

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning, Conditional Use Permit, Variances and Site Plan Review  
BZZ-5555

**Date:** May 21, 2012

**Applicant:** Geurts Family, LLC, Attn: Jeff Minea, 18805 37<sup>th</sup> Avenue North, Plymouth, MN 55446, (612) 701-7741

**Address of Property:** 2700, 2708, 2712, 2716 and 2720/2724 Lyndale Avenue South

**Project Name:** Trader Joe's

**Contact Person and Phone:** TOLD Development Company, Attn: Trent Mayberry, Two Carlson Parkway, Suite 355, Plymouth, MN 55447, (952) 278-9000

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

**Date Application Deemed Complete:** April 18, 2012

**End of 60-Day Decision Period:** June 17, 2012

**End of 120-Day Decision Period:** On May 10, 2012, Staff sent a letter to the applicant extending the decision period to no later than August 16, 2012.

**Ward:** 10    **Neighborhood Organization:** Lowry Hill East Neighborhood Association (LHENA) and Whittier Alliance

**Existing Zoning:** C1 (Neighborhood Commercial) district

**Proposed Zoning:** C2 (Neighborhood Corridor Commercial) district

**Zoning Plate Number:** 24

**Lot area:** 39,420 square feet or approximately .90 acres

**Legal Description:** Lots 1-7, Block 1, Channell and Haywoods Addition to Minneapolis, and Lots 1 and 2, except the South 10 feet front and rear of Lot 2, in Block 1, Penney's Subdivision of Lot 13 of Russell's Out Lots to the Town of Minneapolis, Hennepin County, Minnesota.

**Proposed Use:** A new 14,299 square foot grocery store.

**Concurrent Review:**

- Petition to rezone the subject properties from the C1 (Neighborhood Commercial) district to the C2 (Neighborhood Corridor Commercial) district.
- Conditional Use Permit for an off-sale liquor store.
- Variance of the reverse corner setback requirement along the north property line adjacent to West 27<sup>th</sup> Street for the first 40 feet from west to east from 13 feet, 6 inches to 0 feet.
- Variance of the off-street loading requirement.

- Site Plan Review for a new single-story, 14,299 square foot grocery store that includes a 1,200 square foot beer/wine store.

**Applicable zoning code provisions:** Chapter 525, Article VI Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX Variances, and Chapter 530 Site Plan Review.

**Background:** The applicant proposes to rezone the properties located at 2700, 2708, 2712, 2716 and 2720/2724 Lyndale Avenue South from the C1 district to the C2 district. The rezoning is proposed in order to allow a new 14,299 square foot Trader Joe's that includes an approximate 1,200 square foot beer/wine store on the property. Grocery Stores are permitted uses in all commercial zoning districts. Off-sale liquor stores are not permitted in the C1 district but are conditional uses in the C2 district. In addition, the C1 district limits the maximum lot size for commercial uses to 20,000 square feet, and the maximum floor area of commercial uses without bonuses from 4,000 to 8,000 square feet per use depending on the location of parking and the height of the building. A variance of the reverse corner setback requirement along the north property line adjacent to West 27<sup>th</sup> Street is required from the first 40 feet from the center of the alley which is the boundary between the commercial and residential zoning districts from 13 feet, 6 inches to zero feet for a small triangle portion of the building. This is due to the fact that the abutting residential property to the west fronts on West 27<sup>th</sup> Street. A variance is also needed for the required off-street loading space (one large loading space) as the applicant proposes to not accommodate a dedicated space on-site as all deliveries will be scheduled prior to when the store opens in the morning. Site plan review is also required.

The proposed development would include a total of 70 off-street parking spaces with 37 underground parking stalls and 33 surface parking stalls. The development would also incorporate new sidewalks, landscaping, 22 bicycle parking spaces, a cart containment system as well as a pedestrian plaza fronting on Lyndale Avenue South. Sustainable features have also been incorporated into the development and include: a reflective roof, LED parking lot lighting, pervious pavers, energy efficient construction materials, mechanical systems and utilities and use of a construction waste recycling program. The applicant also proposes to install a living wall on the west elevation of the building.

The Heritage Preservation Commission (HPC) approved the Demolition of Historic Resource applications for the properties on April 3, 2012 (BZH 27249, 27250, 27251 and 27252).

The applicant has provided a letter and exhibit that indicates that the proposal is in compliance with all applicable spacing requirements including the 2,000 foot spacing requirement from another liquor store (MCO § 362.40) and the 300 foot spacing requirement from schools or religious institution places of assembly (MCO § 360.120) and the provision requiring contiguity of five or more acres of C2 zoning or higher.

Staff has received official correspondence from the Lowry Hill East Neighborhood Association (LHENA) as well as several letters, emails and a petition. All have been attached for reference as the last attachment to the report. Any additional correspondence received after the printing of this report shall be forwarded on to the Planning Commission for further consideration.

