

Department of Community Planning and Economic Development – Planning Division
Variance and Site Plan Review
BZZ-4537

Date: September 28, 2009

Applicant: Farmers' Market Annex

Addresses of Property: 200 East Lyndale Avenue North and 250 Lakeside Avenue

Project Name: Farmers' Market Urban Garden

Contact Person and Phone: James Schloemer with Kaas Wilson Architects, (612)-879-6000

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

Date Application Deemed Complete: September 1, 2009

End of 60-Day Decision Period: October 31, 2009

End of 120-Day Decision Period: Not applicable for this development

Ward: 5 **Neighborhood Organization:** North Loop Neighborhood Association

Existing Zoning: I2, Medium Industrial District and DP Downtown Parking Overlay District

Proposed Zoning: Not applicable for this development

Zoning Plate Number: 13

Legal Description: Not applicable for this development

Proposed Use: Farmers' Market

Concurrent Review:

Variance: to increase the amount of signage allowed on the site.

Site plan review

Applicable zoning code provisions: Chapter 525, Article IX, Variances, specifically Section 525.520(25) "to vary the number, type, height, area of location of allowed signs on property locate in an OR2 or OR3 District, or a commercial, downtown or industrial district, pursuant to Chapter 543, On-Premise Signs" and Chapter 530 Site Plan Review.

Background: In July of 2001 the City Planning Commission approved a site plan review application for the subject property. Since the approval the applicant has fenced off the parking area that was once located on the east side of the building and is using the area for outdoor storage. Now the applicant is

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proposing to convert the space to what has been termed a “Farmers’ Market Urban Garden”. The conversion of the area includes the removal of the asphalt surfacing material and the installation of new paving materials, water features and landscaping. Please note that the area that is currently fenced off is being enlarged to accommodate the new use of the space.

There are three tenants located in the building: Atrebla Early Learning Center, Wrecker Services and the Farmers’ Market Annex. The Farmers’ Market Annex is owned by the applicant and is used as a warehouse for the various vendors that participate at the Farmers’ Market on Saturdays and Sundays and for Market Flowers which is a flower shop located in downtown Minneapolis. The Farmers’ Market Urban Garden will be used by vendors to display landscaping and gardening materials on Saturdays and Sundays when the Farmers’ Market is in operation. The changes being made to the site require site plan review.

The parking requirement for a child care center, towing company, warehouse and farmers’ market in the I2 and DP Downtown Parking Overlay district is “not less than one space for each 4,000 square feet of gross floor area in excess of 4,000 square feet”. In this situation the four space minimum parking requirement shall not apply. The minimum parking requirement for the child care center is zero spaces, the minimum parking requirement for the towing company is one space, the minimum parking requirement for the warehouse is one space and the minimum parking requirement for the farmers’ market is six spaces. The total minimum parking requirement for the site is eight spaces. Wrecker Services, the towing company, has their offices located in the subject building; however, they own the property located just south of the site. The parking requirement for the towing company is satisfied on their own property. Given this the total minimum parking requirement for the site is seven spaces. During the weekdays the minimum parking requirement is met on site as there are 31 spaces provided. However, during the weekends the parking spaces that are provided on site are occupied by the farmers’ market vendors. Given this the applicant has submitted a shared parking agreement with the adjacent property owner. The applicant is required to file the approved parking lease with Hennepin County.

Signs for farmers’ markets are regulated differently than signs for uses in the I2 zoning district. The total amount of signage for a farmers’ market is limited to one square foot of signage per one foot of street frontage of the zoning lot. In this case the zoning lot has 548 feet of street frontage between East Lyndale Avenue North/Lakeside Avenue North, Third Avenue North and Border Avenue. There is approximately 1,250 square feet of signage associated with the farmers’ market located on the site. A variance is required to exceed the total allowed.

Farmers’ markets can have one freestanding sign that measures 14 feet in height and 54 square feet in area. There is a three-dimensional sign in the shape of a rooster located along East Lyndale Avenue North/Lakeside Avenue North. This sign is in conformation with the height and size requirements but a sign permit was never applied for when it was installed. The applicant will need to apply for a sign permit.

