would be injurious to the use and enjoyment of other property in the area. Constructing a new mixed-use development on the site would provide for a variety of retail and service uses in the neighborhood and additional employment opportunities.

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. As for vehicular access, the site has been designed with two vehicular access points leading into the site; one along Penn Avenue North and the other along Oliver Avenue North. For those vehicles involved in loading activities they will enter and exit the site from Penn Avenue North.

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

The parking requirement for this development is 104 spaces; 43 spaces for the grocery store, 4 spaces for the general commercial use, 16 spaces for the office use, 4 spaces for the bank and 37 for the existing commercial building on the site. The applicant proposes to have a total of 123 parking spaces on the site. Although the applicant is proposing to have 19 more parking spaces than what is required, there may be a food and beverage use going into the development which would require additional parking.

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

The development site is located on the southeast corner Penn Avenue North and Lowry Avenue North (see zoning map). Both Penn and Lowry avenues are designated Community Corridors and the intersection itself is a designated Neighborhood Commercial Node. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods (Policy 4.1).
- Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on theses streets (Policy 4.2).
- 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 (Policy 4.4).
- Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services that are compatible with adjacent residential areas (Policy 4.5).

The development involves the construction of two new commercial buildings, the renovation of an existing commercial building and the reconstruction of a surface parking lot. In total there will be approximately 48,240 square feet of commercial and office space within the development. The anchor tenant within the building will be an Aldi grocery store. In addition to this tenant there will be upwards of six other commercial or office uses within the development.

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

527.120. Exceptions to Zoning Ordinance Standards: Chapter 527, Planned Unit Development authorizes the City Planning Commission to approve exceptions to the zoning regulations that are applicable to the zoning district in which the development is located. This may be done only upon finding that the Planned Unit Development includes adequate site amenities to address any adverse effects of the exception.

Placement of Structures: In a Planned Unit Development there may be more than one principal structure located on a lot. The site is being replatted as part of this application. In total, there will be five new lots created. Three of the lots will have buildings on them and the remaining two will have parking lots on them.

Bulk Regulations:

Floor Area: All three of the buildings will be located on properties located in the C2 District. The maximum FAR in the C2 zoning district is 1.7. Proposed Lot 1 is 31,944 square feet in area. The proposed building on Lot 1 has 28,280 square feet of gross floor area, an FAR of .89. Proposed Lot 3 is 20,983 square feet in area. The existing building on Lot 3 has 14,960 square feet of gross floor area, an FAR of .71. And proposed Lot 4 is 11,305 square feet in

area. The proposed building on Lot 4 has 5,000 square feet of gross floor area, an FAR of .44. In total, the development site is 115,672 square feet in size and there is 48,240 square feet of building on the site, an FAR of .42.

Building Height: The height requirement in the C2 zoning district is four stories or 56 feet, whichever is less. The zoning code limits the height of a story to no more than 14 feet. Any story over 14 feet in height is technically considered two stories. The proposed building on Lot 1 is three stories (2 floors) or 35 feet 10 inches in height, the existing building on Lot 3 is two stories (one floor) or 24 feet 6 inches in height and the proposed building on Lot 4 is two stories (one floor) or 28 feet in height.

Lot Requirements:

Generally: The minimum lot area for a Planned Unit Development in any zoning district is two acres. This site is 115,672 square feet (2.712 acres) in size.

Density Bonus: Not applicable for this development as there are no dwelling units proposed at this time.

Yards: This development will have multiple zoning classifications. They include R2B with the TP Overlay, C1 and C2. In this development, those properties located in the C1 and C2 zoning districts are not subject to any setback requirements except for the C2 property on the corner of Lowry Avenue North and Oliver Avenue North. This property is adjacent to a residentially zoned property so for the first 40 feet north of the property's south property line there is a 20-foot setback requirement. This setback is being met. This property is also subject to a five-foot interior side yard setback along the south property line. In a Planned Unit Development the Planning Commission may authorize reductions in or elimination of required yards provided landscaped yards of at least such minimum width as required by the zoning district in which the planned unit development is located shall be maintained along the periphery of the planned unit development. The Planning Division believes that the interior side yard setback requirement should be eliminated as the south five feet of the site are located in a drive aisle which is necessary for the functioning of the parking lot.

The property that is zoned R2B with the TP Transitional Parking Overlay district is subject to the setback requirements of the R2B district. In this case the front yard setback is 22 feet, the interior side yard setbacks are five feet and the rear yard is five feet. The applicant is seeking a variance of the front yard setback for a portion of the property that is only setback five feet to accommodate a surface parking area. The south interior side yard setback is being met but the north interior side yard setback and the rear setback are not being met. In a Planned Unit Development the Planning Commission may authorize reductions in or elimination of required yards provided landscaped yards of at least such minimum width as required by the zoning district in which the planned unit development is located shall be maintained along the periphery of the planned unit development. The Planning Division believes that the north interior side yard setback and the rear yard setback requirements should be eliminated as the setback areas are located in an area of the site that are used for drive aisles that are necessary for the functioning of the parking lot.

On-Premise Signs: Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the C2 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall unless there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall.

Wall signs are limited to 180 square feet in size and projecting signs are limited to 16 square feet in size and shall not project outward from the building by more than four feet. The maximum height for both wall signs and projecting signs is 24 feet and wall signs are not permitted to extend above the roofline of the building. Freestanding signs are limited to 80 square feet and can be no taller than 25 feet. Finally, if there is a freestanding sign on the site than there shall not be any projecting signs on the building.

Lot 1: The applicant is proposing to have a freestanding sign on this lot. The freestanding sign is 240 square feet and is 35 feet in height. Given the length of the primary building walls there can be up to 188 square feet of signage on Penn Avenue North, up to 129 square feet of signage on Lowry Avenue North and up to 104 square feet of signage on the south building wall. The applicant is proposing to have 174 square feet of signage along Penn Avenue North, 195 square feet of signage along Lowry Avenue North and 94 square feet of signage along the south building wall. The applicant is also proposing to have 80 square feet of signage along the east building wall. None of the wall signs exceed 24 feet in height.