## **REZONING**

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

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcels are located along Lyndale Avenue South which is a designated Commercial Corridor in this location and approximately one block north of the boundary of the Lyn-Lake Activity Center (West 28<sup>th</sup> Street) that consists of the area around the intersection of West Lake Street and Lyndale Avenue South. The properties are further designated for mixed-use development. According to *The Minneapolis Plan for Sustainable Growth*, Commercial Corridors “serve as boundaries connecting a number of neighborhoods and serve as focal points for activity. Development and revitalization of these corridors helps to strengthen surrounding urban neighborhoods. Commercial Corridors can accommodate intensive commercial uses and high levels of traffic. The corridors support all types of commercial uses, with some light industrial and high density residential uses as well. While the character of these streets is mainly commercial, residential areas are nearby and impacts from commercial uses must be mitigated as appropriate. Additionally, the City encourages new medium- to high-density residential development along Commercial Corridors, particularly as part of mixed use development. These corridors frequently carry large traffic volumes and must balance significant vehicular through-traffic capacity with automobile and pedestrian access to commercial property.” Regarding the mixed-use designation the plan states that “it allows for mixed-use development, including mixed-use with residential. Mixed use may include either a mix of retail, office or residential uses within a building or within a district.” Further, there is no requirement that every building be mixed-use. The following policies and implementation steps of *The Minneapolis Plan for Sustainable Growth* apply to this proposal:

Land Use Policy 1.1 states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation steps: (1.5.1) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

Land Use Policy 1.2 states, “Ensure appropriate transitions between uses with different size, scale, and intensity.” This policy includes the following applicable implementation steps: (1.2.1) “Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area”; (1.2.2) “Ensure that lighting and signage associated with non-residential uses do not create negative impacts for residential.”

Land Use Policy 1.3 states, “Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.” This policy includes the following applicable implementation steps: (1.3.1) “Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings”; (1.3.2) “Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.”

Land Use Policy 1.4 states, “Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.” This policy includes the following applicable implementation steps: (1.4.1) “Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served”; (1.4.2) “Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural

elements to add interest at the pedestrian level”; (1.4.4) “Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.”

Land Use Policy 1.5 states, “Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.” This policy includes the following applicable implementation step: (1.5.1) “Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.

Land Use Policy 1.10 states, “Support development along Commercial Corridors that enhances the street’s character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.” This policy includes the following applicable implementation steps: (1.10.1) “Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial –where compatible with the existing and desired character”; (1.10.2) Encourage commercial development, including active uses on the ground floor, where Commercial Corridors intersect with other designated corridors.”

Urban Design Policy 10.10 states, “Support urban design standards that emphasize a traditional urban form in commercial areas.” The policy includes the following applicable implementation steps: (10.10.3) “Enhance pedestrian and transit-oriented commercial districts with street furniture, street plantings, plazas, water features, public art and improved transit and pedestrian and bicycle amenities”; (10.10.4) “Orient new buildings to the street to foster safe and successful commercial nodes and corridors”; (10.10.6) “Require storefront window transparency to assure both natural surveillance and an inviting pedestrian experience.”

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

Planning Staff believes that the proposal to rezone the subject properties from the C1 to the C2 district is supported by the above listed policies and implementation steps of *The Minneapolis Plan for Sustainable Growth*.

There is an additional plan that must be considered when evaluating the proposal which is the *Lyn-Lake Small Area Plan*, adopted by the City Council on June 26, 2009. It is noteworthy to mention that the area also has a somewhat dated plan from 1997 called *Lyndale Avenue: A Vision* that also covers the area, however, the document specifically provides recommendations related to the road design of Lyndale Avenue South; not redevelopment or future land use.

The *Lyn-Lake Small Area Plan* was created as a vision for the business center focusing primarily on Lyndale Avenue between 26<sup>th</sup> Street and 31<sup>st</sup> Street and Lake Street between Bryant Avenue South and Blaisdell Avenue South. The plan builds upon the policy direction of *The Minneapolis Plan for Sustainable Growth*. The plan addresses this specific area as: Area 5 - Lyndale Avenue South, North of West 28th Street, and states “land uses along Lyndale Avenue South north of West Lake Street are an eclectic mix, as is the built form. There are small shops, restaurants, small apartment buildings, and single family homes. The eclectic mix is something that is valued by many residents and visitors. Future development should be sensitive to the existing context, particularly the residential uses along Aldrich and Garfield Avenues. Like West Lake Street, Lyndale Avenue South is designated as a Commercial

Corridor north of West 31st Street. However, not all Commercial Corridors are the same, nor is one Commercial Corridor usually consistent in its character. Lyndale Avenue South north of West 28th Street has unique sub-areas. Between West 26th Street and West 28th Street, Lyndale Avenue South is likely to have more intense development than some portions of the street to the north because 26th and 28<sup>th</sup> Streets provide quick access across the city. These blocks can provide a transition between the Activity Center and areas to the north.”

Planning Staff believes that the proposed development is in conformance with the adopted *Lyn-Lake Small Area Plan*.