In addition, all other signs located in the market can be 14 feet in height and 45 square feet in area. Six of the signs associated with the farmers’ market exceed these dimensional requirements. Since the vendors within the farmers’ market can change on a yearly basis the Planning Division is recommending that a condition of approval be placed on the site plan review indicating that no sign associated with the farmers’ market exceed 14 feet in height or 45 square feet in area.

VARIANCE: to increase the amount of signage allowed on the site

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

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Amount of signs: The applicant is seeking a variance to increase the amount of signage allowed on the site. The total amount of signage allowed for a farmers’ market is limited to one square foot of signage per one foot of street frontage of the zoning lot. In this case the zoning lot has 548 feet of street frontage between East Lyndale Avenue North/Lakeside Avenue North, Third Avenue North and Border Avenue. There is approximately 1,250 square feet of signage associated with the farmers’ market located on the site. Since the vendors within the farmers’ market change on a yearly basis the amount of signage changes too. In order to provide the applicant with a definitive amount of signage that can be on the site the Planning Division is recommending that the applicant be allowed to have up to three times as much signage as allowed by the code. By allowing a certain amount of signage on the site the applicant and the City of Minneapolis know what is expected year to year.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Amount of signs: The fact that the vendors and their applicable signage within the farmers’ market change on a yearly basis is a unique circumstance of this parcel of land.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Amount of signs: The intent of the ordinance is to prevent sign clutter by limiting the amount of signage that can be located on the site. Currently there is approximately 15,000 square feet of farmers’ market sales and display area on the site and there is 1,250 square feet of signage associated with the use. Once the farmers’ market urban garden is complete there will be approximately 26,000 square feet of farmers’ market sales and display area on the site. Because the number of vendors within the market will increase with the site plan changes, and many of the vendors would not be directly visible from a public street, the Planning Division believes that allowing three times as much signage as allowed by the code would be in keeping with the spirit and intent of the ordinance.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Amount of signs: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

543.420. Approval criteria. Adjustments to the number, type, height, area or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown or industrial district may be approved if the following criteria are met:

1. The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.

The Planning Division does not believe that increasing the amount of signage on the site from 548 square feet to 1,644 square feet would lead to sign clutter given the size of the farmers' market area and the fact that many of the vendors would not be visible from a public street.

2. The sign adjustment will allow a sign that relates in size, shape, materials, color, illumination and character to the function and architectural character of the building or property on which the sign will be located.

Since the vendors within the farmers' market change on a yearly basis the signs that each vendor installs is a temporary banner made out of plastic or vinyl. The Planning Division believes that given the nature of the use that allowing temporary banners instead of permanently affixed signage is appropriate.

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:

- No changes are being proposed to the building.

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:

- To access the building entrances one would need to walk through the parking area. This is an existing condition of the site and was approved as part of the 2001 site plan approval.
- No transit shelters are proposed as part of this development.
- There are no changes proposed to any of the access points leading to and from the site. Public Works did not comment on curb cut locations in the Preliminary Development Review report.
- There is no alley associated with this site.
- There is no maximum impervious surface requirement in the I2 zoning district. According to the materials submitted by the applicant 95 percent of the site will be impervious.

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 66,028 square feet. The footprint of the building and the farmers' market sheds is 33,639 square feet. When you subtract the footprint from the lot size the resulting number is 32,389 square feet. Twenty percent of this number is 6,478 square feet. According to the applicant's landscaping plan there is 3,049 square feet of landscaping on the site or approximately nine percent of the site not occupied by the building. Alternative compliance is required since this provision is not being met.
- 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 be planted on the site. The tree and shrub requirement for this site is 13 and 65 respectfully. The applicant is providing a total of six canopy trees and 116 shrubs on the site. In addition, the applicant is providing nine ornamental trees, five evergreen trees and 117 perennials and grasses 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 196 feet of frontage along East Lyndale

Avenue North/Lakeside Avenue and 124 feet of frontage along Third Avenue North. These dimensions require that eight canopy trees be planted along East Lyndale Avenue North/Lakeside Avenue and that five canopy trees be planted along Third Avenue North. The applicant is not proposing to have any trees planted along either of the street frontages. 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 not providing any landscaping along either of the street frontages. Alternative compliance is required since this provision is not being met.
- 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 not proposing to install screening along either of the street frontages. 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 not being met. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. There are no tree islands in the parking lot.

