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MEMORANDUM

DATE: December 4, 2003

TO: Council Member Schiff, Chair, Zoning & Planning Committee
Members of the Zoning & Planning Committee

FROM: Jason Wittenberg

SUBJECT: Appeal

Isidro Perez has filed an appeal of a decision of the City Planning Commission. Mr. Perez, the property owner and original applicant, appeals conditions of approval related to a conditional use permit allowing a parking lot in the Transitional Parking Overlay District and a variance from the requirement that the TP Overlay District have a side lot line that abuts the commercial district being served.

Specifically, Mr. Perez appeals conditions of approval that would require removal of the existing refuse storage enclosure from the off-site parking lot located at 2741 Blaisdell Avenue. (The parking lot serves the shopping center located at 2728-2750 Nicollet Avenue.) The conditions of approval for the applications authorizing the parking lot state the following: "Refuse shall not be stored on the site."

The zoning code does not authorize off-site storage of refuse. Section 537.20 of the zoning code, which includes standards for accessory uses, has the following provision: "The accessory use or structure shall be located on the same zoning lot as the principal use or structure served, except for accessory off-street parking and loading facilities, subject to the provisions of Chapter 541, Off-Street Parking and Loading, and the applicable requirements of the district in which such facility is located."

Rezoning of the parking lot to the TP Overlay District is expected to be official by the time of this appeal. Parking lots in the TP Overlay District are limited by the following in section 551.430 of the zoning code: "The parking lot shall at no time be used for outdoor sales, display or storage."

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Zoning Amendment (Rezoning), Conditional Use Permit, Site Plan Review, Variances

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Date: November 3, 2003

Date Application Deemed Complete: August 6, 2003

End of 60 Day Decision Period: October 5, 2003

End of 120 Day Decision Period: December 4, 2003

Applicant: Isidro Perez

Address Of Property: Shopping center: 2728-2750 Nicollet Ave. S.
Off-site parking lot: 2741 Blaisdell Ave. S.

Contact Person And Phone: John Kosmas, 952-922-3226

Planning Staff And Phone: Jason Wittenberg, 673-2297

Ward: 6 **Neighborhood Organization:** Whittier

Existing Zoning: C2: 2728-2750 Nicollet Ave. S.
 R6: 2741 Blaisdell Ave. S.

Proposed Zoning: No change: 2728-2750 Nicollet Ave. S.
 Add the TP Overlay District to 2741 Blaisdell Ave. S.

Zoning Plate Number: 25

Legal Description of Property Proposed for Rezoning: Lot 16, Block 18, JT Blaisdells
Revised Addition to Minneapolis

Project Name: N/A

Proposed Use: The existing shopping center is subject to site plan review. The applicant also proposes to legalize an existing parking lot located in a residence district through rezoning, a conditional use permit and variances.

Conditional Use Permit:

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- Required for a parking lot in the TP (Transitional Parking) Overlay District as indicated in section 551.430 of the zoning code.

Site Plan Review: Site plan review is required for shopping centers as well as principal/off-site parking facilities.

Variations:

- A variance from the requirement that a parking lot in the TP Overlay District shall have a side lot line that abuts the zoning district served by the parking lot.
- A variance to reduce the required front yard setback along Blaisdell Avenue from 24 feet to 5 feet for the off-site parking lot.
- A variance to reduce the south side yard setback from 5 feet to 0 feet for the off-site parking lot.
- A variance to reduce the rear yard setback along the public alley from 5 feet to 0 feet for the off-site parking lot.

Zoning Code Section Authorizing Proposed Variations: 525.520(1), (20)

Previous Actions: N/A

Concurrent Review: Rezoning, conditional use permit, site plan review, and variations as noted above.

Background: The applicant owns an existing shopping center (2728-2750 Nicollet Ave. S.) and an off-site parking lot (2741 Blaisdell Ave. S.). Both sites are subject to site plan review. The applicant proposes to rezone the off-site parking lot by adding the TP (Transitional Parking) Overlay District. The parking lot was apparently established illegally by a previous property owner. A conditional use permit and several variations are also requested for the parking lot.

The applicant proposes to close alley access from the main shopping center parking lot but proposes to retain alley access to the off-site parking lot west of the alley and the small parking lot fronting along 28th Street. Public Works and Planning recommend that the Commission allow this configuration but that a new curb cut should not be installed along Blaisdell Avenue.

A refuse storage enclosure has been placed on the off-site parking lot. Off-site refuse storage is not allowed.