The Midtown Greenway Rezoning Study analyzed the existing zoning in the area surrounding the Midtown Greenway which resulted in a recommendation to change the zoning of select parcels that made the zoning match the City’s adopted future land use plans. This was necessary as it is the City’s overall goal to encourage the type of development envisioned in the adopted plans and prevent development that is inconsistent with the plans. In addition, the City had a legal obligation to ensure that zoning reflected adopted land use goals. The Midtown Greenway Rezoning Study addressed the future land use recommendations from several adopted plans including: The Lyn-Lake Small Area Plan (adopted in June of 2009); The Uptown Small Area Plan (adopted in February of 2008); The Midtown Greenway Land Use and Development Plan (adopted in February of 2007); The Seward Longfellow Area Land Use and Predevelopment Study (adopted in February of 2007); The Industrial Land Use and Employment Policy Plan (adopted in June of 2006); and the Midtown Minneapolis Land Use and Development Plan (adopted in December of 2005). There were 3,210 parcels within the study area. On 1,766 of these parcels, the policy guidance in the adopted small area plans differed enough from the regulations of the current zoning district to necessitate a zoning change; however, the initiation of rezonings in the study area were not meant to be exhaustive or mean that as redevelopment is proposed that rezonings should not be supported. As is standard practice, rezoning applications are evaluated on a case-by-case basis for compliance with adopted city policies.

The proposal to rezone the subject parcels from C1 to C2 along a Commercial Corridor is consistent with all applicable adopted City policies. Commercial Corridors support zoning designations from C1 to C4 throughout the City.

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

A rezoning to the C2 district could be considered primarily in the interest of the property owner as it would allow the site to accommodate additional uses and a larger commercial use on the properties not currently allowed under the C1 district regulations. The amendment could also be considered in the public interest as it would allow uses supported by adopted policies specific to Commercial Corridors as outlined above.

**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 subject site is located within an area that has commercial zoning classifications lining both sides of Lyndale Avenue South (C1, C2 and C4). There are also various residential zoning classifications including R2B, R4, R5 and R6 as well as C3A and OR2 zoning classifications within the broader vicinity. The uses within the area are varied and include assorted commercial and residential uses. Given the

surrounding zoning classifications, the context and uses in the area, as well as adopted policy, Staff believes that the C2 zoning district would be appropriate and compatible in this location.

**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 allowed under the existing C1 zoning classification; however, adopted City policy supports C2 zoning along Commercial Corridors. Planning Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classification for the properties. The C1 and C2 districts have the same FAR allowances as well as required lot area per dwelling unit. The primary differences are allowable height (2.5 or 3 stories versus 4 stories), maximum permitted size of commercial uses (8,000 square feet versus 30,000 square feet), overall lot size and additional commercial uses.

**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.**

Under the 1963 Zoning Code, the subject properties were zoned B3C (Community Commercial) district and surrounding properties were zoned B3C-2 (Community Commercial) district and B3S-2 (Community Service) district. The majority of surrounding residential properties were zoned the same. When the properties were rezoned in 1999 as part of a comprehensive rezoning study, the commercial properties lining Lyndale Avenue South were generally rezoned to commercial zoning classifications. There have been ongoing changes relative to the character and trend of development in the area. The area has seen significant redevelopment predominantly in the form of new mixed-use developments. The amendment to alter the existing zoning classification on the properties will not adversely impact the positive transitions occurring in the area.

**CONDITIONAL USE PERMIT** – to establish an off-sale liquor store.

**Findings as required by the Minneapolis Zoning Code for a Conditional Use Permit:**

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.**

Allowing a 1,200 square foot beer and wine store within a proposed 14,299 square foot grocery store would not be expected to have any negative impacts on the area. The liquor store component is clearly accessory to the principal use of the site as a grocery store. Further, as demonstrated by the applicant, the development appears to comply with all applicable spacing requirements. Allowing a new commercial use in the area would contribute to the overall goal of providing a wide range of goods and services within the immediate neighborhood. Staff would not expect that the proposal would have adverse impacts or prove detrimental to public health, safety, comfort or general welfare.

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

The Planning Division does not believe that allowing a 1,200 square foot beer and wine store on the property that is accessory to a proposed grocery store would be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property.

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

The applicant will continue to work 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, there is currently one curb cut located off of Lyndale Avenue South and one off of West 27<sup>th</sup> Street. As proposed the development would maintain an access off of both public streets, albeit with reconstructed curb cuts in both locations.

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

According to Chapter 541 of the Zoning Code, grocery stores have a minimum parking requirement of 1 space per 500 square feet of gross floor area in excess of 4,000 square feet. Off-sale liquor stores have a minimum parking requirement of 1 space per 500 square feet of gross floor area. All nonresidential uses over 1,000 square feet are required to provide a minimum of 4 spaces. The applicant proposes to construct a 14,299 square foot building. The grocery store component would total approximately 13,099 square feet and would require a minimum of 18 spaces. The 1,200 square foot off-sale liquor store component would require a minimum of 4 spaces. As a result the total minimum parking requirement is 22 spaces. The applicant proposes to provide a total of 70 spaces on site; 37 spaces underground and 33 surface stalls. The maximum parking requirement is 71 spaces, so the proposal complies with both the minimum and maximum parking requirements allowed on site. Further, the applicant proposes to install a total of 22 bicycle parking spaces on site.