In total, the freestanding sign is 160 square feet larger than what is allowed and 10 feet taller than what is allowed and the total amount of wall signage exceeds what is allowed by 122 square feet. Specifically, the amount of signage on the Lowry Avenue North side of the building exceeds what is allowed by 66 square feet and the applicant is proposing to have 80 square feet of signage on the east building wall which is not a primary building wall and therefore does not have a sign allowance. In a Planned Unit Development all signs shall conform to the requirements of Chapter 543, On-Premise Signs, except as otherwise authorized by the Planning Commission. The Planning Division believes that the freestanding sign is too tall and too large. The freestanding sign is located up to the property line along Penn Avenue North. The proposed building on the north end of the site is setback further from the property line than the sign is so when driving south along Penn Avenue North the building will not block views of the sign. And the building on the north end of the site is setback further from the property line than the sign, only one story in height and located over 220 feet south of the sign so when driving north along Penn Avenue North the building will not block views of the sign. Given this, the Planning Division is recommending that the freestanding sign not exceed 25 feet in height and 160 square feet in size.

As for the wall signs on this building the Planning Division believes that in order to avoid sign clutter that the amount of signage on the building should not exceed the sum of what could be placed if all three primary building wall allotments were combined. The Planning Division is recommending that the total amount of signage on the Lot 1 building not exceed 421 square feet.

Lot 3: The applicant is not proposing to have a freestanding sign on this lot. Given the length of the primary building walls there can be up to 186 square feet of signage on Penn Avenue North, up to 180 square feet of signage on 30th Avenue North and up to 180 square feet of signage on the

north building wall. The applicant is proposing to have 224 square feet of signage along Penn Avenue North, 174.4 square feet of signage along 30th Avenue North and 131.4 square feet of signage along the north building wall. None of the wall signs exceed 24 feet in height.

In total, the amount of wall signage does not exceed what is allowed on the building. However, the amount of signage on the Penn Avenue North side of the building exceeds what is allowed by 38 square feet. In a Planned Unit Development all signs shall conform to the requirements of Chapter 543, On-Premise Signs, except as otherwise authorized by the Planning Commission. The Planning Division believes that because the total amount of signage on the building does not exceed the sum of what could be placed if all three primary building wall allotments were combined that an exception should be granted to allow 38 square feet more of signage along the Penn Avenue North side of the building than what is allowed.

Lot 4: There is no specific sign plan for this building as a tenant has not been identified for it yet. According to the site plan there is no freestanding sign proposed to be on this lot. Given the length of the primary building walls there can be up to 126 square feet of signage on Lowry Avenue North, up to 90 square feet of signage on Oliver Avenue North and up to 126 square feet of signage on the south building wall. The Planning Division is recommending that the signs on the Lot 4 building meet the requirements of Chapter 543, On-Premise Signs.

Off-Street Parking and Loading:

Parking: The parking requirement for this development is 104 spaces; 43 spaces for the grocery store, 4 spaces for the general commercial use, 16 spaces for the office use, 4 spaces for the bank and 37 for the existing commercial building on the site. The applicant proposes to have a total of 123 parking spaces on the site. Although the applicant is proposing to have 19 more parking spaces than what is required, there may be a food and beverage use going into the development which would require additional parking.

Loading: The loading requirement for this development is as approved by the Conditional Use Permit. The applicant is proposing to have two large loading spaces on site. There is another loading space on site however the dimensions of it are less than what is required for a small loading space per the zoning code. The Planning Division believes that the two large loading spaces and the smaller loading space will be sufficient for the development.

527.280. Required Findings: In addition to the conditional use permit standards contained in Chapter 525, Administration and Enforcement, before approval of a planned unit development the city planning commission also shall find:

1. That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:

a. The character of the uses in the proposed planned unit development, including in the case of a planned residential development the variety of housing types and their relationship to other site elements and to surrounding development.

The proposed mixture of commercial and office uses will fit in well with the surrounding area. The surrounding area includes a mixture of commercial and office uses, a church, single family dwellings and a multiple-family development. The proposed development will complement the existing uses in the area and will add to the vitality of the area.

b. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access and availability of transit alternatives.

The applicant is providing more parking spaces on site than what is required by the zoning code. The area is well serviced by mass transit and in the future there will be a Bus Rapid Transit stop located directly in front of the building along Lowry Avenue North. The applicant is also proposing to incorporate two bicycle parking areas on the site. There is good pedestrian access to the site. All of the first floor uses and the second floor use in the building on Lot 1 will have entrances facing the street.

The applicant is proposing to have two large loading spaces on site. There is another loading space on site however the dimensions of it are less than what is required for a small loading space per the zoning code. The Planning Division believes that the two large loading spaces and the smaller loading space will be sufficient for the development.

c. The site amenities of the proposed planned unit development, including the location and functions of open space and the preservation or restoration of the natural environment or historic features.

The properties that are currently owned by the City of Minneapolis have been vacant for almost ten years. Developing the site itself is an amenity to the surrounding area. Other site amenities include the exterior renovation of the existing building located on the south end of the site, landscaping, bicycle parking areas, the Bus Rapid Transit stop along Lowry Avenue North and the mix of uses that will be located on the site. Greening of the site is important not just for aesthetic reasons but also environmental. The additional landscaped areas will absorb stormwater runoff and will also help shield noise and lighting glare produced by the surface parking area. The additional mix of uses on the site will not only make the development itself more successful but the surrounding area in general.

d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.

The existing building is made out of brick, stone and concrete block. The applicant is renovating the exterior of this building by adding additional windows, highlighting the entrances with increased roof lines and stucco accents, adding decorative lighting and coordinating the signage on the building. The new buildings on the site will be similar in character and materials to the existing building. Upon completion, the three buildings on the site will have a unified look. The existing building is

two stories (one floor) or 24 feet 6 inches in height. The proposed building on Lot 1 is three stories (2 floors) or 35 feet 10 inches in height and the proposed building on Lot 4 is two stories (one floor) or 28 feet in height. The Planning Division believes that the renovated existing building and the two proposed buildings will be compatible with other buildings in the area. None of the buildings should produce any negative microclimate effects on surrounding properties such as shadowing or increase wind generation. As for views, the development should not block views of important features in the area nor should it impact sightlines up and down the streets.

e. The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.

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. The City of Minneapolis will review and approve the applicant's stormwater management plan and erosion control plan.

2. That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.

The applicant is proposing to plat the entire property into five parcels of land. Please see the plat section towards the end of this report.

CONDITIONAL USE PERMIT - for a parking lot located in the TP Transitional 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 not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Planning Division does not believe that a parking lot would be detrimental to or endanger the public health, safety, comfort or general welfare. The parking lot will be screened with landscaping which will help visually block views to the parking lot from the surrounding area and it will also include lighting for safety purposes.

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 does not believe that a parking lot would be injurious to the use and enjoyment of other property in the area. The parking lot will provide the required parking necessary for the Planned Commercial Development. Although located along Oliver Avenue North, which is a residential street, the parking lot will be screened from the surrounding properties with landscaping. To further screen the parking area, the Planning Division is recommending that the applicant provide a decorative metal fence along the east and south sides of the parking lot similar to the fence proposed to be located along Penn Avenue North. The fence along the south property line should be located between the north edge of the alley and the landscaping.