Findings As Required By The Minneapolis Zoning Code for the Rezoning Application:

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

While the use served is on a Commercial Corridor (Nicollet Avenue), staff does not consider the frontage along Blaisdell Avenue to be a part of the Commercial Corridor.

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Staff has analyzed the request to add the Transitional Parking Overlay District to the existing R6 District to legalize the existing off-site parking lot and has identified the following goals and policies of the Minneapolis Plan as being relevant to the rezoning request.

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

Relevant Implementation Steps:

- Ensure that commercial uses do not negatively impact nearby residential areas.
- Regulate impacts of commercial uses, and in some cases prevent some uses from locating on designated Commercial Corridors, due to their adverse impacts on nearby residential areas.

Staff comment: The proposed parking lot would be accessory to uses located on a Commercial Corridor. While staff is very concerned about the impact that the parking lot has on the adjacent multi-family residential use, the TP Overlay District, in this case, would act as a transition between an existing fire station and residential uses. Of course, residential uses would continue to be allowed with a TP Overlay District in place.

Relevant Policy: **9.24** Minneapolis will support continued growth in designated commercial areas, while allowing for market conditions to significantly influence the viability of commercial presence in undesignated areas of the city.

Relevant Implementation Steps:

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

Staff comment: Rezoning to the TP Overlay District may help ensure vitality of the Commercial Corridor while ensuring through the site plan review process that development in the proposed TP Overlay District is compatible with adjacent property.

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

The rezoning request is to provide off-street parking for a particular property. Thus, the rezoning request is largely to accommodate the interest of a single property owner. To the extent that the parking lot would remove congestion from the public streets, the amendment may be 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.

Staff is concerned about adding the TP Overlay District across an alley from the use served. Note that the property cannot be rezoned to the TP Overlay District unless an accompanying variance is granted from the requirement that the district must share a lot line with the district served by the parking lot. The uses adjacent to the parking lot include a fire station (to the south) and a multi-family residential building (to the north). The parking lot would be compatible with the fire station and, in fact, Fire Department employees are likely to use the parking lot to access parking for the fire station. The parking lot's compatibility with the adjacent residential use will largely depend on compliance with site plan review standards.

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 for the property under the existing R6 zoning classifications. The property in question could accommodate, for example, residential use of up to 18 units.

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.

The Nicollet Avenue Commercial Corridor has featured more intensive uses, particularly restaurant uses, that generate a higher number of vehicle trips than past uses.

Findings As Required By The Minneapolis Zoning Code For A Conditional Use Permit for the Parking Lot in a Transitional Parking Overlay District:

Note that, as part of the conditional use permit, the applicant requests an exception from the requirement that the parking lot be closed with a secured gate or other mechanism between 10:00 p.m. and 6:00 a.m.

The Minneapolis City Planning Department 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.

Provided a safe access circulation pattern that minimizes the impact on nearby residential uses is finalized with the Planning Commission and Public Works Department, continued use as a parking lot would not endanger the public health, safety, comfort or general welfare. The parking lot would be set back from the adjacent residential uses farther than the existing illegal parking lot. The refuse storage enclosure serving the commercial use across the alley is not permitted in the R6 or TP Overlay District. The location of the refuse unduly affects the

enjoyment of the residential property both in terms of the visual impact and the noise and smell associated with trash collection and storage.

- 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 applicant would increase the north side yard setback adjacent to the residential use and would include landscaping and screening in this area and further provided the property provides a front setback along Blaisdell Avenue that is consistent with residential uses on the block.

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

The Public Works Department has reviewed the preliminary plan and will review the final plan for issues such as drainage and access. A stormwater management plan is required. A new curb cut is proposed along Blaisdell Avenue. Public Works and Planning staff are recommending that the Commission allow continued alley access to the off-site parking lot and the small parking lot fronting along 28th Street. Staff is concerned about potential cut-through traffic on site should the Commission allow alley access and create a new curb cut. Since 28th Street is a one way street flowing east, it is likely that vehicles will travel across the applicant's property to reach southbound Blaisdell Avenue. Concrete curbing would direct drainage away from the adjacent residential property. At the front of the parking lot, Planning staff recommends that the applicant forgo concrete curbing in order to allow on-site filtration of stormwater. If this is done, however, another mechanism should be employed to ensure that vehicles do not drive into the landscaped area between the parking lot and the public sidewalk.

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

The applicant notes that the parking lot helps to relieve congestion on area streets.

