

**Department of Community Planning and Economic Development - Planning Division**  
Conditional Use Permit, Variance, Site Plan Review  
BZZ-5715

**Date:** September 19, 2012

**Applicant:** Burch Investors, LLC

**Address of Property:** 1925 Colfax Avenue South

**Project Name:** Burch Building Parking Lot

**Contact Person and Phone:** Merrie Sjogren, (952) 767-7500

**Planning Staff and Phone:** Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** August 24, 2012

**End of 60 Day Decision Period:** October 23, 2012

**Ward: 7 Neighborhood Organization:** Lowry Hill Neighborhood Association

**Existing Zoning:** C1 Neighborhood Commercial District

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

**Zoning Plate Number:** 18

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

**Proposed Use:** 12-space principal parking facility serving the Burch Building at 1934 Hennepin Avenue

**Concurrent Review:**

- Conditional use permit to allow for a principal parking facility
- Variance to reduce the minimum lot area from 5,000 square feet to approximately 4,450 square feet (11%)
- Site Plan review

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX Variances, Section 525.520(2) "To vary the minimum lot width or lot are requirements up to thirty (30) percent...", Chapter 530, Site Plan Review, Chapter 541 Off-Street Parking and Loading.

**Background:** The subject property is approximately 50 feet by 89 feet (4,450 square feet). The use of the subject property is a duplex, which was constructed in 1908. The applicants own the Burch Building located at 1934 Hennepin Avenue and the structure is currently under renovation to allow for a new

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restaurant, retail and office uses. The Burch Building is satisfying the minimum parking requirement through a combination of valet parking, bicycle parking and non-conforming rights. The applicant is proposing to demolish the existing structure to allow for a 12-space surface parking lot at 1925 Colfax Avenue South to serve the daytime office and retail users and evening restaurant customers. The applicant will also be providing 3 bicycle racks in the parking lot.

A principal parking facility is a conditional use in the C1 Neighborhood Commercial District and requires a conditional use permit. A principal parking facility is required to have a minimum lot area of 5,000 square feet. The subject property is approximately 4,450 square feet in area; therefore the applicant has requested a variance to reduce the minimum lot area requirement to allow for the principal parking facility. Finally, the proposed parking lot will have more than 10 stalls and is therefore subject to site plan review.

Staff has received comments regarding the proposed parking lot from the Lowry Hill Neighborhood Association. A copy of their e-mail is attached to the staff report. Staff will forward additional comments, if received, to the City Planning Commission.

**CONDITIONAL USE PERMIT:** to allow a new principal parking facility in the C1 Neighborhood Commercial District

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

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings below 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.**

A principal parking lot in this location is not expected to be detrimental to the public health, safety or general welfare, provided the use complies with all life safety ordinances and Public Works Department standards. This site is in the C1 Neighborhood Commercial District and is intended to serve the daytime office and retail users and evening restaurant customers of the Burch Building at 1934 Hennepin Avenue. The site is bordered by existing accessory parking areas for an existing restaurant and liquor store.

- 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 use is not expected to be injurious to the use and enjoyment of other properties in the area or impede the orderly development of the area. The site is bordered by existing accessory parking areas for an existing restaurant and liquor store. Adequate landscaped yards have been provided to create a buffer along Colfax Avenue South. The proposed parking lot is intended to serve the daytime office and retail users and evening restaurant customers of the Burch Building at 1934 Hennepin Avenue, and therefore will not have a negative impact on this property.

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

The site is well served by existing infrastructure. The applicant is proposing to close the existing curb cut and add a curb cut at the center of the lot along Colfax Avenue South to allow for access to the parking area. The site plan is currently being reviewed by Public Works and there were no concerns in the preliminary feedback regarding adequate utilities and access roads. Public Works – Surface Water and Sewers will be looking for more information regarding the on-site filtration through the proposed rain gardens. A copy of the Preliminary Development Review Report will be available at the public hearing.