The applicant has submitted a discretionary Travel Demand Management Plan (TDMP) to Public Works Staff. The document has been reviewed and the applicant is currently addressing comments. Public Works Staff has noted that based on the traffic study assumptions and analysis methods used by the applicant's consultant, Public Works will likely not approve the TDMP without a commitment for a new signal at West 27<sup>th</sup> Street and Lyndale Avenue South. Planning Staff will recommend as a condition of approval that the TDMP be approved prior to sign-off on any final plans for the development. Provided a TDMP has been approved by the City, Staff believes that adequate measures have been taken to minimize traffic congestion in the public streets.

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

See the above response to finding #1 of the rezoning application. The policies and implementation steps that are cited apply to the conditional use permit as well.

**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, including the rezoning, conditional use permit for an off-sale liquor store, variances and site plan review, the proposal would comply with all applicable provisions of the C2 District.

Planning Staff will condition the approval so that the windows proposed along both street frontages are unobstructed and comply with the provisions as outlined in Section 535.95 and 530.120 of the Zoning Code.

Any new signage proposed for the site would require a separate permit from the Zoning Office and would further be required to comply with all applicable standards outlined in Chapter 543 of the Zoning Code. Backlit signs are prohibited. Any/all window signage would need to comply with Section 543.480 of the Zoning Code.

**VARIANCE** – (1) Variance of the reverse corner setback requirement along the north property line adjacent to West 27<sup>th</sup> Street for the first 40 feet from west to east from 13 feet, 6 inches to 0 feet; and (2) Variance of the off-street loading requirement.

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

**1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

**Reverse corner setback requirement along the north property line adjacent to West 27<sup>th</sup> Street for the first 40 feet from west to east from 13 feet, 6 inches to 0 feet:** The applicant proposes to reduce the reverse corner setback requirement along the north property line adjacent to West 27<sup>th</sup> Street for the first 40 feet from the center of the alley which is the boundary between the commercial and residential zoning districts from 13 feet, 6 inches to zero feet for a small triangular portion of the building. This is due to the fact that the abutting residential property to the west fronts on West 27<sup>th</sup> Street. Practical difficulties exist in complying with the ordinance. Planning Staff believes that the circumstances requiring the setback variance are unique as the orientation of the adjacent residential structure towards West 27<sup>th</sup> Street triggers the setback requirement. The building complies with the setback for approximately 30 feet of the required 40 linear feet. Only a small triangular portion of the building is located within the required yard which is a reasonable request.

**Off-street loading requirement:** Based on Chapter 541 of the Zoning Code, grocery stores have an assigned loading requirement rating of “high” and off-sale liquor stores have an assigned loading requirement of “medium”. Based on the size of the proposed grocery store at 13,099 square feet, one large (12 feet by 50 feet) off-street loading space is required. There is no loading requirement for the 1,200 square foot liquor store as it is below the square footage threshold. The proposal requires a variance of the loading requirement as the applicant proposes to not accommodate a dedicated loading space on-site as all deliveries will be scheduled prior to when the store opens in the morning. Practical difficulties exist in complying with the ordinance as requiring a dedicated on-site space would result in an awkward site layout with much of the surface parking area designated as a loading space. Further, requiring a dedicated space would impact the site circulation proposed on site. Provided no deliveries

transpire when the grocery store is open, the request to vary this requirement is reasonable and results in a better redevelopment on site.

**2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

**Reverse corner setback requirement along the north property line adjacent to West 27<sup>th</sup> Street for the first 40 feet from west to east from 13 feet, 6 inches to 0 feet:** The proposal to reduce the reverse corner setback requirement from 13 feet, 6 inches to zero feet for a small triangular portion of the proposed building on a corner lot is reasonable and would be in keeping with the spirit and intent of the ordinance and the comprehensive plan. The building reinforces the street wall along both Lyndale Avenue South and West 27<sup>th</sup> Street, and complies with the setback requirement triggered by the adjacent residential use for approximately 30 feet of the required 40 linear feet.

**Off-street loading requirement:** The proposal to eliminate the off-street loading requirement for the development is reasonable and would be in keeping with the spirit and intent of the ordinance and the comprehensive plan. The purpose of this provision is to prevent commercial loading in the public streets and alleys throughout the City and to accommodate deliveries on-site during business hours. In this circumstance, the site will accommodate off-street loading on the property, however, it will not technically be delineated as loading space due to the fact that deliveries will only occur before the store opens in the morning and not during business hours.

**3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

**Reverse corner setback requirement along the north property line adjacent to West 27<sup>th</sup> Street for the first 40 feet from west to east from 13 feet, 6 inches to 0 feet:** The proposal to reduce the required reverse corner setback from 13 feet, 6 inches to zero feet for a small portion of the proposed structure would not adversely alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The proposal is consistent with adopted city policies and complies with the setback requirement for approximately 30 feet of the required 40 linear feet.