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

In addition to the policies noted in the rezoning analysis above, relevant policies and implementation steps of the *Minneapolis Plan* include the following:

Relevant Policy: 9.8. Minneapolis will maintain and strengthen the character of the city's various residential areas.

Relevant Implementation Steps:

- Prohibit new driveways on block faces with alley access and where there are no existing driveways.
- Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding one and two family dwellings.

Staff comment: There are existing driveways on the block. The applicant proposes a new driveway along Blaidell Avenue. The parking lot plan should be altered to reflect the setbacks of existing residential uses on the block.

Relevant Policy: **9.12.** Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.

Relevant Implementation Steps:

- Require the landscaping of parking lots.
- Encourage parking strategies that reduce the need for parking in order to avoid spillover into neighboring residential areas, including residential parking permits and the joint use of available parking in mixed use areas.
- Locate parking lots behind buildings or in the interior of the block to reduce the visual impact of the automobile in mixed use areas.

Staff comment: The parking lot should respect the front and north side setbacks and should be landscaped to the standards of Chapter 530 to meet the intent of these policies.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit, the rezoning request, relevant variances, and site plan review.

If all land use/zoning applications are approved and the refuse storage is removed from the site, the proposal will comply with all provisions of the R6 District and TP Overlay District. The TP Overlay District requires that parking lots meet 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.
- b. The width of the parking lot shall not exceed seventy-five (75) feet.
- 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.
- 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.
- e. The parking lot shall at no time be used for outdoor sales, display or storage.
- 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.
- g. The parking lot shall be landscaped and screened pursuant to the provisions of Chapter 530, Site Plan Review.

The applicant requests that the Commission waive provision “b” requiring gating of the parking lot overnight.

Required Findings for Major Site Plan Review

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C 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.
- 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 façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- 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 where visible from a public street or a residence or office residence district.
- Entrances and windows:
 - Residential uses shall be subject to section 530.110 (b) (1).
 - Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

Conformance with above requirements:

The shopping center buildings contribute to a street wall along Nicollet Avenue. Natural surveillance is hindered by signs and other obstructions that currently exist in the windows, particularly in windows that face Nicollet Avenue.

The buildings are located within eight feet of the lot lines along both Nicollet Avenue and 28th Street.

Public streetscape improvements are located adjacent to the applicant's site. Decorative fencing and bicycle racks have also been added around the freestanding sign along Nicollet.

Principal entrances to uses within the shopping center face Nicollet Avenue, 28th Street and the interior parking lot.

The on-site parking lot is located between the two principal buildings. The off-site parking lot is not adequately set back from Blaisdell Avenue to allow for a consistent front yard with residential uses on the block.

The facades of the existing buildings are primarily brick.

The buildings are existing and new windows are not proposed. However, staff recommends that the applicant ensure that tenants do not block windows with signs or other obstructions. The two grocery stores along Nicollet Avenue, for example, both feature excessive window obstructions that do not allow for sufficient visibility and thus invite criminal activity.

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 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

Conformance with above requirements:

The building entrances that do not front directly on a public sidewalk are connected to the public sidewalk by walkways that are flush with parking lot. The walkway along the north building is concrete while the walkway along the south building is asphalt and is separated from vehicles only by concrete

wheel stops. The applicant or future owners of the property must ensure that walkways are maintained to all customer entrances.

The applicant is not proposing a transit shelter on the site. There is a Metro Transit bus shelter located in the public right of way near the southeast corner of the site.

Pedestrian-vehicle conflicts would be largely minimized by maintaining walkways adjacent to the shopping center.

Shopping centers over 4,000 square feet cannot provide alley access where there is residential zoning along the same alley, which is the case on this alley. The applicant proposes to close the existing alley access from the main on-site parking lot. However, alley access is proposed to continue to the small parking lot at the south end of the site as well as to the off-site parking lot. The applicant also proposes a new curb cut from the off-site parking lot to Blaisdell Avenue. Public Works and Planning staff recommend that the Commission allow alley access to the small parking lot along 28th Street and the off-site parking lot west of the public alley. However, the applicant should not provide a curb cut to Blaisdell Avenue if alley access is retained.

Few snow storage are available on the site. The applicant must ensure that snow storage does not cover required parking spaces.

The applicant's site plan would create new permeable areas near the perimeter of the site. The off-site parking lot should provide a natural opportunity to include more permeable area by matching the setback of the residential building to the north.