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. As for vehicular access, the site has been designed with one vehicular access point leading into the site along Oliver Avenue North. This vehicular access will not be utilized by those vehicles involved in loading activities as they will enter and exit the site from Penn Avenue North.

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

The parking requirement for this development is 104 spaces; 43 spaces for the grocery store, 4 spaces for the general commercial use, 16 spaces for the office use, 4 spaces for the bank and 37 for the existing commercial building on the site. The applicant proposes to have a total of 123 parking spaces on the site. Of the 123 parking spaces, 53 of them are located in this parking lot. Although the applicant is proposing to have 19 more parking spaces than what is required, there may be a food and beverage use going into the development which would require additional parking.

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

The development site is located on the southeast corner Penn Avenue North and Lowry Avenue North (see zoning map). Both Penn and Lowry avenues are designated Community Corridors and the intersection itself is a designated Neighborhood Commercial Node. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods (Policy 4.1).
- Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on theses streets (Policy 4.2).
- Ensure that commercial uses do not negatively impact nearby residential areas (Implementation Step for Policy 4.2).

- Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services that are compatible with adjacent residential areas (Policy 4.5).
- Develop parking facilities and management strategies that balance the following goals: improved customer access, protection of sidewalk traffic, reduce visual impacts, mitigated impacts on neighboring uses and shared use of parking facilities (Implementation Step for Policy 4.5).

The parking lot will provide the required parking necessary for the Planned Commercial Development. Although located along Oliver Avenue North, which is a residential street, the parking lot will be screened from the surrounding properties with landscaping. To further screen the parking area, the Planning Division is recommending that the applicant provide a decorative metal fence along the east and south sides of the parking lot similar to the fence proposed to be located along Penn Avenue North. The applicant has also indicated that the businesses within the development will be open only during the hours of operation for the C2 District and that after those hours vehicles will not be utilizing the parking area.

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

551.430. Conditional uses. In addition to the conditional uses allowed in the primary zoning district, the following conditional uses may be allowed in the TP Overlay District, subject to the provisions of Chapter 525, Administration and Enforcement.

(1) Parking lot, serving customers and employees only. Parking lots for customer and employee automobiles may be located in the TP Overlay District, subject to Chapter 541, Off-Street Parking and Loading, and the following standards:

a. The parcel on which the parking lot is located shall have a side lot line that abuts the zoning district served or shall be part of the zoning lot served.

The parking lot shares its north interior side property line with Lot 4 which will be occupied by the bank building. This lot is proposed to be zoned C2.

b. The width of the parking lot shall not exceed seventy-five (75) feet.

The parking lot has approximately 250 feet of frontage along Oliver Avenue North. The applicant has applied for a variance of this standard.

c. The use of the parking lot shall be restricted to the parking of passenger automobiles only. No commercial vehicles shall be parked or stored.

The applicant has indicated that no commercial vehicles will be parked in the parking lot. However, there will be commercial vehicles in the parking lot while in the loading area.

d. The parking lot shall be closed with a secured gate or other appropriate mechanism between the hours of 10:00 p.m. and 6:00 a.m., except as specifically authorized by the conditional use permit.

   The applicant is not proposing to close the parking lot between 10 pm and 6 am. In order to access the bank drive through the parking lot needs to remain open. The Planning Division believes that this is acceptable as it is believed that the majority of those using the bank drive through will access the site from Penn Avenue North.

e. The parking lot shall at no time be used for outdoor sales, display or storage.

   The applicant has indicated that there will be no outdoor sales, display or storage occurring in the parking lot.

f. Each entrance to and exit from such parking lot shall be located at least twenty (20) feet from any adjacent property located in a residence or office residence district.

   The access point to the parking lot along Oliver Avenue North is located approximately 125 feet from the adjacent residential property to the south.

g. The parking lot shall be landscaped and screened pursuant to the provisions of Chapter 530, Site Plan Review.

   This development is subject to site plan review. Please see the site plan review section below.

VARIANCE - to reduce the front yard setback along Oliver Avenue North from the established 22 feet to five feet for a portion of the surface parking lot located in the TP Transitional 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.

Front yard setback: The applicant is seeking a variance to reduce the front yard setback along Oliver Avenue North from the established 22 feet to five feet for a portion of the surface parking lot located in the TP Transitional Parking Overlay district. The parking lot along Oliver Avenue North has approximately 250 feet of frontage along the street. The first 155 feet of the parking lot maintains a 22-foot setback. Within this setback there is landscaping. The remaining 95 feet has a five-foot setback which is also landscaped. If this parking lot were commercially zoned, only the first 40 feet of it would have to maintain a 22-foot wide setback. But given the residential nature of Oliver Avenue North, the Planning Division believes that not rezoning the site to a commercial designation is a good strategy in order to protect the character of the street.

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.

Front yard setback: The Planning Division believes that the circumstances are unique to warrant the granting of the variance. Maintaining residential zoning along Oliver Avenue North is beneficial for the area for if the site were to be redeveloped a rezoning request would need to be sought in order to construction anything other than housing.

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.

Front yard setback: The Planning Division believes that the granting of the variance would be in keeping with the intent of the zoning code. Although the site is not zoned commercial, parking lots are classified as commercial uses in the zoning code. The parking lot along Oliver Avenue North has approximately 250 feet of frontage along the street. The first 155 feet of the parking lot maintains a 22-foot setback. Within this setback there is landscaping. The remaining 95 feet has a five-foot setback which is also landscaped. If this parking lot were commercially zoned, only the first 40 feet of it would have to maintain a 22-foot wide setback.

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.

Front yard setback: 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 variance be detrimental to welfare or public safety.

VARIANCE - of section 551.430(1)(b) which requires that the width of the parking lot in the TP Transitional Parking Overlay District not exceed 75 feet.

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 lot width: The applicant is seeking a variance of section 551.430(1)(b) which requires that the width of the parking lot in the TP Transitional Parking Overlay District not exceed 75 feet. The parking lot along Oliver Avenue North has approximately 250 feet of frontage along the street. Of this 250 feet, the first 50 feet north of the south property line will be landscaping and the newly configured alley. The applicant has indicated that if the parking lot were kept to a width of 75 feet that the required number of parking spaces would not be provided and a parking variance would then be required.

