

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permits and Site Plan Review  
BZZ – 5261

**Date:** September 19, 2011

**Applicant:** Kowalski's Companies, Inc.

**Address of Property:** 2426-2440 Hennepin Avenue

**Project Name:** Kowalski's Wine Shop

**Contact Person and Phone:** George Johnson, (612) 339-2190

**Planning Staff and Phone:** Janelle Widmeier, (612) 673-3156

**Date Application Deemed Complete:** August 25, 2011

**End of 60-Day Decision Period:** October 24, 2011

**Ward:** 10     **Neighborhood Organization:** East Isles (adjacent to Lowry Hill)

**Existing Zoning:** C2 Neighborhood Corridor Commercial District

**Proposed Zoning:** Not applicable

**Zoning Plate Number:** 18

**Legal Description:** Not applicable

**Proposed Use:** Shopping center and an off-sale liquor store

**Concurrent Review:**

**Conditional use permit** to expand a shopping center.

**Conditional use permit** to allow an off-sale liquor store.

**Site plan review** amendment.

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

**Background:** The applicant proposes to build a 1,003 square foot addition to the existing shopping center located at 2426-2440 Hennepin Avenue to establish an off-sale liquor store. The two existing uses, a grocery store and a drug store, would remain. The approximately 1,200 square foot liquor store would share an entry vestibule with the grocery store.

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Because the building is not a storefront building and each commercial use would not have a separate principal entrance facing the street, the development is classified as a shopping center. A shopping center is a conditional use in the C2 district. An off-sale liquor store is also a conditional use in the C2 district. Upon approval of the conditional use permits, the actions must be recorded with Hennepin County as required by state law. A site plan review is required for any addition that is 1,000 square feet or more. Two site plan reviews were previously approved for this site. The first was approved for the drug store addition in 1991. The second was approved in 2003 when Kowalski's moved into the grocery store space previously occupied by Super Valu (a license application previously triggered site plan review). Because a site plan was previously approved, this is an amendment to the approved site plan that was implemented.

Since 2003, several variances were granted that allowed a second freestanding sign and a 90.5 foot wide curb cut (resulting from the removal of a 20 foot wide curb island separating two curb cuts on 25<sup>th</sup> Street). A conditional use permit, subject to some limitations, was also granted to allow 24-hour operation of the grocery store.

Correspondence from the East Isles Resident Association was received and is attached to this report. Staff will forward comments, if any are received, at the City Planning Commission meeting.

**CONDITIONAL USE PERMIT:** to expand a shopping center.

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

The 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.**

Expanding the shopping center would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

**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 addition would be adjacent to a nonresidential property occupied by an automobile convenience facility. It should have little effect on surrounding properties.

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

The utilities, access roads, and drainage are existing and adequate.

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

The total minimum parking requirement for the grocery store, drug store, and liquor store in the shopping center would be 44 spaces. There are 66 parking spaces on the site. No parking would be eliminated and no vehicle access would be affected with the construction of the addition. Fourteen bicycle spaces are also available. The expansion should have little effect on congestion in the streets.

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

The proposed expansion would be consistent with the applicable policies of the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*. Hennepin Avenue is designated as a commercial corridor. The future land use of the site is designated as mixed use. According to the principles and policies outlined in the plan, the following apply to this proposal:

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.

*Applicable Implementation Step*

1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.

*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.

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.

*Applicable Implementation Step*

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.

The site is also located within the boundaries of the *Uptown Small Area Plan*. The plan was adopted by the City Council in 2008 and is part of the comprehensive plan. Although a long-term goal of the plan is to replace many single-story retail buildings, especially those that do not face the street and have a suburban character, with more urban buildings—buildings that face the street and have parking behind—another major policy of the plan is to support neighborhood serving retail along this part of the Hennepin Avenue commercial corridor.

**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 shopping center will conform to the applicable regulations of the districts in which it is located upon the approval of the conditional use permits and site plan review.