**Off-street loading requirement:** The proposal to eliminate the required large (12 feet by 50 feet) off-street loading space on the property would not adversely alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. All loading transpire on-site before the store opens in the morning and not during business hours. Therefore, there is no need to have the space delineated on site.

## **SITE PLAN REVIEW**

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

**A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See**

Section A Below for Evaluation.)

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

**Section A: Conformance with Chapter 530 of Zoning Code**

**BUILDING PLACEMENT AND DESIGN:**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances, windows, and active functions:
  - Residential uses:
    - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
      - a. Windows shall be vertical in proportion.
      - b. Windows shall be distributed in a more or less even manner.
  - Nonresidential uses:
    - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
      - a. Windows shall be vertical in proportion.
      - b. Windows shall be distributed in a more or less even manner.
      - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.

- d. **First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.**
- e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
- f. **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
- g. **In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.**

**Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**

**Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**

- **Ground floor active functions: Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.**

An approximate 14,299 square foot grocery store that includes a 1,200 square foot beer and wine store is proposed on the property. The building is subject to one yard requirement, a reverse corner setback, along the north property line adjacent to West 27<sup>th</sup> Street for the first 40 feet from the center of the alley which is the boundary between the commercial and residential zoning districts from 13 feet, 6 inches to zero feet for a small triangle portion of the building. This is due to the fact that the abutting residential property to the west fronts on West 27<sup>th</sup> Street. A variance has been applied for and the findings are addressed above. The building is located up to the property line at the corner of West 27<sup>th</sup> Street and Lyndale Avenue South. The proposed building is oriented towards Lyndale Avenue South and West 27<sup>th</sup> Street and the use of progressive design and street-oriented building alignments is reinforced. The design also maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation along both street frontages. There are two principal entrances proposed to the building; access is provided off of Lyndale Avenue South and off of the parking lot. Planning Staff will recommend that access off of the parking lot on the south end of the site also incorporate another entrance perpendicular to the existing entrance off of Lyndale Avenue South into a shared vestibule.

The north, south and east elevations of the building are subject to a 30% window requirement. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets and facing on-site parking areas.

On the north elevation of the proposed structure facing West 27<sup>th</sup> Street, the proposal exceeds the 30% window requirement as a total of 30.7% are provided. The windows are vertical in nature but not evenly distributed as the windows are congregated towards the intersection or front half of this elevation. Alternative compliance is necessary for window distribution. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance. Due to the configuration of the

building on site, the applicant must meet a 30% window requirement on three of the four elevations of the building that must be evenly distributed. Provided the windows remain unobstructed, Planning Staff believes that the proposed distribution is reasonable.

The south elevation of the proposed structure facing the on-site parking lot does not meet the 30% window requirement as 26% windows are provided on this elevation. The windows are vertical in nature but not evenly distributed as the windows are congregated towards Lyndale Avenue South or the front half of this elevation. Alternative compliance is necessary for overall window percentage as well as window distribution. Planning Staff would recommend that in this specific circumstance the Planning Commission grant alternative compliance. Due to the configuration of the building on site, the applicant must meet a 30% window requirement on three of the four elevations of the building that must be evenly distributed. Provided the windows remain unobstructed, Planning Staff believes that the proposed distribution and overall amount of windows provided is reasonable.

On the east elevation of the proposed structure facing Lyndale Avenue South, the proposal exceeds the 30% window requirement as a total of 56% are provided. The windows are vertical in nature and evenly distributed.

The building complies with the active functions provision as outlined above along Lyndale Avenue South; however, along West 27<sup>th</sup> Street, approximately 34% of the linear building frontage is inactive due to the fact that storage and coolers are located in this portion of the building. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance as it is practical to allow a slight increase due to the configuration of the building, and the fact that it is necessary to have storage, coolers and other service functions in this location of the building.

The exterior materials and appearance of the rear and side walls of the proposed building would be similar to and compatible with the front of the building. The materials on the proposed structure would include brick, limestone and decorative metal elements and canopies. The proposed building incorporates architectural elements including recesses and projections, windows and entries. There are blank uninterrupted walls that exceed 25 feet in width on the west elevation of the building facing the driveway and the alley. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance as the applicant proposes to install four living wall panels on the elevation of the building that are 12 feet by 15 feet in size which should mitigate the blank areas on the elevation. The principal roof line of the building will be flat. In the area both pitched roofs and flat roofed buildings can be found.

A total of 70 off-street parking spaces are proposed on site with 37 underground parking stalls and 33 surface parking stalls. The underground parking is located entirely below grade, therefore, sloped floors do not dominate the appearance of the structure.

#### **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.**

There are two principal entrances proposed to the building; access is provided off of Lyndale Avenue South and off of the parking lot. Planning Staff will recommend that access off of the parking lot on the south end of the site also incorporate another entrance perpendicular to the existing entrance off of Lyndale Avenue South into a shared vestibule. Both principal entrances are accessed directly off of the public sidewalk.