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 lot width: The Planning Division believes that the circumstances are unique to warrant the granting of the variance. Reducing the amount of parking spaces below the number that is required by the zoning code would not be appropriate given that the applicant would then need to apply for a parking variance.

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 lot width: The Planning Division believes that the granting of the variance would be in keeping with the intent of the zoning code. The parking lot will be landscaped along the east and south sides in order to screen it from the surrounding residential uses.

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 lot width: 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 variance 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 FAÇADE:

- **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 buildings reinforce the street walls and facilitate pedestrian access as they are all located close to the property lines and all of the entrances into the buildings are oriented towards a street and in general the buildings maximize natural surveillance as there are windows provided along the sides of the building that face a public street, public sidewalk and on-site parking lot. However, some sides of the buildings are lacking their required amount of windows. Please see the windows section below for a detailed explanation.
- On corner lots, the building wall abutting each street shall be located within eight feet of the property lines unless subject to a greater required setback. No greater setbacks are required for the buildings within this development. The Lot 1 building is located up to the property line along Lowry Avenue North and between zero and 15 feet along Penn Avenue North. The existing building on Lot 3 is located five feet from the property line along Penn Avenue North and two feet from the property line along 30th Avenue North. The building on Lot 4 is located up to the property lines along both Lowry Avenue North and Oliver Avenue North. The Planning Division is recommending that the Planning Commission grant alternative compliance to allow the building on Lot 1 to be located more than eight feet from the property line along Penn Avenue North as the property line starts gradually shifts to the east in order to accommodate for a bus and turning lane.
- In the areas where the buildings are not located directly up to the property lines there is landscaping.
- All of the entrances into the buildings are oriented towards a street.
- All of the parking associated with this development is located towards the interior of the site.
- The existing building is made out of brick, stone and plain face concrete block. The applicant is renovating the exterior of this building by adding additional windows, highlighting the entrances with increased roof lines and stucco accents, adding decorative lighting and coordinating the signage on the building. The side of the building that is made out of plain face concrete block faces the alley. The applicant is proposing to paint this side of the building so it is compatible in color to the other sides of the building. The new buildings on the site will be similar in character

and materials to the existing building, excluding the use of plain face concrete block. The exterior materials and appearance of the rear and side walls of the two new buildings will be compatible with the front walls of the buildings. Upon completion, all three buildings on the site will have a unified look.

- On the Lot 1 building there are no blank, uninterrupted walls over 25 feet in length void of any windows, entries, recesses or projections, or other architectural elements. The north, east and south sides of the existing building on Lot 3 have expanses of wall that are over 25 feet in length and blank. Because this is an existing building alternative compliance is not needed in order to allow walls over 25 feet in length and blank. It should be noted that the applicant is proposing to add windows to the south side of the building which will decrease the amount of wall that is currently blank. The elevations that were provided for the building on Lot 4 are for graphic purposes only. However, the west side of the building has an area that is over 25 feet in length and blank. The Planning Division is recommending that as a condition of approval the final design of the building on Lot 4 meet the standards of Chapter 530, Article II, Building Placement and Design.
- At least 30 percent of the walls on the first floor and at least 10 percent of the walls on each floor above the first floor that face a public street, public sidewalk, public pathway or on-site parking lot shall be windows. The analysis of the project's compliance with this requirement follows:
  - Lot 1 building (Aldi building):
    - Penn Avenue North: the percentage of windows on the first floor of the building that allow views into and out of the active parts of the building is 18 percent. There are two entrances along this side of the building that are all glass. The percentage of glass in the entrance brings the total percent of glass up to 23 percent. There are additional windows on the first floor of the building that do not look directly into the building but instead look into an exiting stair landing and the cart corral area. The percentage of glass in these areas brings the total percent of glass up to 35 percent. The Planning Division is recommending that the Planning Commission grant alternative compliance to allow less than 30 percent windows along this side of the building given that the amount of glass along the entire length of the building is over 30 percent. The Planning Division is however encouraging the applicant to reduce the length of the western most shelf in the grocery store to allow for increased views into and out of the building along Penn Avenue North. The percentage of windows on the second floor of the building is 23 percent.
    - Lowry Avenue North: the percentage of windows on the first floor of the building is 56 percent and the percentage of windows on the second floor of the building is 29 percent.
    - South building wall: the percentage of windows on the first floor of the building is 18 percent. There is an entrance on this side of the building that is all glass. The percentage of glass in the entrance brings the total percent of glass up to 34 percent. The Planning Division is recommending that the Planning Commission grant alternative compliance to allow less than 30 percent windows along this side of the building given that the amount of glass in the entrance brings the total amount of glass to over 30 percent. The percentage of windows on the second floor of the building is 22 percent.
    - East building wall: the percentage of windows on the first floor of the building is 9 percent and the percentage of windows on the second floor of the building is 13 percent.
  - Lot 3 building (existing building):

    - Penn Avenue North: the percentage of windows on the first floor of the building is 43 percent.
    - 30th Avenue North: there are no windows on this side of the building. However, there is an entrance on this side of the building that is all glass. The percentage of glass in the entrance is 7 percent. Because this is an existing building, alternative compliance is not needed in order to allow less than 30 percent windows along this side of the building.
    - North building wall: the percentage of windows on the first floor of the building is 43 percent and the percentage of windows on the second floor of the building is 27 percent.
  - Lot 4 building (bank building):
    - Lowry Avenue North: the percentage of windows on the first floor of the building is 30 percent.
    - Oliver Avenue North: the percentage of windows on the first floor of the building is 31 percent.
    - South building wall: the percentage of windows on the first floor of the building is 33 percent.
- The windows on the buildings are vertical in nature. The windows on the Lots 3 and 4 buildings and evenly distributed along the building walls. However, the windows on the east, south and west sides of the Lot 1 building are not evenly distributed. The Planning Division is recommending that the Planning Commission grant alternative to allow these windows to not be evenly distributed. Given the interior layout of the buildings, if the windows were evenly distributed there would be a higher percentage of windows that would not provide views into and out of the building.
- Section 530.120(2)(e) requires that at least 30 percent of the walls on the first floor facing a public street, public sidewalk, public pathway or on-site parking lot, be windows and 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. The Planning Division is recommending that the applicant comply with this requirement.
- The roof lines of the two proposed buildings are proposed to be flat, similar to the roof line of the existing building on the site and other commercial buildings in the area.