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

The proposed parking lot is not expected to contribute to traffic congestion in the public streets. The proposed parking lot is intended to serve the daytime office and retail users and evening restaurant customers of the Burch Building at 1934 Hennepin Avenue. The Burch Building includes an approximately 12,630 square foot sit down restaurant, a 2,500 square foot retail use and approximately 13,000 square feet of office space. The required parking for the building is 61 stalls. The parking requirement can be reduced by 6 stalls through the bicycle incentive and by an additional 23 stalls for nonconforming rights for the previous uses in the building. The applicant has also sought approvals for valet parking, providing 43 stalls off-site at the Vision Resource Center at 1936 Lyndale Avenue South. Public Works has approved a valet parking area along Colfax Avenue South, north of Franklin Avenue.

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

The site is designated for mixed-use on the future land use map in *The Minneapolis Plan for Sustainable Growth*. The adjacent properties are through lots with frontage on both Colfax Avenue South and Hennepin Avenue, which is a commercial corridor in this location. The following policies of the comprehensive plan apply:

**Land Use Policy 1.4: 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.**

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.

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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 1.10: 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.**

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.

**Urban Design Policy 10.18: Reduce the visual impact of automobile parking facilities.**

10.18.1 Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses.

10.18.2 Parking lots should maintain the existing street face in developed areas and establish them in undeveloped areas through the use of fencing, walls, landscaping or a combination thereof along property lines.

The proposed surface parking lot would front on Colfax Avenue South, but the properties immediately adjacent are through lots with frontage along Hennepin Avenue also, which is a commercial corridor. The comprehensive plan identifies commercial corridors as appropriate locations for auto-oriented uses. The subject site is not at the intersection of two designated corridors and therefore this use is appropriate for this property.

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

With the approval of the conditional use permit, lot area variance and site plan review, the proposed project will be in conformance with the regulations of the C1 District.

**VARIANCE:** to reduce the minimum lot area from 5,000 square feet to 4,450 square feet (11%)

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

**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.**

Staff finds that unique circumstances exist in this case that contribute to a practical difficulty in complying with the ordinance. The subject property is approximately 4,450 square feet in area

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and the existing land use is a two-family dwelling. The existing land use does not comply with the minimum lot area requirement of 5,000 square feet. The adjacent properties are developed and the land uses on the north and south are both existing accessory parking areas for an existing restaurant and liquor store; therefore acquiring an additional 550 square feet of lot area would be impractical.

- 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.**

Staff finds that the applicant has demonstrated that a principal parking facility on this lot where the minimum lot area is 4,450 square feet would allow for reasonable use of the property that is keeping with the spirit and intent of the ordinance. Lot area requirements are established to ensure compatibility with surrounding uses. The surrounding area contains a mix of land uses, including medium- and high-density residential and commercial uses. The immediate land uses adjacent to the property are accessory parking lots. The proposed parking lot will have 9 compact stalls and 3 parallel stalls and adhere to the minimum parking dimensions for the spaces and drive aisles.

- 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.**

Granting of the variance to reduce the lot area by 550 square feet to allow for the principal parking facility would not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. Further, granting the variance would not increase the danger of fire safety, nor would it be detrimental to the public welfare or endanger the public safety. The surrounding area contains a mix of land uses, including medium- and high-density residential and commercial uses. The immediate land uses adjacent to the property are accessory parking lots. The proposed parking lot will have 9 compact stalls and 3 parallel stalls and adhere to the minimum parking dimensions for the spaces and drive aisles.

**SITE PLAN REVIEW**

**Findings as required by the Minneapolis Zoning Code for the 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 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**

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**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 and windows:
  - Residential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

    - a. Windows shall be vertical in proportion.
    - b. Windows shall be distributed in a more or less even manner.
  - Nonresidential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

    - a. Windows shall be vertical in proportion.
    - b. Windows shall be distributed in a more or less even manner.
    - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
    - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
    - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
    - 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

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sidewalk or public pathway.

Minimum window area shall be measured as indicated in section 530.20 of the zoning code.

- The form and pitch of roof lines shall be similar to surrounding buildings.
- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. 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.

### *Conformance with above requirements:*

There are no buildings proposed as part of this project.

