

**Department of Community Planning and Economic Development – Planning Division**  
Variance and Site Plan Review  
BZZ-4406

**Date:** August 24, 2009

**Applicant:** Lupe Property Company, LLC

**Addresses of Property:** 129 Plymouth Ave N

**Project Name:** Shopping Center

**Contact Person and Phone:** Tanek, Inc. Attn: Jim Lindborg, (612)-879-8225 ext. 24

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

**Date Application Deemed Complete:** June 19, 2009

**End of 60-Day Decision Period:** August 18, 2009

**End of 120-Day Decision Period:** A 60-day extension letter was sent to the applicant on June 19, 2009, extending the decision period to no later than October 17, 2009.

**Ward: 7      Neighborhood Organization:** North Loop Neighborhood Association

**Across Plymouth Ave North from:** Ward 5; Near North Neighborhood; Northside Residents Redevelopment Council

**Existing Zoning:** I1 Light Industrial District, IL Industrial Living Overlay District, DP Downtown Parking Overlay District, MR Mississippi River Critical Area Overlay District

**Proposed Zoning:** C2 Neighborhood Corridor Commercial District, DP Downtown Parking Overlay District, MR Mississippi River Critical Area Overlay District

**Zoning Plate Number:** 13

**Legal Description:** Not applicable for this development

**Proposed Use:** Shopping Center

**Concurrent Review:**

**Variance:** to exceed 20 surface parking spaces within the DP Downtown Parking Overlay District

**Site Plan Review:** for a new principal non-residential building

**Applicable zoning code provisions:** Chapter 525, Chapter 525, Article IX, Variances, specifically Section 525.520(20) “to vary the standards of any overlay district, other than the SH Shoreland Overlay

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District or the FP Floodplain Overlay District”, Chapter 530 Site Plan Review, Chapter 548, Article I, Commercial Districts and Chapter 551, Overlay Districts.

**Background:** At the July 13, 2009, City Planning Commission meeting the City Planning Commission acted to recommend that the City Council approve a rezoning from the I1 zoning district with the Industrial Living Overlay District to the C2 zoning district with the removal of the Industrial Living Overlay District. Also, the City Planning Commission approved conditional use permits for a shopping center, fast food restaurant and a surface parking lot. The City Planning Commission continued the variance application to increase the number of surface parking spaces on the site and the site plan review application to the August 10, 2009, City Planning Commission meeting in order to allow time for the development to go through the Preliminary Development Review process. The applicant did not submit plans in time for the Preliminary Development Review meeting to take place prior to the August 10, 2009, City Planning Commission meeting, so the City Planning Commission further continued the development project to the August 24, 2009, meeting.

The applicant submitted plans to the Minneapolis Development Review office on Monday, August 7, 2009. The Preliminary Development Review meeting has been scheduled for Wednesday, August 19, 2009. Staff reports for the August 24, 2009, City Planning Commission meeting are required to be submitted for review on August 13, 2009, to allow time for editing, printing and mailing. Given these deadlines this staff report does not reflect comments from the Preliminary Development Review meeting. Please note that because of the 60/120 day decision period ending on October 17, 2009, the applications must be acted upon at the City Planning Commission meeting of August 24, 2009.

The plans that were submitted for the Preliminary Development Review meeting reflect changes compared to the plans originally submitted for the July 13, 2009, City Planning Commission meeting. Changes to the plans include:

- The number of tenants within the building has been decreased from three to two.
- The footprint of the southern end of the building has been altered.
- The building elevations have been altered.
- The building wall along Plymouth Avenue North has been set back.
- The floor level of the building along Plymouth Avenue North sits between zero and four feet above grade.
- The amount of windows on the Plymouth Avenue North side of the building has been reduced.
- The pick-up window for the fast food restaurant has been moved further south on the building wall.
- The number of parking spaces on the site has been reduced.
- The parking lot and loading space layout has changed.
- Additional green space has been added to the site.
- One window has been added along the east building wall.