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 shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **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.**
- **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 530.160 (b).**
- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**

- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 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 530.220.
- 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 530.60, as provided in section 530.230.

Conformance with above requirements:

Shopping center site: The primary lot, according to the applicant's survey, has 62,129 square feet of area. According to the applicant, the buildings cover 33,211 square feet, leaving a net site area of 28,918 square feet. At least 20 percent of the net site area, or 5,783 square feet, must be landscaped as required by Chapter 530. According to staff calculation, the proposed *on-site* landscaped area would equal approximately 1,039 square feet, or approximately 3.5 percent. The applicant also proposes approximately 455 square feet of landscaping in the public right of way adjacent to the site along 28th Street. Staff recommends that the applicant increase the landscaped area on the shopping center site, primarily by landscaping along the public alley. Approximately 500 to 700 square feet of landscaping could be accommodated in this area, bringing the on-site landscaping to approximately six percent. The 26-foot drive aisle should be reduced to accommodate landscaping between the parking lot and the alley. Given the existing site constraints and the amount of parking required for the shopping center, staff recommends that the Commission allow less than 20 percent landscaping on the primary site. **Off-site parking lot:** The off-site parking lot has 7,416 square feet of area. Landscaping 20 percent of the site would entail 1,483 square feet of landscaping. According to staff calculation, approximately 815 square feet, or 11 percent of the site, would be landscaped under the applicant's proposal. Complying with the required front yard setback (and not incorporating an access to Blaisdell Avenue) would provide an additional 910 square feet of landscaping, for a total of 23 percent of the site.

Landscaped yards at least five feet in width (and screening between three and six feet) are required between all parking areas and the public streets as well as between parking areas and residential uses. The applicant's proposal complies with the landscaped yard requirements except in the area between the shopping center parking and the public alley, which has residential uses on its west side.

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The applicant proposes six inch by six inch curbing around the parking lot but is encouraged to explore opportunities for on-site filtration of storm water. In particular, the front setback along Blaisdell, in Planning staff's estimation, can accommodate drainage from the off-site parking lot (provided the applicant defines the parking lot through some other manner). Staff recommends that the applicant consider forgoing concrete curbing between the shopping center parking lot and the public alley.

All areas not covered by parking, vehicle maneuvering, walkways or plazas would be landscaped or covered with turf.

Landscaping must be properly installed and maintained.

ADDITIONAL STANDARDS:

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **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.**
- **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.**

Conformance with above requirements:

Lighting must comply with Chapter 535 of the zoning code, noted below. The parking lots must be adequately lighted.

535.590. Lighting. (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

(1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.

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- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

Landscaping and screening along the north side of the off-site parking lot will largely eliminate headlight glare from in that location. Staff recommends that the applicant eliminate the proposal for a new curb cut along Blaisdell Avenue and instead landscape and screen the front yard, which would also reduce headlight glare into property across Blaisdell to the west. Headlight glare from vehicles on the shopping center site could affect residential uses west of the alley. Landscaping and screening along the alley would prevent such glare.

The buildings are existing. Shadowing, views and wind currents are not significant issues in this case.

From a crime prevention standpoint, the applicant should indicate how the parking lot and all walkways will be lighted. Landscaping and screening would define the edges of the site for appropriate territorial reinforcement.

The site does not include historically designated structures and is not located within a designated historic district.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE: The shopping center site is zoned C2. The center is deemed to have a conditional use permit. The off-site parking lot is zoned R6 and was apparently established illegally by a previous property owner. The applicant proposes to add the TP Overlay District to allow the off-site parking lot.

Parking and Loading: Without taking advantage of any applicable parking reduction incentives, Zoning staff has indicated that the parking requirement is either 82 or 91 off-street parking spaces, depending on the eventual use of certain spaces within the building. Zoning staff has indicated that the project is grandfathered for 12 spaces in the north building. Staff would consider additional grandfathering of parking spaces given that the off-site parking lot has never been a legal parking lot providing compliant parking spaces.

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All proposed parking spaces and drive aisles comply with Table 541-4 except in the small parking lot along 28th Street. This parking lot must be revised to comply with the minimum requirements, which may include spaces that are designated for compact parking. For example, this would allow 15-foot-deep, 90 degree spaces with a 20-foot one-way drive aisle or 17-foot-deep (measured perpendicular to the curb), 60 degree spaces with an 18-foot one way drive aisle. Compact 90-degree spaces would allow the applicant to eliminate the parking lot encroachment into the public right of way.