ACCESS AND CIRCULATION:

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

PLANNING DEPARTMENT RESPONSE:

- All of the entrances leading into the buildings within the development are directly connected to the public sidewalks.
- The applicant is not proposing to construct a transit shelter as part of this development. However, a Bus Rapid Transit stop will be constructed directly in front of the building along Lowry Avenue North sometime in the future.
- As for vehicular access, the site has been designed with two vehicular access points leading into the site; one along Penn Avenue North and the other along Oliver Avenue North. For those vehicles involved in loading activities they will enter and exit the site from Penn Avenue North.
- There is currently an alley that runs the entire length of the block between Lowry Avenue North and 30th Avenue North. As part of this application the alley will be re-routed to Oliver Avenue North which will be utilized by the five remaining properties on the block. There will be no access from the Planned Commercial Development to the alley.
- There is no maximum impervious surface coverage requirement in the C1 or C2 zoning districts. However, in the R2B zoning district no more than 75 percent of the site can be impervious. Lot 5 is zoned R2B and is 28,673 square feet. The applicant has indicated that there is 8,555 square feet of landscaping on the site, or 30 percent.

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 115,672 square feet. The combined footprint of the buildings is 40,440 square feet. When you subtract the footprint from the lot size the resulting number is 75,232 square feet. Twenty percent of this number is 15,046 square feet. The applicant has a total of 15,551 square feet, or 21 percent of the site not occupied by the building is landscaped.
- The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement for this site is 30 and 150, respectively. The applicant is proposing to have 21 trees and 322 shrubs located on the site. The applicant is also providing seven evergreen trees and 120 perennials on the site. The applicant is short nine canopy trees on the site. The evergreen trees are proposed to be planted along the south property line on the east side of the block. Since these trees will provide screening year round, the Planning Division is recommending that the Planning Commission grant alternative compliance to allow these trees to be substituted for canopy trees. However, the Planning Division is recommending that the applicant provide two additional trees on the site, either canopy or evergreen.
- The zoning code requires that a 9-foot wide landscaped yard be provided along a public street, public sidewalk or public pathway when adjacent to a parking lot with more than 100 parking spaces. This requirement would be required along both Penn Avenue North and Oliver Avenue North. Along Penn Avenue North there is a five-foot landscaped area and along Oliver Avenue North the landscaped area ranges between five and 22 feet. The Planning Division is recommending that the Planning Commission grant alternative compliance to allow less than nine feet of landscaping along both streets. To accommodate nine feet of landscaping the amount of parking would have to be significantly reduced which would require the applicant to apply for a parking variance.
- Screening equal to 60 percent opacity is required around parking lots in order to screen them from a public street, sidewalk or pathway. This requirement would be required along both Penn Avenue North and Oliver Avenue North. Along Penn Avenue North, the applicant is proposing to plant a shrub hedge of Sea Green Junipers along with a decorative metal fence. This species of plant will grow to a height of five to six feet. On the north end of the parking area along Oliver Avenue North the applicant is proposing to plant a hedge of Blue Star Junipers and daylilies and on the south end of the parking area along Oliver Avenue North the applicant is proposing to plant four River Birch trees. The applicant is not proposing to have a decorative metal fence along this side of the development. However, because the plant species that have been selected for this side of the development do not grow as tall or as dense as those along Penn Avenue North, the Planning Division is recommending that the same decorative metal fence be located along Oliver Avenue North.

- The zoning code requires that one tree for each 25 linear feet of parking or loading area frontage be provided along a public street. This requirement would apply along both Penn Avenue North and Oliver Avenue North. Along Penn Avenue North there is 238 linear feet of parking lot frontage which requires a total of ten trees. The applicant is proposing to have three trees located along this frontage. Along Oliver Avenue North is 205 linear feet of parking lot frontage which requires eight trees. The applicant is proposing to have eight trees located along this frontage. The Planning Division is recommending that the applicant provide three more trees along Penn Avenue North for a total of six trees. The Planning Division is recommending that the Planning Commission grant alternative compliance to not require ten trees along Penn Avenue North. The Planning Division believes that requiring six trees along this street will provide for adequate shading.
- The zoning code requires that a 9-foot wide landscaped yard be provided along parking and loading facilities over 100 spaces where abutting or across an alley from a residence or office residence district. The applicant is providing three feet of landscaping on the west side of the alley and over 20 feet of landscaping on the north side of the alley. The Planning Division is recommending that the Planning Commission grant alternative compliance to allow less than nine feet of landscaping along the west side of the alley. To accommodate nine feet of landscaping the amount of parking would have to be significantly reduced which would require the applicant to apply for a parking variance.
- Screening equal to 95 percent opacity is required along parking and loading facilities where abutting or across an alley from a residence or office residence district. The applicant is proposing to install a three-foot high solid wood fence along both the west and north sides of the alley. Because there are evergreen trees along the north side of the alley and because the Planning Division is recommending that a decorative metal fence be located between the north edge of the alley and the landscaping the Planning Division is recommending that the proposed solid wooden fence on the north side of the alley be removed.
- 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 majority of the parking spaces in the parking lot are located within 50 feet from an on-site deciduous tree. However, there are parking spaces along Penn Avenue North and near the northeast corner of the Lot 3 building that are not located within 50 feet of an on-site deciduous tree. The Planning Division is recommending that this requirement be met. The tree islands within the parking lot measure seven 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.**
- **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:

- The applicant has indicated that stormwater runoff will be collected by the proposed storm sewer and routed to green space and detention areas for treatment and infiltration. The applicant will be required to meet all city and watershed requirements for the removal of phosphorous and total suspended solids.
- This building should not block views of important elements in the city.
- This building should cast minimal shadows on surrounding properties.
- This building should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as there are walkways that direct people to the building entrances, there are windows where people can see in and out along all levels of the buildings and there are lights located near all of the pedestrian entrances and throughout the parking lot. To further improve the site plan the Crime Prevention Specialist has indicated that the retaining wall along the south property line should be designed so it is not conducive to loitering and that graffiti protection should be applied to all walls.
- This site is neither historic nor located in a historic district.

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:** Planned Commercial Developments and parking lots located in the TP Transitional Parking Overlay district require a conditional use permit.

- **Off-Street Parking and Loading:** The parking requirement for this development is 104 spaces; 43 spaces for the grocery store, 4 spaces for the general commercial use, 16 spaces for the office use, 4 spaces for the bank and 37 for the existing commercial building on the site. The applicant proposes to have a total of 123 parking spaces on the site. Although the applicant is proposing to have 19 more parking spaces than what is required, there may be a food and beverage use going into the development which would require additional parking.

The loading requirement for this development is as approved by the Conditional Use Permit. The applicant is proposing to have two large loading spaces on site. There is another loading space on site however the dimensions of it are less than what is required for a small loading space per the zoning code. The Planning Division believes that the two large loading spaces and the smaller loading space will be sufficient for the development.