**CONDITIONAL USE PERMIT:** to allow an off-sale liquor store.

**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 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.**

An off-sale liquor store in this location is not expected to be detrimental to the public health, safety or general welfare, provided the use complies with all licensing requirements, life safety ordinances and Public Works Department standards. In terms of public safety, Kowalski's will incorporate several safety and security measures that are already used for the grocery store, including adequate lighting in adjacent spaces and installation and daily monitoring of multiple closed circuit security cameras for the liquor store. Off-sale liquor stores are subject to specific development standards. One such standard requires the use to comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter. Title 14 applies spacing requirements from proposed liquor stores to other off-sale establishments (2,000 feet) and schools and churches (300 feet). The applicant has submitted a letter, survey and map (attached to this report) describing how the site will comply with the spacing requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances. License and Consumer Services staff will verify the spacing requirements as part of the process for issuing a liquor license. As a condition of approval for this application, all requirements of Title 14, Liquor and Beer shall be met.

**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 would occupy approximately 1,200 square feet of a 29,000 square foot shopping center. The addition where the liquor store will be located would be adjacent to a nonresidential property occupied by an automobile convenience facility. A retail use within a multi-tenant commercial building should not impede the normal and orderly development of surrounding properties.

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

The utilities, access roads, and drainage are existing and adequate.

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

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The total minimum parking requirement for the grocery store, drug store, and liquor store in the shopping center would be 44 spaces. There are 66 parking spaces on the site. No parking would be eliminated and no vehicle access would be affected with the construction of the liquor store addition. Fourteen bicycle spaces are also available. The establishment of the proposed liquor store should have little effect on congestion in the streets.

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

The proposed use would be consistent with the applicable policies of the comprehensive plan (identified in the shopping center conditional use permit section of this staff report).

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

The use will conform to the applicable regulations of the districts in which it is located, including the specific development standards for an off-sale liquor store, upon the approval of the conditional use permits and site plan review.

The specific development standards for a liquor store, off-sale, are as follows:

- (1) The use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.
- (2) The premises, all adjacent streets, sidewalks, alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

The applicant has submitted a letter, survey and map (attached to this report) describing how the site will comply with the spacing requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances.

**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 the Zoning Code**

**BUILDING PLACEMENT AND DESIGN:**

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- 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.

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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.

*Conformance with above requirements:*

Because of where the existing shopping center is located, the addition would not be within 8 feet of a lot line adjacent to a street. For this reason, staff is recommending that the planning commission grant alternative compliance to allow the addition to be located approximately 130 feet from both Hennepin Avenue and Fremont Avenue.

Where existing parking and loading areas are not located between the building and adjacent streets, there is landscaping and walkways, and the patio will be replaced to the east of the addition.

Access to the addition will be from an existing entrance that is connected to the Hennepin Avenue sidewalk with a walkway.

The existing parking area is located between the building and the street.

There would not be any walls on the addition that are blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements exceeding 25 feet in length.

The primary exterior materials of the addition would be thin brick (installed similar to traditional brick), rock-faced concrete masonry units and glass. Thin faced brick is the primary exterior material on the grocery store. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.

The exterior materials and appearance of the all sides of the addition would be similar and compatible with the front of the building.

Plain face concrete block is not a material proposed for the addition.

Access to the addition would be through an existing entrance shared with the grocery store. The entrance is recessed, flanked by windows, and sheltered by a canopy.

The east and north walls of the addition face the parking area and are subject to the 30 percent minimum window requirement. Because the northeast elevation is an angled wall, the required window area is divided evenly into the adjacent wall elevations.

On the east addition wall:

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- 61.2 square feet of windows are required.
- The proposed window area where the bottom of the window is within 4 feet of grade is 27.6 square feet or 13.5 percent of the area measured between 2 and 10 feet.

On the north addition wall:

- 52.8 square feet of windows are required.
- The proposed window area where the bottom of the window is within 4 feet of grade is 27.6 square feet or 15.7 percent of the area measured between 2 and 10 feet.

Existing windows bring the total amount of windows on the north elevation to 22.4 percent of the wall. In addition to these windows, 36 square feet of clear-story fenestration is proposed on each elevation. Because the bottom of these windows are not located within 4 feet of the adjacent grade and do not allow views in and out of the building at eye level, they do not count towards meeting the minimum requirement. The proposed windows would be distributed in a more or less even manner. The applicant has indicated that the proposed windows would have lightly tinted glass with a visible light transmittance ratio of 0.6 or greater and shelves would not be located in front of the windows where they would allow views into and out of the building. The applicant is requesting alternative compliance for the amount of windows required because UV rays and heat have harmful effects on wine. In addition to the clear-story windows, the applicant is proposing a patio to the east of the addition (relocated as a result of the construction of the addition) that will increase surveillance of the surrounding area. For these reasons, staff is recommending that the planning commission grant alternative compliance to allow 13.5 percent on the east wall and 15.7 percent on the north elevation.