Signs: The project includes a freestanding sign along Nicollet Avenue as well as numerous individual tenant signs. As indicated above, some of the existing tenants have window signs that cover more than 30 percent of the window area.

Yard Requirements: Other than required landscaped yards, there are no required setbacks on the primary site. With residential zoning on the off-site parking lot, the property on Blaisdell is subject to the following setbacks:

Front (along Blaisdell Ave.): Approximately 24 feet—the setback of the residential building to the north.

Interior sides (along the north and south): 5 feet

Rear (along alley): 5 feet

The applicant has filed variances for all yards on the off-site parking lot except the north side yard.

Specific Development Standards: Shopping centers are subject to the following specific development standards of section 536.20 of the zoning code:

Shopping center.

(1) Only uses allowed in the zoning district in which the shopping center is located shall be allowed in the shopping center.

(2) Uses which require a conditional use permit, site plan review or other land use approval shall comply with all review and approval requirements of this zoning ordinance.

(3) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

Hours of Operation: The maximum hours of operation in the C2 District are as follows:

Sunday through Thursday, from 6:00 a.m. to 10:00 p.m.

Friday and Saturday, from 6:00 a.m. to 11:00 p.m.

The applicant, after this application was noticed for a public hearing, indicated that one of the uses is or will stay open later than these hours. Staff recommends that the applicant return to the commission for a conditional use permit request as soon as possible.

The TP Overlay District requires that parking lots 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 requests an exception to this standard through the conditional use

permit.

Dumpster screening: The applicant proposes a refuse storage container near the southwest corner of the on-site parking lot. The zoning code does not allow off-site storage of refuse. The applicant has constructed a refuse storage enclosure on the off-site parking lot. Refuse storage must be removed from that site. Enclosures must comply with the following:

535.80. Screening of refuse storage containers. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. Single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall not be governed by this provision.

MINNEAPOLIS PLAN: For analysis of the project's consistency with the comprehensive plan, please see the rezoning and conditional use permit analyses above.

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

The City Council adopted the *Nicollet Avenue: The Revitalization of Minneapolis' Main Street* in 2000.

Staff has not identified any inconsistencies between the applicant's site plan and the relevant recommendations from this adopted plan.

Alternative Compliance. The Planning Commission may approve alternatives to any major 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, 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.**

- Staff recommends that the Commission grant alternative compliance to allow less than 20 percent landscaping on both properties in question. Strict adherence to the 20 percent requirement is impractical given the existing site constraints and the fact that much of the proposed parking is required by the zoning code.

Findings Required by the Minneapolis Zoning Code for the Proposed Variances:

- 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.**

Variance of the Location of a TP Overlay District: The applicant purchased the property in question not knowing that the parking lot was established illegally by a previous property owner. Not allowing the parking lot to remain would cause hardship for the applicant. However, the parking lot must be landscaped and screened to current standards.

Variance of the Front Yard Along Blaisdell Ave.: Complying with the required front yard setback would not cause undue hardship for the applicant. Parking spaces that are proposed for the required front yard may simply be shifted to the rear of the site, where the refuse storage must be removed.

Variance of the South Side Yard for the Off-Site Parking Lot: The variance of the south side yard would allow continued access for employees on the adjacent property. Without the variance, parking for that adjacent use would be severely constrained.

Variance of the Rear Yard for the Off-Site Parking Lot: Varying the required rear yard would continue to allow access to the public alley; the same access that has existed to the parking lot for years. Further, keeping the parking lot paved up to the alley would be consistent with other parking lots west of the alley.

- 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.**

Variance of the Location of a TP Overlay District: The fact that the parking lot is existing and is located adjacent to a non-residential use (on one side) are unique and not generally applicable.

Variance of the Front Yard Along Blaisdell Ave.: Staff has not identified unique circumstances that would lead to a need for the variance request.

Variance of the South Side Yard for the Off-Site Parking Lot: The shared access and parking with the adjacent use is a unique factor that is not generally applicable in the residence districts.

Variance of the Rear Yard for the Off-Site Parking Lot: Complying with the rear yard setback would force the applicant to provide a setback that would not be consistent with other parking lots on the block.

- 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.**

Variance of the Location of a TP Overlay District: Given that the site is adjacent to a non-residential use (a fire station) on one side, allowing a parking lot on the property in question at 2741 Blaisdell Avenue could meet the intent of the TP Overlay District if the parking lot meets required setbacks and landscaping and screening standards adjacent to the residential use and further provided the applicant discontinues storage of refuse on the site.