This project was submitted in response to a request for proposal as part of a Minneapolis Community Planning and Economic Development (CPED) Pass-Thru Acquisition. CPED is acting as a conduit to obtain land owned by the Minnesota Department of Transportation (MNDOT) in order to sell the land to Lupe Property Company, LLC. The original Response to the Request for Proposal (RFP) was submitted

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by the developer to CPED in September of 2008. The CPED Project Coordinator assigned to this land transaction is Kevin Carroll.

Lupe Property Company LLC submitted land use applications for the RFP proposal to the Minneapolis Planning Division on May 7, 2009, to develop the site together with a portion of land owned by the Star Tribune located to the south of the subject property. It was determined by the Planning Division that the applications were incomplete and a letter indicating the deficiencies was sent on May 14, 2009. The applicant then officially withdrew the applications per a May 18, 2009, letter and then resubmitted a slightly different proposal on June 4, 2009, eliminating the additional land owned by the Star Tribune from the proposal. The applicant still wishes to obtain an agreement with the Star Tribune to use a portion of their site for a curb cut, drive aisle, and dog park; however, an agreement has not been obtained thus far. If the applicant obtains an agreement to use a portion of the Star Tribune's land, they will be submitting the new plans reflecting these changes in the hopes that the plans can be approved administratively. Depending on the extent of the changes, additional Planning Commission approvals may be required. If the applicant decides to purchase a portion of the land owned by the Star Tribune a minor subdivision will be required to split the land from the remainder of the Star Tribune site and the new 129 Plymouth Avenue North site would need to be platted into one property. It would also be required at that time that the newly acquired land be rezoned to the same zoning classification as the development site.

The property at 129 Plymouth Avenue North is located on the southeast corner of Plymouth Avenue North and Second Street North. The site is located within the Industrial Employment District boundary which was established as part of the adoption of the *Industrial Land Use and Employment Policy Plan* in 2006. With the adoption of the plan, seven industrial employment districts were established to protect prime industrial space, provide an opportunity for the City to support targeted industries and business clusters, and to redevelop underutilized sites for economic development purposes. The designated Industrial Employment Districts preserve properties for the retention, expansion, and attraction of existing and new industrial firms in areas of the city with good transportation access, minimal conflict with nearby land uses, and proximity to recent market investment. This development proposal is not consistent with the policies of the *Industrial Land Use and Employment Policy Plan*.

The currently vacant site is 33,690 square feet and the applicant wishes to develop it as a single story multiple tenant retail shopping center with a drive through restaurant. The development as proposed includes a 10,039 square foot shopping center fronting Second Street North with one 5,025 square foot fast food restaurant with a drive through and one 5,014 square foot retail space.

A shopping center is defined by the Minneapolis Zoning Code as a unified development of two or more ground floor commercial uses, excluding offices, operated under common ownership or management, which may be connected by a common wall or may be freestanding, and which may include common parking and signage. A shopping center shall not include a storefront building or group of storefront buildings where each use includes a separate principal customer entrance facing the street. A storefront building is defined as a mixed use or multiple story building, which may share a common wall with one or more buildings, all of which front within five feet of a front lot line or public sidewalk, and where each ground floor use includes a separate principal customer entrance facing the street.

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The site is located in the DP Downtown Parking Overlay District. Accessory parking facilities located in this overlay district are not allowed to exceed 20 spaces unless approved as part of a variance application. The plans that were submitted for the July 13, 2009, City Planning Commission meeting required a variance to increase the number of surface parking spaces from the maximum of 20 spaces to 22 spaces. However, the revised plans reflect a parking lot with only 20 surface parking spaces in it so the variance is no longer necessary. The applicant has withdrawn this application. Site plan review is required.

**Notification:** The applicant originally notified Ward 7 Council Member Lisa Goodman and the North Loop Neighborhood Association on May 7, 2009. At that time, the applicant also notified the adjacent Ward 5 Council Member Don Samuels and the Northside Residents Redevelopment Council. Because the applicant withdrew and then resubmitted applications for this project, notification including the applicable land use applications was then resent to all the above recipients on June 4, 2009.

The Planning Division received a letter of support from the North Loop Neighborhood Association on June 25, 2009. The letter from the neighborhood states that their support for this project should not set precedent for future developments in the neighborhood.