The site is located along or within close proximity to several bus lines including routes 4 and 113 along Lyndale Avenue as well as routes 21 and 53 along East Lake Street.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. The off-street parking for the proposed development would be located both below the proposed building and within a surface parking lot located on site. Access to the site would be via single curb cuts off of West 27<sup>th</sup> Street and Lyndale Avenue South.

There is a public alley adjacent to the site, however it will not be utilized as a means of access to the site.

The site has been somewhat designed to minimize the use of impervious surfaces as a total of approximately 20.4% of the site not occupied by buildings is pervious as a result of providing landscaped yards.

#### **LANDSCAPING AND SCREENING:**

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
  - **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
  - **A decorative fence.**
  - **A masonry wall.**
  - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**

- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

The zoning code requires that at least 20% of the site not occupied by the building be landscaped. The lot area of the site is 39,420 square feet. The footprint of the building is 14,299 square feet. When you subtract the footprint from the lot size the resulting number is 25,121 square feet; 20% of this number is 5,024 square feet. According to the applicant's landscaping plan there is 5,129 square feet of landscaping on the site or approximately 20.4% percent of the site not occupied by the building which meets the minimum requirement.

The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 10 trees and 50 shrubs. The applicant is proposing to plant 10 canopy trees and 133 shrubs on the site. The proposal exceeds the quantity requirements for the site.

A seven-foot wide landscaped yard and screening equal to 95% opacity is required between the parking area and the south, west and east sides of the property. The applicant is proposing an approximate 11 foot wide landscaped yard along the south property line. The proposed 6-foot tall privacy fence bisects the landscape area and plantings are proposed on both sides of the fence that meet the landscaping and screening requirements. The applicant is providing an approximate 9-foot wide landscaped yard along the east property line adjacent to Lyndale Avenue South to the north of the curb cut with a 3-foot tall ornamental fence and a continuous hedge that meets the screening requirements. On the south side of the curb cut an approximate 10-foot wide landscaped yard is provided but the ornamental fence is not provided nor is screening as perennials are proposed in this location. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance as the fencing and a hedge in this location could preclude sightlines given high levels of pedestrian, bicycling and vehicular activity. On the west side of the site, the landscaped yard varies from 14 feet to 3 feet. The proposed 6-foot tall privacy fence is pulled back from the west property line and the plantings provided abutting the fence face the alley. The screening requirement is being met. Alternative compliance is necessary for the width of the landscaped yard. Planning Staff will recommend that the Planning Commission grant alternative compliance in this specific circumstance as the additional width is needed to accommodate a driveway to the site off of West 27<sup>th</sup> Street that is able to accommodate two-way traffic. As proposed the driveway is 18 feet in width; any further reduction would result in practical difficulties for two-way traffic.

In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. The applicant is proposing a total of 33 spaces in the surface parking lot. All parking spaces are within 50 feet of an on-site deciduous tree. One tree island is proposed. The shape of the tree island is triangular thus prohibiting compliance with a minimum width of 7 feet in any direction. Alternative compliance is necessary. Planning Staff will recommend that the Planning Commission grant alternative

compliance in this circumstance as the proposed dimensions are meeting the intent of the provision by landscaping areas within parking lots that aren't used for parking or vehicular circulation.

**ADDITIONAL STANDARDS:**

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
  - Natural surveillance and visibility
  - Lighting levels
  - Territorial reinforcement and space delineation
  - Natural access control
- To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

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

Staff would not expect the two-story (1 floor) building to result in the blocking of any significant views or to have any shadowing impacts on adjacent properties or on public spaces. The proposed structure is lower in height than most of the existing buildings currently located on the premises. Staff would also not expect the proposal to have any impacts on light, wind and air in relation to the surrounding area.

The site appears to incorporate the applicable CPTED principles. The active uses proposed within the ground level of the building provide natural surveillance, there are windows on all sides of the building except the west elevation of the building that allow people to observe adjacent public spaces and the entrances are connected to the public sidewalk. Planning Staff has no additional comments or concerns at this time regarding site safety.

There are no designated or eligible historic structures on the subject property. The Heritage Preservation Commission (HPC) approved the Demolition of Historic Resource applications for the properties on April 3, 2012 (BZH 27249, 27250, 27251 and 27252).

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

**ZONING CODE** - The proposed grocery store is a permitted use in all commercial districts. The off-sale liquor store component is allowed as a conditional use in the C2 district. With the approval of the rezoning, conditional use permit, variances and site plan review, this development would meet the requirements of the C2 zoning district.