Although the addition is not adjacent to a street, the walls adjacent to the parking area would accommodate active functions exceeding 70 percent of the linear frontage.

The roof of the addition would be flat. The existing roof is flat. Most of the nonresidential buildings in the immediate area also have flat roofs.

#### **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:***

A walkway will continue to connect the building entrances to the public sidewalk.

A transit shelter is not proposed or adjacent to the site.

No changes are proposed to the parking and loading areas.

## **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.**

### ***Conformance with above requirements:***

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is 66,350 square feet. The existing building and the addition would occupy 29,067 square feet of the site. The lot area minus the building footprints therefore consists of 37,283 square feet. At least 20 percent of the net site area is 7,456.6 square feet. The existing amount of landscaped area is 3,350 square feet or almost 9 percent of the net lot area. The proposed amount of landscaping is 3,484 square feet or 9.3 percent of the net lot area. Because the amount of landscaping will increase from what was previously approved, alternative compliance is not necessary.

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 15 and 75 respectively. Ten trees exist on the site and 10 will remain. There would be a total of 89 shrubs. The remainder of the landscaped area would be covered with perennials and wood mulch.

No changes to the previously approved landscaped areas in the parking lot are proposed.

**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 existing parking area is defined by 6-inch by 6-inch concrete curbing. No changes to the parking area are proposed.

The addition would not impede any views of important elements of the city, significantly shadow the adjacent streets or properties or increase the generation of wind currents at ground level.

The site includes crime prevention design elements. Landscaping is maintained to allow views to and from the parking area between 3 and 7 feet above grade. Security cameras provide additional surveillance. Lighting is provided in the parking area and around the building. Landscaping and walkways also define natural access control.

The existing structure on the site is not historic.

**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 properties of 2426-2426 Hennepin Avenue are zoned C2. A shopping center and a liquor store are conditional uses in this district.

**Off-Street Parking and Loading:**

*Minimum automobile parking requirement:* The minimum parking requirement for shopping centers are based on the principal uses located in the shopping center. Grocery stores and drug stores are required to provide one space per 500 square feet of gross floor area in excess of 4,000 square feet of gross floor area or four spaces, whichever is greater. The floor area of the drug store is 10,352 square feet, which requires 13 spaces. The floor area of the grocery store would be approximately 17,497 square feet, which requires 27 spaces. A liquor store is required to provide one space per 500 square feet of gross

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floor area or 4 spaces, whichever is greater. The proposed floor area of the liquor store is approximately 1,218 square feet, which requires four spaces. The total minimum parking requirement is 44 spaces. Sixty-six spaces are provided on-site. Of the 66 spaces provided, at least 3 are required to be accessible. Three accessible spaces exist.

*Maximum automobile parking requirement:* The maximum parking requirement for a shopping center is one space per 200 square feet of gross floor area, whichever is greater. For a 29,067 square foot building, the maximum requirement is 145 spaces.

*Bicycle parking requirement:* The minimum bicycle parking requirement for shopping centers is 3 spaces or one space per 5,000 square feet of gross floor area, whichever is greater. For a 29,067 square foot building, the minimum requirement is 6 spaces. At least 3 of the required spaces must meet the standards for short-term parking and the remainder can be short-term or long-term spaces. Each required bicycle parking space must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. 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. Fourteen short-term spaces exist on the site.

*Loading:* The minimum loading requirement for a shopping center is determined by conditional use permit. In general, the minimum loading requirement for a grocery store with 17,497 square feet is one large loading space (12 feet wide by 50 feet long). The grocery store loading area has two large loading spaces. For a drug store with less than 20,000 square feet and for a liquor store with less than 10,000 square feet, adequate shipping and receiving facilities, accessible by motor vehicle off any adjacent alley, service drive or open space are required on the same zoning lot is generally required. Parking in excess of the minimum parking requirement could accommodate loading on-site for these uses.

**Maximum Floor Area:** The lot area is 66,350 square feet. The maximum FAR allowed in the C2 District is 1.7. The building would have a total of 29,067 square feet, which is an FAR of 0.44.

The maximum floor area of commercial uses in the C2 district is 30,000 square feet. The floor area of the liquor store would be approximately 1,218 square feet.