**VARIANCE:** to exceed 20 surface parking spaces within the DP Downtown Parking Overlay District

The site is located in the DP Downtown Parking Overlay District. Accessory parking facilities located in this overlay district are not allowed to exceed 20 spaces unless approved as part of a variance application. The plans that were submitted for the July 13, 2009, City Planning Commission meeting required a variance to increase the number of surface parking spaces from the maximum of 20 spaces to 22 spaces. However, the revised plans reflect a parking lot with only 20 surface parking spaces in it so the variance is no longer necessary. The applicant has withdrawn this application.

**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 and windows:**
  - **Residential uses:**
    - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
      - a. **Windows shall be vertical in proportion.**
      - b. **Windows shall be distributed in a more or less even manner.**
  - **Nonresidential uses:**
    - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
      - a. **Windows shall be vertical in proportion.**
      - b. **Windows shall be distributed in a more or less even manner.**
      - c. **The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.**

- d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.**
- e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
- **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
- **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

**PLANNING DIVISION RESPONSE:**

- The building reinforces the street wall along Plymouth Avenue North as it is located between four and six feet from the property line, but it does not reinforce the street wall along Second Street North as it is located between 52 and 74 feet from the property line. The design of the building facilitates pedestrian access as each tenant has an entrance that is accessible from a common walkway on the site. Natural surveillance of the surrounding area is maximized along the west and south sides of the building as there are windows on these sides; however, the majority of the windows on the north side of the building are located at a height greater than four feet and there are very few windows on the east side of the building so natural surveillance along these sides of the site is minimized.
- The first floor of the building is required to be located within eight feet of the front and corner side property lines. The building is located between four and six feet from the property line along Plymouth Avenue North and between 52 and 74 feet from the property line along Second Street North. The applicant is proposing alternative compliance in lieu of this requirement.
- In addition to the parking lot, the applicant is proposing to have a seating area, bicycle parking, moveable planters and landscaping located in between the building and the front property line.
- Each of the tenant spaces within the building has a principal entrance. There is one entrance oriented towards Plymouth Avenue South and one entrance oriented towards Second Street North.
- The overall size of the building has been minimized through the use of recesses and projections, windows and a mixture of exterior building materials.
- The on-site parking area is proposed to be located between the building and the property line along Second Street North. This is not in compliance with the site plan review standards of locating the parking to the rear or interior side of the site. The applicant is proposing alternative compliance in lieu of this requirement.
- The exterior materials of the building include brick, stucco or rockface block, stone veneer, burnished concrete and metal. All sides of the building are similar to and compatible with the front of the building.

- The majority of the building does not contain areas that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. However, a portion of the east wall of the building contains an area that is over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. Alternative compliance is required since this provision is not being met.
- At least 30 percent of the first floor building wall that faces a public street, public sidewalk, public pathway, or on-site parking lot is required to be windows. The bottom of any window used to satisfy the ground floor window requirement may not be more than four feet above the adjacent grade. The window requirement pertains to the Plymouth Avenue North and Second Street North sides of the building. The analysis of the project's compliance with these requirements follows:
  - Plymouth Avenue North: the percentage of windows on the first floor is 16 percent. Alternative compliance is required since this provision is not being met.
  - Second Street North: the percentage of windows on the first floor is 56 percent.
- The windows in the new building are vertical in nature and are evenly distributed along the building walls.
- The roof line of the building will be flat which is similar to the majority of the buildings in the area.

**ACCESS AND CIRCULATION:**

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

**PLANNING DIVISION RESPONSE:**

- A four-foot walkway connects each of the building entrances to the public sidewalk along Plymouth Avenue North. The walkway pavement continues across the drive-through lane on the south side of the property and out to Second Street North. The walkway connection to Second Street North is a relatively circuitous route between the public sidewalk and the building entrances.
- No transit shelters are proposed as part of this development.
- There will be a total of three curb cuts leading to and from the site. Two of the curb cuts are proposed to be located along Plymouth Avenue North: one will accommodate two-way traffic and the other will accommodate one-way traffic exiting the drive through. The applicant has indicated that customers using the drive through will have to turn right onto Plymouth Avenue North when leaving the site. The third curb cut is proposed to be located along Second Street North and will accommodate two-way traffic. There is also an alternative proposal for the curb cut along Second Street North to be moved if the applicant is able to obtain an easement from the Star Tribune to use their land for a curb cut, drive aisle, and dog park. As noted in the background section above, the placement of curb cuts, along with other issues examined in the PDR process, has not been reviewed by Public Works staff prior to the completion of this staff report.
- There is no alley associated with this site.