**Parking and Loading:**

*Minimum automobile parking requirement:* According to Chapter 541 of the Zoning Code, grocery stores have a minimum parking requirement of 1 space per 500 square feet of gross floor area in excess of 4,000 square feet. Off-sale liquor stores have a minimum parking requirement of 1 space per 500 square feet of gross floor area. All nonresidential uses over 1,000 square feet are required to provide a minimum of 4 spaces. The applicant proposes to construct a 14, 299 square foot building. The grocery store component would total approximately 13,099 square feet and would require a minimum of 18 spaces. The 1,200 square foot off-sale liquor store component would require a minimum of 4 spaces. As a result the total minimum parking requirement is 22 spaces. The applicant proposes to provide a total of 70 spaces on site; 37 spaces underground and 33 surface stalls.

*Maximum automobile parking requirement:* The maximum automobile parking requirement for grocery stores is 1 space per 200 square feet of gross floor area. Based on the proposed square footage of 13,099 square feet, the maximum automobile parking requirement would be 65 spaces. For the liquor store component, the maximum automobile parking requirement is 1 space per 200 square feet of gross floor area. Based on the proposed square footage of 1,200 square feet, 6 spaces would be the maximum requirement. Therefore, the total maximum parking requirement is 71 spaces. The applicant proposes to provide a total of 70 spaces on site; 37 spaces underground and 33 surface stalls. The development complies with the maximum requirement.

*Bicycle parking requirement:* Grocery stores have a minimum bicycle requirement of 3 spaces or 1 space per 5,000 square feet of gross floor area, whichever is greater. Off-sale liquor stores have a minimum bicycle parking requirement of 3 spaces. Therefore the overall requirement for the development is 6 bicycle parking spaces of which not less than 50 percent of the required bicycle parking shall meet the standards for short-term bicycle parking which is as follows:

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

The applicant is proposing to locate 22 bicycle parking spaces on site which exceeds the minimum requirement.

*Loading:* Based on Chapter 541 of the Zoning Code, grocery stores have an assigned loading requirement rating of “high” and off-sale liquor stores have an assigned loading requirement of “medium”. Based on the size of the proposed grocery store at 13,099 square feet, one large (12 feet by 50 feet) off-street loading space is required. There is no loading requirement for the 1,200 square foot liquor store as it is below the square footage threshold. The proposal requires a variance of the loading requirement.

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

**Signs:** While the elevations indicate general locations of future signage, no signage is proposed at this time. Any signage must meet the requirements as outlined in Chapter 543 of the Zoning Code. Separate permits are required from the Zoning Office for any proposed signage.

**Lighting:** While a photometric plan has been provided, details of the proposed fixtures were not provided nor were the locations of any building mounted lighting. The applicant has stated that LED lighting will be installed in the parking lot areas. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 of the Zoning Code and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

**Maximum Floor Area:** The maximum FAR for all structures in the C2 zoning district is the gross floor area of the building, which is 14,299 square feet, divided by the area of the lot which is 39,420 square feet. The outcome is .36 which is less than the minimum maximum of 1.7 permitted in the C2 District. The development is in compliance with the allowable FAR.

**Minimum Lot Area:** Not applicable for this development.

**Dwelling Units per Acre:** Not applicable for this development.

**Height:** Maximum building height for principal structures located in the C2 zoning district is 4 stories or 56 feet, whichever is less. The height of the proposed building is 2 stories (1 floor) or 30 feet; therefore, it complies with the requirement.

**Yard Requirements:** The required yards are as follows:

*Front - along Lyndale Avenue South:* 0 feet

*Reverse corner setback –along West 27<sup>th</sup> Street:* 13 feet, 6 inches for the first 40 feet from west to east.

*Interior side yard/rear (5+2x):* 0 feet

The proposal requires a variance of the reverse corner setback along the west property line.

**Building coverage:** Not applicable for this development.

**Impervious surface area:** Not applicable for this development.

### **THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH**

See the above listed response to finding #1 in the rezoning application. The policies and implementation steps apply to the site plan review application as well.

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

See the above listed response to finding #1 in the rezoning application. The recommendations outlined in the *Lyn-Lake Small Area Plan* apply to the site plan review application as well.

### **ALTERNATIVE COMPLIANCE**

**The Planning Commission may approve alternatives to any site plan review requirement upon finding any of the following:**

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or

improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.

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

Alternative compliance is requested by the applicant to meet the following standards:

Window distribution: On the north elevation of the proposed structure facing West 27<sup>th</sup> Street, the proposal exceeds the 30% window requirement as a total of 30.7% are provided. The windows are vertical in nature but not evenly distributed as the windows are congregated towards the intersection or front half of this elevation. Alternative compliance is necessary for window distribution. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance. Due to the configuration of the building on site, the applicant must meet a 30% window requirement on three of the four elevations of the building that must be evenly distributed. Provided the windows remain unobstructed, Planning Staff believes that the proposed distribution is reasonable.

Window percentage and distribution: The south elevation of the proposed structure facing the on-site parking lot does not meet the 30% window requirement as 26% windows are provided on this elevation. The windows are vertical in nature but not evenly distributed as the windows are congregated towards Lyndale Avenue South or the front half of this elevation. Alternative compliance is necessary for overall window percentage as well as window distribution. Planning Staff would recommend that in this specific circumstance the Planning Commission grant alternative compliance. Due to the configuration of the building on site, the applicant must meet a 30% window requirement on three of the four elevations of the building that must be evenly distributed. Provided the windows remain unobstructed, Planning Staff believes that the proposed distribution and overall amount of windows provided is reasonable.