- **Maximum Floor Area:** All three of the buildings will be located on properties located in the C2 zoning district. The maximum FAR in the C2 zoning district is 1.7. Proposed Lot 1 is 31,944 square feet in area. The proposed building on Lot 1 has 28,280 square feet of gross floor area, an FAR of .89. Proposed Lot 3 is 20,983 square feet in area. The existing building on Lot 3 has 14,960 square feet of gross floor area, an FAR of .71. And proposed Lot 4 is 11,305 square feet in area. The proposed building on Lot 4 has 5,000 square feet of gross floor area, an FAR of .44. In total, the development site is 115,672 square feet in size and there is 48,240 square feet of building on the site, an FAR of .42.

- **Building Height:** The height requirement in the C2 zoning district is four stories or 56 feet, whichever is less. The zoning code limits the height of a story to no more than 14 feet. Any story over 14 feet in height is technically considered two stories. The proposed building on Lot 1 is three stories (2 floors) or 35 feet 10 inches in height, the existing building on Lot 3 is two stories (one floor) or 24 feet 6 inches in height and the proposed building on Lot 4 is two stories (one floor) or 28 feet in height.

- **Minimum Lot Area:** The minimum lot area for a Planned Unit Development in any zoning district is two acres. This site is 115,672 square feet (2.712 acres) in size.

- **Dwelling Units Per Acre:** Not applicable for this development as there are no dwelling units proposed at this time.

- **Yard Requirements:** This development will have multiple zoning classifications. They include R2B with the TP Overlay, C1 and C2. In this development, those properties located in the C1 and C2 zoning districts are not subject to any setback requirements except for the C2 property on the corner of Lowry Avenue North and Oliver Avenue North. This property is adjacent to a residentially zoned property so for the first 40 feet north of the property's south property line there is a 20-foot setback requirement. This setback is being met. This property is also subject to a five-foot interior side yard setback along the south property line. In a Planned Unit Development the Planning Commission may authorize reductions in or elimination of required yards provided landscaped yards of at least such minimum width as required by the zoning district in which the planned unit development is located shall be maintained along the periphery of the planned unit development. The Planning Division believes that the interior side yard setback requirement should be eliminated as the south five feet of the site are located in a drive aisle which is necessary for the functioning of the parking lot.

  The property that is zoned R2B with the TP Transitional Parking Overlay district is subject to the setback requirements of the R2B district. In this case the front yard setback is 22 feet, the interior side yard setbacks are five feet and the rear yard is five feet. The applicant is seeking a variance of the front yard setback for a portion of the property that is only setback five feet to

accommodate a surface parking area. The south interior side yard setback is being met but the north interior side yard setback and the rear setback are not being met. In a Planned Unit Development the Planning Commission may authorize reductions in or elimination of required yards provided landscaped yards of at least such minimum width as required by the zoning district in which the planned unit development is located shall be maintained along the periphery of the planned unit development. The Planning Division believes that the north interior side yard setback and the rear yard setback requirements should be eliminated as the setback areas are located in an area of the site that are used for drive aisles that are necessary for the functioning of the parking lot.

- **Specific Development Standards:** The specific development standards for a Planned Commercial Development are those standards as identified in Chapter 527, Planned Unit Development. These standards are discussed in finding number six for the conditional use permit for the Planned Commercial Development above.

- **Hours of Operation:** The hours of operation in the C2 zoning district are Sunday through Thursday, 6 am to 10 pm and Friday and Saturday 6 am to 11 pm. The applicant has indicated that the businesses within the development will comply with these hours of operation.

- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the C2 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall unless there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall.

  Wall signs are limited to 180 square feet in size and projecting signs are limited to 16 square feet in size and shall not project outward from the building by more than four feet. The maximum height for both wall signs and projecting signs is 24 feet and wall signs are not permitted to extend above the roofline of the building. Freestanding signs are limited to 80 square feet and can be no taller than 25 feet. Finally, if there is a freestanding sign on the site than there shall not be any projecting signs on the building.

  Lot 1: The applicant is proposing to have a freestanding sign on this lot. The freestanding sign is 240 square feet and is 35 feet in height. Given the length of the primary building walls there can be up to 188 square feet of signage on Penn Avenue North, up to 129 square feet of signage on Lowry Avenue North and up to 104 square feet of signage on the south building wall. The applicant is proposing to have 174 square feet of signage along Penn Avenue North, 195 square feet of signage along Lowry Avenue North and 94 square feet of signage along the south building wall. The applicant is also proposing to have 80 square feet of signage along the east building wall. None of the wall signs exceed 24 feet in height.

  In total, the freestanding sign is 160 square feet larger than what is allowed and 10 feet taller than what is allowed and the total amount of wall signage exceeds what is allowed by 122 square feet. Specifically, the amount of signage on the Lowry Avenue North side of the building exceeds what is allowed by 66 square feet and the applicant is proposing to have 80 square feet of signage on the east building wall which is not a primary building wall and therefore does not have a sign allowance. In a Planned Unit Development all signs shall conform to the requirements of Chapter

543, On-Premise Signs, except as otherwise authorized by the Planning Commission. The Planning Division believes that the freestanding sign is too tall and too large. The freestanding sign is located up to the property line along Penn Avenue North. The proposed building on the north end of the site is setback further from the property line than the sign is so when driving south along Penn Avenue North the building will not block views of the sign. And the building on the north end of the site is setback further from the property line than the sign, only one story in height and located over 220 feet south of the sign so when driving north along Penn Avenue North the building will not block views of the sign. Given this, the Planning Division is recommending that the freestanding sign not exceed 25 feet in height and 160 square feet in size.

As for the wall signs on this building the Planning Division believes that in order to avoid sign clutter that the amount of signage on the building should not exceed the sum of what could be placed if all three primary building wall allotments were combined. The Planning Division is recommending that the total amount of signage on the Lot 1 building not exceed 421 square feet.

Lot 3: The applicant is not proposing to have a freestanding sign on this lot. Given the length of the primary building walls there can be up to 186 square feet of signage on Penn Avenue North, up to 180 square feet of signage on 30th Avenue North and up to 180 square feet of signage on the north building wall. The applicant is proposing to have 224 square feet of signage along Penn Avenue North, 174.4 square feet of signage along 30th Avenue North and 131.4 square feet of signage along the north building wall. None of the wall signs exceed 24 feet in height.