- There are currently no buildings on the site. The overall site area is 33,690 square feet and the total proposed building area is 10,039 square feet. The applicant is supplying 4,834 square feet of green space and therefore, the total impervious surface coverage including buildings is proposed to be 28,856 square feet or approximately 86 percent of the site.

**LANDSCAPING AND SCREENING:**

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
- Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
  - A decorative fence.
  - A masonry wall.
  - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.
- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.
- All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

**PLANNING DIVISION RESPONSE:**

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 33,690 square feet. The footprint of the building is 10,039 square feet. When you subtract the footprint from the lot size the resulting number is 23,651 square feet. Twenty percent of this number is 4,730 square feet. According to the applicant's landscaping plan there is 4,834 square feet of landscaping on the site or approximately 20 percent of the site not occupied by the building.

- 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 nine and 47 respectfully. The applicant is providing a total of nine canopy trees (eight Northfire Maples and one Northern Acclaim Honeylocust) and 43 shrubs (13 Anthony Waterer Spirea and 30 Bailey Compact Cranberries) on the site. Alternative compliance is required since this provision is not being met.
- Not less than one tree shall be provided for each 25 linear feet, or fraction thereof, of parking or loading area lot frontage. The parking and loading area has 47 feet of frontage along Plymouth Avenue North and 220 feet of frontage along Second Street North. These dimensions require that two canopy trees be planted along Plymouth Avenue North and that nine canopy trees be planted along Second Street North. The applicant is proposing to have one tree planted along Plymouth Avenue North and seven trees planted along Second Street North. The applicant is required to provide one additional canopy tree along Plymouth Avenue North and two additional canopy trees along Second Street North in order to comply with this requirement. Alternative compliance is required since this provision is not being met.
- The zoning code requires that a seven-foot wide landscaped yard be provided along a public street, sidewalk or pathway when adjacent to a parking lot or a loading area. The applicant is providing an eight-foot wide landscaped yard along Plymouth Avenue North and a seven-foot wide landscaped yard along Second Street North.
- Screening three feet in height and equal to 60 percent opacity is required around parking lots and loading areas in order to screen them from a public street, sidewalk or pathway. The applicant is proposing to install a 48-inch high aluminum fence along Plymouth Avenue North and Second Street North. In addition to the eight canopy trees located around the parking lot the applicant is proposing to plant a combination of Bailey Compact Cranberries, Stella D'Oro Daylilies and Karl Forester Reed Grasses in a few locations around the parking lot. These plant materials will not meet the screening requirements. Alternative compliance is required since this provision is not being met.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. This requirement is being met. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. This requirement is being met.
- Around the plant materials the applicant is proposing to have hardwood mulch.

**ADDITIONAL STANDARDS:**

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
  - **Natural surveillance and visibility**

- **Lighting levels**
- **Territorial reinforcement and space delineation**
- **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

**PLANNING DIVISION RESPONSE:**

- Stormwater runoff from the parking area will be drained towards the on-site landscape areas.
- This building should not impede any views of important elements of the city.
- This building should not significantly shadow the adjacent streets or properties.
- This building should have minimal wind effects on the surrounding area.
- The site plan complies with most of the crime prevention design elements. There is a walkway that connects the public sidewalk to the building entrances, there are lights located throughout the parking lot, there is a fence located around two sides of the site and natural surveillance of the surrounding area is maximized along the west and south sides of the building as there are windows on these sides. However, the majority of the windows on the north side of the building are located at a height greater than four feet and there are very few windows on the east side of the building so natural surveillance along these sides of the site is minimized. This is problematic since the area is isolated given the adjacent railroad tracks.
- This site is neither historically designated nor located in a historic district.