### **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.

### *Conformance with above requirements:*

The parking lot is proposed to be connected to the public sidewalk via the proposed drive aisle; not a designated walkway. The applicant has requested alternative compliance. The drive aisle is 22 feet wide and accesses 9 compact stalls along the north property line and 3 parallel stalls along the south property line. Staff believes that there is sufficient area to allow for pedestrian access to the public sidewalk. The applicant is proposing to install lights on the liquor store's structure immediately to the east of the parking lot.

There are no transit shelters adjacent to the site.

The proposed parking lot will allow for sufficient area on-site to allow for maneuvering of vehicles. The applicant is proposing to add landscaped yards along Colfax Avenue South to minimize impervious surface on the lot.

### **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.

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- **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.**

### *Conformance with above requirements:*

The lot area is 4,450 square feet. No buildings are proposed for the site. Therefore, 20 percent of the total lot area, or 890 square feet, is required to be landscaped. The applicant is proposing a landscaped area of 450 square feet, or 10 percent of the total site area. The applicant has requested alternative compliance for this provision. The applicant has stated that this proposed parking area will be screened and landscaped along Colfax Avenue South, where the adjacent parking areas are not and off-street parking is highly desirable in the neighborhood. Staff is recommending alternative compliance be granted, in this case, because it will be consistent with the character of the area.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 2 and 9 respectively. The landscaping includes 2 on-site canopy trees and 14 shrubs.

A landscaped yard of at least 7 feet wide shall be provided along the public street or sidewalk. The applicant is providing a 7-foot wide landscaped area adjacent to the public sidewalk along Colfax Avenue South.

Screening not less than three feet in height and not less than 60 percent opaque is required along the public street or sidewalk. The applicant is proposing to plant Neon Flash Spirea and Green Mound Alpine Currant in the landscape area along Colfax Avenue South. These plant materials will grow to a height of three feet and will be 60 percent opaque.

In parking lots of 10 spaces or more, no parking space shall be located more than fifty feet from the center of an on-site deciduous tree. Two stalls at the northeast corner of the site are not located within fifty feet of an on-site deciduous tree; however, they are immediately adjacent to a deciduous tree on the adjacent lot to the north. The applicant has requested alternative compliance.

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Turf, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees shall cover all areas that are not paved or landscaped.

There is an existing chain link fence located along the south property line. As an alternative compliance measure Staff is recommending that the chain link fence be removed and that a four foot high decorative metal fence be installed in its place.

### **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.

### *Conformance with above requirements:*

The parking area contains discontinuous curbing and stormwater runoff will be directed towards the landscaped areas and the curb cut. Additional on-site stormwater retention may not be practical due to the size and layout of the site.

There are no buildings proposed for the site so there are no concerns regarding shadowing of public spaces or adjacent properties, blocking views, or generating wind currents at ground level.

The plan meets the CPTED guidelines. The site is well lit and designed with opportunities for people to observe adjacent spaces and public sidewalks.

The existing two-family dwelling was reviewed by CPED Staff and it was determined that the structure does not meet the criteria for local designation, it is not a historic resource and the property does not lie within an historic district.

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

**Zoning Code:** The site is zoned C1 Neighborhood Commercial District. A principal parking facility is a conditional use in the C1 District.

### **Parking and Loading:**

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*Minimum automobile parking requirement:* As stated above, the surface parking lot is proposed to serve the Burch Building at 1934 Hennepin Avenue. The Burch Building is satisfying its parking requirement through a combination of bicycle parking, valet parking and nonconforming rights. The Burch Building includes an approximately 12,630 square foot sit down restaurant, a 2,500 square foot retail use and approximately 13,000 square feet of office space. The parking requirement can be reduced by 6 stalls through the bicycle incentive and by an additional 23 stalls for nonconforming rights for the previous uses in the building. The applicant has also sought approvals for valet parking, providing 43 stalls off-site at the Vision Resource Center at 1936 Lyndale Avenue South. Public Works has approved a valet parking area along Colfax Avenue South, north of Franklin Avenue.