Variance of the Front Yard Along Blaisdell Ave.: The intent of the setback requirement is to provide a setback consistent with adjacent residential uses. The proposed setback, while providing a greater setback than exists currently on the site, would not meet the intent of the setback requirement.

Variance of the South Side Yard for the Off-Site Parking Lot: Since the adjacent use is non-residential in nature and relies on the applicant's property for access, eliminating the required south side yard on the applicant's property would not conflict with the intent of providing a separation between the parking lot and a contiguous property. Note that a variance should be requested by the adjacent property owner to allow parking spaces in their required north side yard.

Variance of the Rear Yard for the Off-Site Parking Lot: Granting the variance would not be inconsistent with the zoning code if the applicant includes landscaping five feet in width for the entire width along the north, adjacent to the residential use.

- 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.**

Variance of the Location of a TP Overlay District: Granting the variance to allow the TP Overlay District across the public alley from the use served would 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 if the applicant produces a final plan that eliminates concerns about cut-through traffic.

Variance of the Front Yard Along Blaisdell Ave.: Reducing the front yard setback requirement for the parking lot would not negatively affect public safety or congestion of the public streets.

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Variance of the South Side Yard for the Off-Site Parking Lot: Granting the variance would allow access to the parking spaces on the adjacent property and would not negatively affect congestion of public streets or public safety.

Variance of the Rear Yard for the Off-Site Parking Lot: Granting the variance would allow the existing condition to continue at the rear of the lot provided the refuse storage is removed and the applicant continues the landscaping along the north lot line all the way to the public alley.

CPED PLANNING DIVISION RECOMMENDATIONS:

Recommendation Of CPED Planning Division for the Zoning Amendment (Rezoning) Application:

The CPED Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application to rezone the property at 2741 Blaisdell Avenue South to add the TP Overlay District to the existing R6 District.

Recommendation Of CPED Planning Division for the Conditional Use Permit for a Parking Lot in the TP Overlay District:

The CPED Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a parking lot in the Transitional Parking Overlay District at 2741 Blaisdell Ave. S., subject to the following conditions:

1. Refuse shall not be stored on the site.
2. The TP Overlay District standard requiring closure of the parking lot between 10:00 p.m. and 6:00 a.m. shall be waived.

Recommendation of CPED Planning Division for the Site Plan Review Application:

The CPED Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for an existing shopping center at 2728-2750 Nicollet Avenue South and an off-site parking lot located at 2741 Blaisdell Avenue South, subject to the following conditions:

1. Window signs and other window obstructions shall not exceed thirty (30) percent of the window area in any individual tenant space.
2. Clear walkways not less than four (4) feet in width shall continue to connect all customer entrances to the adjacent public sidewalks.
3. Landscaping shall be incorporated between the on-site parking lot and the public alley.
4. Vehicular access and circulation shall be subject to review and approval by the Public Works Department.
5. The Planning Department shall review and approve the final site plan and landscaping plan.

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6. If improvements required by Site Plan Review exceed two thousand (2000) dollars, the applicant shall submit a performance bond in the amount of 125 percent of the estimated site improvement costs prior to obtaining a building permit for exterior improvements.
7. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by November 21, 2004, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Recommendation of CPED Planning Division for the Variance Application to Waive the Requirement that the TP Overlay District Must Be Adjacent to the District Served by the Parking Lot:

The CPED Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance from the requirement that a parking lot in the TP Overlay District shall have a side lot line that abuts the zoning district served by the parking lot to allow a parking lot at 2741 Blaisdell Avenue South, subject to the following condition:

1. Refuse shall not be stored on the site.

Recommendation of CPED Planning Division for the Variance Application to Reduce the Required Front Yard Setback Along Blaisdell Avenue:

The CPED Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance to reduce the required front yard setback along Blaisdell Avenue from 24 feet to 5 feet for a parking lot at 2741 Blaisdell Avenue South.

Recommendation of CPED Planning Division for the Variance Application to Reduce the Required South Side Yard Setback:

The CPED Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the required south side yard setback from 5 feet to 0 feet for a parking lot at 2741 Blaisdell Avenue South.

Recommendation of the City Planning Department for the Variance Application to Reduce the Required Rear Yard Setback:

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the required rear yard setback from 5 feet to 0 feet for a parking lot at 2741 Blaisdell Avenue South.