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

**Use:** Shopping centers are not permitted in the I1 zoning district but are a conditional use in the C2 zoning district. Fast food restaurants are a conditional use permit in both the I1 and C2 zoning districts. In addition, accessory parking lots are a conditional use in the DP Downtown Parking Overlay District.

**Off-Street Parking and Loading:** The required minimum number of parking spaces is zero. The proposed parking area shows 20 parking spaces, two of which are van accessible handicapped stalls.

**Minimum automobile parking requirement:** The minimum parking requirement for this development is one parking space for each 4,000 square feet of gross floor area in excess of 4,000 square feet per use. The four space minimum parking requirement in Chapter 541, Off-Street Parking and Loading, shall not apply. Off-site parking up to 500 feet away shall be permitted, subject to the off-site parking provisions of Chapter 541, Off-Street Parking and Loading. There is 5,025 square feet of restaurant space and 5,014 square feet of general retail sales and services space within the building so the maximum parking requirement is zero spaces

**Maximum automobile parking requirement:** The maximum parking requirement is one space per every 200 square feet of gross floor area for general retail sales and services uses and one space per every 75 square feet of gross floor area for restaurants. There is 5,025 square feet of restaurant space and 5,014 square feet of general retail sales and services space within the building so the maximum

parking requirement is 92 spaces. However, since the site is located within the DP Downtown Parking Overlay District the number of accessory parking spaces that can be provided in a surface lot on the site is limited to 20 spaces.

**Bicycle parking requirement:** The bicycle parking requirement is three spaces or one space per every 5,000 square feet of gross floor area, whichever is greater, for the general retail sales and services uses and three spaces for restaurants. There is one restaurant space within the building and 5,014 square feet of general retail sales and services space within the building so the bicycle parking requirement is six. The applicant is providing a total of nine bicycle parking spaces on the site.

**Loading:** The loading requirement for a shopping center is as approved by the conditional use permit. Taking into account the size of the individual uses within the shopping center there would be no actual loading requirement. However, for uses that do not meet the minimum size requirement for loading requirement purposes they shall provide an adequate shipping and receiving facility that is accessible by motor vehicle and located off of an adjacent alley, service drive or open space on the same zoning lot. The Planning Division believes that there should be one small (10 feet by 25 feet) loading space provided on the site. The applicant is proposing to have one small loading space on the site.

**Maximum Floor Area:** The maximum floor area ratio in the I1 zoning district is 2.7 and the maximum floor area ratio in the C2 zoning district is 1.7. The lot area is 33,690 square feet. The proposed structure is 10,039 square feet. The floor area ratio is 0.297.

**Height and Bulk:** The maximum building height in both the I1 and C2 zoning districts is limited to four stories or 56 feet, whichever is less. By zoning code definition the building is two stories in height, but it is only one floor.

**Minimum Lot Area and width:** There is no minimum lot area or lot width requirement for this development.

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

**Yard Requirements:** There are no yard requirements for this development.

**Hours of Operation:** The permitted hours of operation in both the I1 and C2 zoning districts are 6:00 am – 10:00 pm Sunday through Thursday and 6:00 am – 11:00pm Friday and Saturday. The applicant has not proposed to extend these hours at this time.

**Signs:** Signs are subject to the requirements of Chapter 543, On-premise Signs. In the I1 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall. However, if there is a freestanding monument sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 180 square feet in size. Projecting signs are limited to 20 square feet in size. The height limitation for both wall signs and projecting signs is 28 feet. Freestanding monument signs are limited to 80 square feet and can be no taller than 8 feet. The zoning code also limits the number of freestanding monument signs on a zoning lot to one

In the C2 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall. However, if there is a freestanding monument sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 180 square feet in size. Projecting signs are limited to 20 square feet in size. The height limitation for both wall signs and projecting signs is 28 feet and neither are permitted to extend above the roofline of the building. Freestanding monument signs are limited to 80 square feet and can be no taller than 8 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one.