**Minimum Lot Area:** Not applicable.

**Building Height:** In the C2 district, the maximum height is limited to 4 stories or 56 feet, whichever is less. The proposed height of the addition is one story and 16.5 feet.

**Yard Requirements:** Not applicable for the addition.

**Specific Development Standards:** Shopping centers, grocery stores and liquor stores are required to regularly inspect the premises, all adjacent streets, sidewalks and alleys for the purposes of removing any litter found thereon. Uses in shopping centers must be allowed in the zoning district in which they are located and must comply with all review and approval requirements of the zoning code. Liquor

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stores must also comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.

**Refuse screening:** Refuse storage containers are required to be screened from the street and adjacent residential uses. Existing wood fences provide screening for the refuse storage areas.

**Lighting:** Lighting must 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 condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

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

- (1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

**Signs:** An internally illuminated, 22.5 square foot wall sign is proposed for the liquor store. It would also be located 14 feet above grade. In the C2 district, a minimum of 30 square feet of sign area is guaranteed for a ground floor nonresidential use that comprises a portion of a building wall. Internally illuminated signs are allowed and may be placed up to 14 feet high on a wall. New signage requires Zoning Office review, approval, and permits.

**MINNEAPOLIS PLAN:** In addition to the principles and policies in the conditional use permit section of this staff report, the following apply to this proposal:

**Policy 10.10: Support urban design standards that emphasize a traditional urban form in commercial areas.**

10.10.1 Enhance the city's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality four season public spaces and infrastructure.

**Policy 10.14: Encourage development that provides functional and attractive gathering spaces.**

*Staff comment:* Although the addition is not built up to the street, landscaping and rebuilding the patio will enhance the pedestrian environment. To the extent practical, the proposal will be consistent with the comprehensive 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.

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

- Building placement within 8 feet of a lot line adjacent to a street

Because of where the existing shopping center is located, the addition would not be within 8 feet of a lot line adjacent to a street. For this reason, staff is recommending that the planning commission grant alternative compliance to allow the addition to be located approximately 130 feet from both Hennepin Avenue and Fremont Avenue.

- 30 percent window requirements

The east and north walls of the addition face the parking area and are subject to the 30 percent minimum window requirement. Because the northeast elevation is an angled wall, the required window area is divided evenly into the adjacent wall elevations.

On the east addition wall:

- 61.2 square feet of windows are required.
- The proposed window area where the bottom of the window is within 4 feet of grade is 27.6 square feet or 13.5 percent of the area measured between 2 and 10 feet.

On the north addition wall:

- 52.8 square feet of windows are required.
- The proposed window area where the bottom of the window is within 4 feet of grade is 27.6 square feet or 15.7 percent of the area measured between 2 and 10 feet.

Existing windows bring the total amount of windows on the north elevation to 22.4 percent of the wall. In addition to these windows, 36 square feet of clear-story fenestration is proposed on each

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elevation. Because the bottom of these windows are not located within 4 feet of the adjacent grade and do not allow views in and out of the building at eye level, they do not count towards meeting the minimum requirement. The proposed windows would be distributed in a more or less even manner. The applicant has indicated that the proposed windows would have lightly tinted glass with a visible light transmittance ratio of 0.6 or greater and shelves would not be located in front of the windows where they would allow views into and out of the building. The applicant is requesting alternative compliance for the amount of windows required because UV rays and heat have harmful effects on wine. In addition to the clear-story windows, the applicant is proposing a patio to the east of the addition (relocated as a result of the construction of the addition) that will increase surveillance of the surrounding area. For these reasons, staff is recommending that the planning commission grant alternative compliance to allow 13.5 percent on the east wall and 15.7 percent on the north elevation.

## **RECOMMENDATIONS**

### **Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to expand a shopping center for the properties located at 2426-2440 Hennepin Avenue, 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 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 an off-sale liquor store for the property located at 2426-2440 Hennepin Avenue, 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. The use shall comply with all requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.

### **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 above findings and **approve** the application for site plan review to allow a building addition for the properties located at 2426-2440 Hennepin Avenue, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final building elevations, floor, and site plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by September 19, 2012, or the permit may be revoked for non-compliance.

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**Attachments:**

1. PDR comments
2. Applicant statement of use and findings
3. Liquor license spacing letter
4. Correspondence
5. Zoning map
6. Plans
7. Photos