Active functions provision: The building complies with the active functions provision as outlined above along Lyndale Avenue South; however, along West 27<sup>th</sup> Street, approximately 34% of the linear building frontage is inactive due to the fact that storage and coolers are located in this portion of the building. . Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance as it is practical to allow a slight increase due to the configuration of the building, and the fact that it is necessary to have storage, coolers and other service functions in this location of the building.

Blank uninterrupted walls: There are blank uninterrupted walls that exceed 25 feet in width on the west elevation of the building facing the driveway and the alley. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance as the applicant proposes to install four living wall panels that are 12 feet by 15 feet in size which should mitigate the blank areas on the elevation.

Landscaping and screening requirements: A seven-foot wide landscaped yard and screening equal to 95% opacity is required between the parking area and the south, west and east sides of the property. The applicant is providing an approximate 9-foot wide landscaped yard along the east property line adjacent to

Lyndale Avenue South to the north of the curb cut with a 3-foot tall ornamental fence and a continuous hedge that meets the screening requirements. On the south side of the curb cut an approximate 10-foot wide landscaped yard is provided but the ornamental fence is not provided nor is screening as perennials are proposed in this location. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance as the fencing and a hedge in this location could preclude sightlines given high levels of pedestrian, bicycling and vehicular activity.

On the west side of the site, the landscaped yard varies from 14 feet to 3 feet. The proposed 6-foot tall privacy fence is pulled back from the west property line and the plantings provided abutting the fence face the alley. The screening requirement is being met. Alternative compliance is necessary for the width of the landscaped yard. Planning Staff will recommend that the Planning Commission grant alternative compliance in this specific circumstance as the additional width is needed to accommodate a driveway to the site off of West 27<sup>th</sup> Street that is able to accommodate two-way traffic. As proposed the driveway is 18 feet; any further reduction would result in practical difficulties for two-way traffic.

*Tree Islands:* Tree islands in parking lots must have a minimum width of 7 feet in any direction. One tree island is proposed. The shape of the tree island is triangular thus prohibiting compliance with a minimum width of 7 feet in any direction. Alternative compliance is necessary. Planning Staff will recommend that the Planning Commission grant alternative compliance in this circumstance as the proposed dimensions are meeting the intent of the provision by landscaping areas within parking lots that aren't used for parking or vehicular circulation.

### **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 City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the properties located at 2700, 2708, 2712, 2716 and 2720/2724 Lyndale Avenue South from the C1 district to the C2 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 application for a conditional use permit to allow a 1,200 square foot off-sale liquor store within the proposed grocery store on the properties located at 2700, 2708, 2712, 2716 and 2720/2724 Lyndale Avenue South subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. Windows in the off-sale liquor store shall be unobstructed in order to allow views into and out of the building along Lyndale Avenue South and West 27<sup>th</sup> Street.

**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 application for a variance of the reverse corner setback requirement along the north property line adjacent to West 27<sup>th</sup> Street for the first 40 feet from west to east from 13 feet, 6 inches to 0 feet on the properties located at 2700, 2708, 2712, 2716 and 2720/2724 Lyndale Avenue South.

**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 application for a variance of the off-street loading requirement for the properties located at 2700, 2708, 2712, 2716 and 2720/2724 Lyndale Avenue South.

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

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission **approve** the site plan review application for a new single-story, 14,299 square foot grocery store that includes a 1,200 square foot beer/wine store on the properties located at 2700, 2708, 2712, 2716 and 2720/2724 Lyndale Avenue South subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans before building permits may be issued.
2. All site improvements shall be completed by May 21, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. A final merchandising plan for the building shall be provided for review and approval. No shelving, signage, merchandise, newspaper racks or other mechanisms shall be placed in front of the required ground level transparent windows.
4. The Travel Demand Management Plan must be approved by the Planning Director prior to submission of plans for final approval and building permit issuance.
5. A detail of the privacy fence shall be provided in the final submittal. No board on board cedar fencing shall be permitted. The extent of the fencing shall be clearly delineated on the site plan in order to verify that it does not affect sight lines.
6. A detail of the trash enclosure shall be submitted that complies with Section 535.80 of the Zoning Code.
7. A living wall system shall be incorporated into the west elevation of the building as shown in order to break up the blank uninterrupted walls greater than 25 feet.

Department of Community Planning and Economic Development – Planning Division  
BZZ-5555

**Attachments**

1. Rezoning Matrix
2. Statement of use and description of the project
3. Findings for the Rezoning, CUP and Variances
4. General correspondence
5. Liquor license exhibit
6. Zoning map
7. Plans, site, landscape, floor, elevations, civils
8. Photos
9. PDR notes
10. Neighborhood correspondence, petition