The applicant is proposing to locate a freestanding monument sign on the corner of Plymouth Avenue North and Second Street North. The freestanding sign is 60 square feet in size and eight feet in height. Since there is a freestanding sign proposed on the site there can only be one square foot of signage for every one foot of primary building wall. The Plymouth Avenue North side of the building is 87 feet in length and the Second Street North side of the building is 172 feet in length. The plans show a total of 46 square feet of signage on the Plymouth Avenue North side of the building and 157 square feet of signage on the Second Street North side of the building. The plans also show a 52 square foot sign on the south building wall. Since this is not a primary building wall signs cannot be placed on this side of the building without a variance. The applicant did not apply for this variance.

Menu boards for fast food restaurants are considered a sign. Their size is included in the overall amount of signage allowed on the site. Menu boards are required to be less than six feet in height. Menu boards are exempt from the restriction on the maximum number of freestanding signs on a site, provided there are no more than two menu boards on a lot. In addition, menu boards may only have writing or graphics on one side.

**Refuse screening:** Refuse and recycling storage containers will be located in an enclosure adjacent to the drive through lane. The enclosure will be eight feet in height and made out of burnished concrete and wood.

**Lighting:** A lighting plan showing footcandles was submitted as part of the application materials. The lighting plan is in compliance with the standards of Chapter 535, Regulations of General Applicability.

#### **MINNEAPOLIS PLAN AND RELEVANT SMALL AREA PLANS:**

According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment (Policy 9.6).
- Promote the use of progressive design guidelines and street-oriented building alignment to maximize compatibility with surrounding neighborhoods (Implementation Step for Policy 9.6).
- Minneapolis will support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character (Policy 9.10).
- Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas (Policy 9.11).

- Orient new buildings to the street to foster safe and successful commercial nodes and corridors (Implementation Step for Policy 9.11).
- Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form (Policy 9.12).
- Require the landscaping of parking lots (Implementation Step for Policy 9.12).
- Locate parking lots behind buildings or in the interior of the block to reduce the visual impact of the automobile in mixed-use areas (Implementation Step for Policy 9.12).

The Planning Division does not believe that the proposed development is in conformance with the above policies of *The Minneapolis Plan*. The site is designed in a non-urban manner. The building is significantly set back from Second Street North, the floor level of the building along Plymouth Avenue North sits between zero and four feet above grade, the majority of the windows along the Plymouth Avenue North side of the building are located at a height greater than four feet and all of the parking for the development is located in front of the building.

The site is also located within the Industrial Employment District boundary which was established as part of the adoption of the *Industrial Land Use and Employment Policy Plan* in 2006. The designated Industrial Employment Districts preserve properties for the retention, expansion, and attraction of existing and new industrial firms in areas of the city with good transportation access, minimal conflict with nearby land uses, and proximity to recent market investment. The Planning Division does not believe that the proposed development is consistent with the policies of the *Industrial Land Use and Employment Policy Plan*.

**ALTERNATIVE COMPLIANCE:**

- **The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:**
- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

**PLANNING DIVISION RESPONSE:**

- **The first floor of the building shall be located not more than eight feet from the front lot line. If located on a corner lot, the building wall abutting each street shall be subject to this**

**requirement.** The site is a corner property. The building is located between four and six feet from the property line along Plymouth Avenue North and between 52 and 74 feet from the property line along Second Street North.

The applicant has indicated that the site is physically constrained by its shape and size, the steeply sloping grade to the east, the location of the railroad embankment to the east and the physical limitations of Plymouth Avenue North and Second Street North. For these reasons the applicant has decided to locate the building between 52 and 74 feet from Second Street North. The applicant has indicated that the alternatives that are being providing in lieu of locating the building up to Second Street North include adequate screening of the parking lot through the use of trees, vegetation and decorative fencing. The Planning Division does not believe that the City Planning Commission should grant alternative compliance for building placement. The Planning Division believes that it is practical to design the site to accommodate a storefront building, a fast food restaurant with a drive through and adequate parking located to the rear or interior side of the site.

- **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.** The on-site parking area is proposed to be located between the building and the property line along Second Street North. This is not in compliance with the building standards of locating the parking to the rear or interior side of the site.