In total, the amount of wall signage does not exceed what is allowed on the building. However, the amount of signage on the Penn Avenue North side of the building exceeds what is allowed by 38 square feet. In a Planned Unit Development all signs shall conform to the requirements of Chapter 543, On-Premise Signs, except as otherwise authorized by the Planning Commission. The Planning Division believes that because the total amount of signage on the building does not exceed the sum of what could be placed if all three primary building wall allotments were combined that an exception should be granted to allow 38 square feet more of signage along the Penn Avenue North side of the building than what is allowed.

Lot 4: There is no specific sign plan for this building as a tenant has not been identified for it yet. According to the site plan there is no freestanding sign proposed to be on this lot. Given the length of the primary building walls there can be up to 126 square feet of signage on Lowry Avenue North, up to 90 square feet of signage on Oliver Avenue North and up to 126 square feet of signage on the south building wall. The Planning Division is recommending that the signs on the Lot 4 building meet the requirements of Chapter 543, On-Premise Signs.

- **Refuse storage:** The applicant is proposing to have two refuse storage areas located on site. Both of the refuse storage areas are located within a four-sided enclosure. Three sides of the enclosure are brick with a cement base and the fourth side has a gate made out of wood and metal. One of the refuse storage areas is located near the two large loading docks on site and the other is located on the north side of the existing commercial building on site.

- **Lighting:** The lighting plan that was submitted for this development meets the requirements of Chapter 535, Regulations of General Applicability.

MINNEAPOLIS PLAN:

The development site is located on the southeast corner Penn Avenue North and Lowry Avenue North (see zoning map). Both Penn and Lowry avenues are designated Community Corridors and the intersection itself is a designated Neighborhood Commercial Node. According to the principles and polices outlined in *The Minneapolis Plan,* the following apply to this proposal:

- Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment (Policy 9.6).
- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods (Implementation Step for Policy 9.6).
- Minneapolis will support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character (Policy 9.10).
- Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas (Policy 9.11).
- Orient new buildings to the street to foster safe and successful commercial nodes and corridors (Implementation Step for Policy 9.11).
- Require storefront transparency to assure both natural surveillance and an inviting pedestrian experience (Implementation Step for Policy 9.11).
- Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form (Policy 9.12).
- Require the landscaping of parking lots (Implementation Step for Policy 9.12).
- Locate parking lots behind buildings or in the interior of a block to reduce the visual impact of the automobile in mixed-use areas (Implementation Step for Policy 9.12).
- Minneapolis will build on recent initiatives to use Crime Prevention through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land (Policy 9.17).
- Integrate "eyes on the street" design principles into site plan review to foster safer and more successful commercial areas in the city (Implementation Step for Policy 9.17).

The Planning Division believes that the proposed development is in conformance with the policies of *The Minneapolis Plan*. The applicant is proposing to construct two new commercial buildings, renovate an existing commercial building and reconstruct a surface parking lot to create a Planned Commercial Development. Upon completion, all three buildings on the site will have a unified look. The new buildings are traditional in their placement on the property, individual uses have their own entrances facing the street and there are storefront windows along the building edges that allow views into and out of the buildings. In addition, the parking lot has been located towards the interior of the site and is landscaped on the perimeters and the interior.

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 Planning Commission grant alternative compliance to allow the building on Lot 1 to be located more than eight feet from the property line along Penn Avenue North as the property line starts gradually shifts to the east in order to accommodate for a bus and turning lane.
- The Planning Division is recommending that the Planning Commission grant alternative compliance to allow less than 30 percent windows along this side of the building given that the amount of glass along the entire length of the building is over 30 percent.
- The Planning Division is recommending that the Planning Commission grant alternative compliance to allow less than 30 percent windows along this side of the building given that the amount of glass in the entrance brings the total amount of glass to over 30 percent.
- The Planning Division is recommending that the Planning Commission grant alternative to allow these windows to not be evenly distributed. Given the interior layout of the buildings, if the windows were evenly distributed there would be a higher percentage of windows that would not provide views into and out of the building.
- The Planning Division is recommending that the Planning Commission grant alternative compliance to allow the seven evergreen trees to be substituted for seven canopy trees as they will provide screening year round.
- The Planning Division is recommending that the Planning Commission grant alternative compliance to allow less than nine feet of landscaping along both Penn Avenue North and Oliver Avenue North. To accommodate nine feet of landscaping the amount of parking would have to be significantly reduced which would require the applicant to apply for a parking variance.
- The Planning Division is recommending that the Planning Commission grant alternative compliance to not require ten trees along Penn Avenue North. The Planning Division believes that requiring six trees along this street will provide for adequate shading.
- The Planning Division is recommending that the Planning Commission grant alternative compliance to allow less than nine feet of landscaping along the west side of the alley. To accommodate nine feet of landscaping the amount of parking would have to be significantly reduced which would require the applicant to apply for a parking variance.

VACATION (Vac1505) – All that part of the public alley as platted in Block 2, Hamisch's Addition to Minneapolis, located north of a line extended west, and situated 14.71 feet south of the north line of Lot 9, said Addition, as of record at Hennepin County, Minnesota.

Development Plan: The site plan for the development is attached.

Responses from Utilities and Affected Property Owners: Of the utilities and/or affected property owners that have responded Xcel Energy and Qwest have requested that easements be retained over the area to be vacated. It will be the applicant's responsibility to work directly with the utilities and/or affected property owners to resolve any problems such easements create.

Hennepin County requested that an easement be retained for them over the northern portion of the alley for roadway right-of-way purposes. However, because they do not have an easement over this area now, the City of Minneapolis cannot retain an easement for them. However, as part of the Lowry Avenue reconstruction project a portion of the applicant's land along both Lowry Avenue North and Penn Avenue North will be conveyed to Hennepin County for road right-of-way usage. This will happen as part of a separate process.

Findings: The Public Works Department finds that the area proposed for vacation is not needed for any public purpose given that a new alley will be platted thus not creating a dead end alley on the block.

PRELIMINARY PLAT - PL-205

Required Findings:

1. The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the Zoning Code and policies of the Comprehensive Plan.

DESIGN REQUIREMENTS
Planned Commercial Developments are exempt from the requirement requiring frontage on a public street. However, this site does have frontage on four public streets.

The platting of the property does not result in more than one zoning classification on a single lot.

No nonconforming structures or uses result from this application.

RESIDENTIAL DEVELOPMENT DESIGN
Planned Commercial Developments are exempt from these requirements.

ZONING CODE
With the approval of the rezonings, the conditional use permits, the variances, the site plan review, the alley vacation and the preliminary plat this development will be in conformance with the applicable regulations of the zoning code.