*Maximum automobile parking requirement:* There is no maximum off-street parking requirement for the proposed use.

*Bicycle parking requirement:* There is no bicycle parking requirement for a principal parking facility. The proposed parking lot will include 3 bicycle racks.

*Loading:* There is no loading requirement for a principal parking facility.

**Maximum Floor Area:** The site is subject to a maximum floor area ratio of 1.7 in the C1 District. No buildings are proposed as part of the project.

**Height and Bulk:** The maximum height for structures in the C1 district is 2.5 stories or 35 feet, whichever is less. No buildings are proposed as part of the project.

**Minimum Lot Area:** The minimum lot area requirement for a principal parking facility is 5,000 square feet. The applicant has requested a variance to reduce the minimum lot area requirement to 4,450 square feet.

**Dwelling Units per Acre:** There are no dwelling units proposed as part of the project.

**Yard Requirements:** The subject site is zoned C1 and there are no yard requirements along the four property lines.

**Signs:** Signs are subject to the requirements of Chapter 543, On-premise Signs. There are no proposed signs at this time.

**Refuse screening:** 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 uses. The dumpsters for the Burch Building will be located on-site at 1934 Hennepin Avenue.

**Lighting:** Lighting proposed for the development shall comply with Chapter 535 and Chapter 541 of the zoning code including:

**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

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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 shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) 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 from any permitted or conditional residential use.
- (3) Lighting shall not 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.
- (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.

### MINNEAPOLIS PLAN AND RELEVANT SMALL AREA PLANS:

See finding number 5 for the Conditional Use Permit.

**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, 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 for the following standards:

- The parking lot is proposed to be connected to the public sidewalk via the proposed drive aisle; not a designated walkway. The drive aisle is 22 feet wide and accesses 9 compact stalls along the

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north property line and 3 parallel stalls along the south property line. Staff believes that there is sufficient area to allow for pedestrian access to the public sidewalk.

- The lot area is 4,450 square feet. No buildings are proposed for the site. Therefore, 20 percent of the total lot area, or 890 square feet, is required to be landscaped. The applicant is proposing a landscaped area of 450 square feet, or 10 percent of the total site area. The applicant has stated that this proposed parking area will be screened and landscaped along Colfax Avenue South, where the adjacent parking areas are not and off-street parking is highly desirable in the neighborhood. Staff is recommending alternative compliance be granted, in this case, because it will be consistent with the character of the area. As an alternative compliance measure Staff is recommending that the chain link fence be removed and that a four foot high decorative metal fence be installed in its place.
- In parking lots of 10 spaces or more, no parking space shall be located more than fifty feet from the center of an on-site deciduous tree. Two stalls at the northeast corner of the site are not located within fifty feet of an on-site deciduous tree; however, they are immediately adjacent to a deciduous on the adjacent lot to the north.

**RECOMMENDATIONS:**

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit to allow for a principal parking facility located at 1925 Colfax Avenue South in the C1 Neighborhood Commercial District, subject to the following condition:

- 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.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the minimum lot area requirement from 5,000 square feet to approximately 4,450 square feet (11%) to allow for a principal parking facility located at 1925 Colfax Avenue South in the C1 Neighborhood Commercial District.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the site plan review to allow for a principal parking facility located at 1925 Colfax Avenue South in the C1 Neighborhood Commercial District, subject to the following conditions:

1. CPED planning staff review and approval of the final site plan, lighting plan and landscaping plan is required before permits may be issued.
2. All site improvements shall be completed by September, 19, 2014, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
3. The existing chain link fence located along the south property line shall be removed and as an alternative compliance measure a four foot high decorative metal fence be installed in its place.

### **Attachments:**

- 1) Written descriptions and findings submitted by the applicant
- 2) Copies of e-mails sent to Lowry Hill Neighborhood Association and Council Member Goodman explaining the project
- 3) Zoning map
- 4) Future land use map
- 5) Survey
- 6) Site plan
- 7) Landscaping plan
- 8) Photos and renderings of the subject property and Burch Building
- 9) Valet parking plan for the Burch Building