The applicant has indicated that the site is physically constrained by its shape and size, the steeply sloping grade to the east, the location of the railroad embankment to the east and the physical limitations of Plymouth Avenue North and Second Street North. For these reasons the applicant has decided to locate the on-site parking area between the building and the front lot line along Second Street North. The applicant has indicated that the alternatives that are being providing in lieu of locating the parking to the rear or interior side of the site, within the principal building served, or entirely below grade include adequate screening of the parking lot through the use of trees, vegetation and decorative fencing. The Planning Division does not believe that the City Planning Commission should grant alternative compliance for the location of the on-site parking area. The Planning Division believes that it is practical to design the site to accommodate a storefront building, a fast food restaurant with a drive through and adequate parking located to the rear or interior side of the site.

- **Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed 25 feet in length.** The majority of the building does not contain areas that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. However, a portion of the east wall of the building contains an area that is over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements.

The applicant did not address this site plan review requirement in their request for alternative compliance. The Planning Division does not believe that the City Planning Commission should grant alternative compliance to allow a wall that is over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. The Planning Division believes that new buildings can be designed to incorporate windows, entries, recesses or projections, or other architectural elements.

- **At least 30 percent of the first floor building wall that faces a public street, public sidewalk, public pathway, or on-site parking lot is required to be windows.** The window requirement pertains to the Plymouth Avenue North and Second Street North sides of the building. Along Plymouth Avenue North the percentage of windows on the first floor is 16 percent and along Second Street North the percentage of windows on the first floor is 56 percent.

The applicant did not address this site plan review requirement in their request for alternative compliance. The Planning Division does not believe that the City Planning Commission should grant alternative compliance to allow less than 30 percent windows along Second Street North. The Planning Division believes that new buildings can be designed to meet the window requirement. If the building were moved to within eight feet of Second Street North the Planning Division believes that the 30 percent window requirement could be met along Second Street North.

- **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 nine and 47 respectively. The applicant is providing a total of nine canopy trees and 43 shrubs on the site. **Not less than one tree shall be provided for each 25 linear feet, or fraction thereof, of parking or loading area lot frontage.** The parking and loading area has 47 feet of frontage along Plymouth Avenue North and 220 feet of frontage along Second Street North. These dimensions require that two canopy trees be planted along Plymouth Avenue North and that nine canopy trees be planted along Second Street North. The applicant is proposing to have one tree planted along Plymouth Avenue North and seven trees planted along Second Street North. **Screening three feet in height and equal to 60 percent opacity is required around parking lots and loading areas in order to screen them from a public street, sidewalk or pathway.** The applicant is proposing to install a 48-inch high aluminum fence along Plymouth Avenue North and Second Street North. In addition to the eight canopy trees located around the parking lot the applicant is proposing to plant a combination of Bailey Compact Cranberries, Stella D’Oro Daylilies and Karl Forester Reed Grasses in a few locations around the parking lot. These plant materials will not meet the screening requirements.

The applicant did not address these site plan review requirements in their request for alternative compliance. The Planning Division does not believe that the City Planning Commission should grant alternative compliance to allow less than the minimum landscaping requirements. The Planning Division believes that it is practical to design the site to accommodate all of the landscaping requirements.

### **RECOMMENDATIONS:**

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

The variance application to exceed 20 surface parking spaces within the DP Downtown Parking Overlay District located at 129 Plymouth Avenue North has been **withdrawn**.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the site plan review for a new principal non-residential building located at 129 Plymouth Avenue North.

**Attachments:**

1. Revised plans submitted 8-7-09 for PDR purposes
2. Staff alternative designs
3. 7-13-09 CPC attachments
  - Statement of proposed use and description of project
  - Responses to the rezoning, conditional use permit and variance findings
  - MCDA report
  - Industrial Employment District map
  - May 7, 2009, and June 4, 2009, letters to Council Members Goodman and Samuels, the North Loop Neighborhood Association and the Northside Residents Redevelopment Council
  - June 12, 2009, memo to the North Loop Neighborhood Association with alternative site plans
  - June 25, 2009, letter from the North Loop Neighborhood Association
  - Letters from surrounding property owners
  - Zoning map
  - Site, civil and landscaping plans
  - Aerial photos