THE MINNEAPOLIS PLAN

The development site is located on the southeast corner Penn Avenue North and Lowry Avenue North (see zoning map). Both Penn and Lowry avenues are designated Community Corridors and the intersection itself is a designated Neighborhood Commercial Node. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods (Policy 4.1).
- Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on theses streets (Policy 4.2).
- 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 (Policy 4.4).
- Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services that are compatible with adjacent residential areas (Policy 4.5).

The development involves the construction of two new commercial buildings, the renovation of an existing commercial building and the reconstruction of a surface parking lot. In total there will be approximately 48,240 square feet of commercial and office space within the development. The anchor tenant within the building will be an Aldi grocery store. In addition to this tenant there will be upwards of six other commercial or office uses within the development.

2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.

The Planning Division does not believe that a planned commercial development including a total of approximately 48,240 square feet of commercial and office space would be injurious to the use and enjoyment of other property in the area. Constructing a new mixed-use development on the site would provide for a variety of retail and service uses in the neighborhood and additional employment opportunities.

3. All land intended for building sites can be used safely without endangering the residents or uses of the subdivision and the surrounding area by peril from floods, erosion, high water table, severe soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.

The site is relatively flat. The Planning Division believes that the site can be developed upon and used safely.

4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access

to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration

The parcels created by this application present no foreseeable difficulties for this development. No significant alterations to the land appear necessary.

5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The stormwater drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.

The applicant has indicated that stormwater runoff will be collected by the proposed storm sewer and routed to green space and detention areas for treatment and infiltration. The applicant will be required to meet all city and watershed requirements for the removal of phosphorous and total suspended solids. The Sewer Division of the Public Works Department will review and approve the drainage and sanitary system plans for this development prior to building permits being issued.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the rezoning of a portion of the property located at 3010 Penn Avenue North from the C2 district to the C1 district.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the rezoning of 3108 and 3120 Penn Avenue North and 2125 Lowry Avenue North from the C1 district to the C2 district.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the rezoning of a portion of the properties located at 3107, 3111, 3115 and 3119 Oliver Avenue North from the R2B district to the C2 district.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the rezoning of a portion of the property located at 3119 Oliver Avenue North from the R2B district to the C2 district.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the rezoning a portion of the properties located at 3023, 3027, 3101, 3107, 3111 and 3115 Oliver Avenue North to add the TP Transitional Parking Overlay district to the existing R2B District.

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 for a Planned Commercial Development located at 3010, 3108 and 3120 Penn Avenue North, 2125 Lowry Avenue North and 3023, 3027, 3101, 3107, 3111, 3115 and 3119 Oliver Avenue North subject to the following conditions:

1. The freestanding sign shall not exceed 25 feet in height and 160 square feet in size.

2. The total amount of signage on the Lot 1 building shall not exceed 421 square feet.

3. The signs on the Lot 4 building shall meet the requirements of Chapter 543, On-Premise Signs.

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 for a parking lot located in the TP Transitional Parking Overlay district located at for a parking lot located in the TP Transitional Parking Overlay district located at 3010, 3108 and 3120 Penn Avenue North, 2125 Lowry Avenue North and 3023, 3027, 3101, 3107, 3111, 3115 and 3119 Oliver Avenue North subject to the following conditions:

1. A decorative metal fence, similar to the fence proposed to be located along Penn Avenue North, shall be provided along the east and south sides of the parking lot. The fence along the south property line shall be located between the north edge of the alley and the landscaping.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the front yard setback along Oliver Avenue North from the established 22 feet to five feet for a portion of the surface parking lot located in the TP Transitional Parking Overlay district located at 3010, 3108 and 3120 Penn Avenue North, 2125 Lowry Avenue North and 3023, 3027, 3101, 3107, 3111, 3115 and 3119 Oliver Avenue North.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application of section 551.430(1)(b) which requires that the width of the parking lot in the TP Transitional Parking Overlay District not exceed 75 feet located at 3010, 3108 and 3120 Penn Avenue North, 2125 Lowry Avenue North and 3023, 3027, 3101, 3107, 3111, 3115 and 3119 Oliver Avenue North.

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 a Planned Commercial Development located at 3010, 3108 and 3120 Penn Avenue North, 2125 Lowry Avenue North and 3023, 3027, 3101, 3107, 3111, 3115 and 3119 Oliver Avenue North subject to the following conditions:

1. The final design of the building on Lot 4 shall meet the standards of Chapter 530, Article II, Building Placement and Design.

2. Windows shall comply with the requirements of Section 530.120(2)(e) of the zoning code.

3. No signage shall be placed in the windows that provide views into and out of the grocery store.

4. The applicant is encouraged to reduce the length of the western most shelf in the grocery store to allow for increased views into and out of the building along Penn Avenue North.

5. The applicant shall provide two additional trees on the site, either canopy or evergreen.

6. A decorative metal fence, similar to the fence proposed to be located along Penn Avenue North, shall be provided along the east and south sides of the parking lot on Oliver Avenue North.

7. There shall be a total of six trees provided along Penn Avenue North.

8. The proposed solid wood fence on the north side of the alley shall be removed.

9. All of the parking space in the parking lot shall be located no more than 50 feet from an on-site deciduous tree as required by section 530.170 of the zoning code.

10. The retaining wall along the south property line should be designed so it is not conducive to loitering.

11. The applicant should consider graffiti protecting the building walls.

12. Approval of the final site, landscaping and elevation plans by the Community Planning and Economic Development Department – Planning Division.

13. All site improvements shall be completed by December 22, 2008, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the vacation application of all that part of the public alley as platted in Block 2, Hamisch's Addition to Minneapolis, located north of a line extended west, and situated 14.71 feet south of the north line of Lot 9, said Addition, as of record at Hennepin County, Minnesota subject to the retention of an easement in favor of Xcel Energy and Qwest.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission **approve** the preliminary plat application for the properties located at 3010, 3108 and 3120 Penn Avenue North, 2125 Lowry Avenue North and 3023, 3027, 3101, 3107, 3111, 3115 and 3119 Oliver Avenue North.

Attachments:

1. Description of the project
2. Existing and proposed zoning diagrams
3. Conditional use permit findings
4. Alternative compliance statement for site plan review
5. Vacation information
6. Preliminary plat information
7. September 27, 2006, memo from Dennis Morris regarding the preliminary plat
8. September 13, 2006, letter to CM Johnson and the Jordan, Cleveland and Folwell neighborhoods
9. October 5, 2006, Preliminary Development Review Report
10. Zoning map
11. Survey, site and civil plans, floor plans, elevations
12. Photographs of the site and the surrounding area