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 framers market urban garden area is being directed to a new rainwater garden that will be on the site. Stormwater runoff from the existing parking area is being directed to a catch basin in the middle of the lot.
- No changes are being proposed to the building.
- No changes are being proposed to the building.

- No changes are being proposed to the building.
- The site plan does not comply with all of the crime prevention design elements. The building entrances are not connected to the public sidewalk via a walkway and there are minimal windows in the building. These are existing conditions of the site and were approved as part of the 2001 site plan approval. However, the farmers’ market area is open which allows views into the site and there are lights located along the buildign and throughout the parking area.
- 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: Warehousing, farmers’ markets and child care centers are permitted uses in the I2 zoning district. Towing services are a conditional use in the I2 zoning district.

Off-Street Parking and Loading:

Minimum automobile parking requirement: The parking requirement for a child care center, towing company, warehouse and farmers’ market in the I2 and DP Downtown Parking Overlay district is “not less than one space for each 4,000 square feet of gross floor area in excess of 4,000 square feet”. In this situation the four space minimum parking requirement shall not apply. The minimum parking requirement for the child care center is zero spaces, the minimum parking requirement for the towing company is one space, the minimum parking requirement for the warehouse is one space and the minimum parking requirement for the farmers’ market is six spaces. The total minimum parking requirement for the site is eight spaces. Wrecker Services, the towing company, has their offices located in the subject building; however, they own the property located just south of the site. The parking requirement for the towing company is satisfied on their own property. Given this the total minimum parking requirement for the site is seven spaces. During the weekdays the minimum parking requirement is met on site as there are 31 spaces provided. However, during the weekends the parking spaces that are provided on site are occupied by the farmers’ market vendors. Given this the applicant has submitted a shared parking agreement with the adjacent property owner. The applicant is required to file the approved parking lease with Hennepin County.

Maximum automobile parking requirement: The maximum parking requirement for the child care center is 22 spaces, the maximum parking requirement for the towing company is 48 spaces, the maximum parking requirement for the warehouse is nine spaces and the maximum parking requirement for the farmers’ market is 53 spaces. The total maximum parking requirement is 132 spaces. Wrecker Services, the towing company, has their offices located in the subject building; however, they own the property located just south of the site. The parking requirement for the towing company is satisfied on their own property. Given this the total maximum parking requirement for the site is 84 spaces.

Bicycle parking requirement: Existing buildings have grandfathered rights from the bicycle parking requirements. There are no bicycle parking spaces on the site.

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Loading: There is no loading requirement for a child care center or a towing company. The loading requirement for both a warehouse and a farmers' market is high. Taking into account the size of the individual uses the warehouse would require one small loading space and the farmers' markets would require a large loading space. There is one large loading dock provided on the site. This is an existing condition of the site.

Maximum Floor Area: No changes are being proposed to the building.

Height and Bulk: No changes are being proposed to the building.

Minimum Lot Area and width: No changes are proposed to the size of the lot.

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 the I2 zoning district are 6:00 am – 10:00 pm Sunday through Thursday and 6:00 am – 11:00 pm Friday and Saturday. The child care center is open Monday through Friday 6 am to 1 am. The child care center operators have applied for a conditional use permit for an extension of hours. The towing company is open 24 hours a day, seven days a week. The towing company has been operating at this location since 1987. In 1987 only certain uses were subject to hours of operation; a towing company was not such a use. This use is deemed to have a conditional use permit for extended hours. The warehouse is open Tuesday through Friday 9 am to 4 pm and Saturday and Sunday 6:30 am to 1:30 pm. The farmers' market is open Saturday and Sunday 6:30 am to 1:30 pm.

Signs: Signs are subject to the requirements of Chapter 543, On-premise Signs. In the I2 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.

Each use in the building has one sign on the site and all are in compliance with Chapter 543, On-Premise Signs.

Signs for farmers' markets are regulated differently than signs for uses in the I2 zoning district. The total amount of signage for a farmers' market is limited to one square foot of signage per one foot of street frontage of the zoning lot. In this case the zoning lot has 548 feet of street frontage between East Lyndale Avenue North/Lakeside Avenue North, Third Avenue North and Border Avenue. There is approximately 1,250 square feet of signage associated with the farmers' market located on the site. A variance is required to exceed the total allowed.

Farmers' markets can have one freestanding sign that measures 14 feet in height and 54 square feet in area. There is a three-dimensional sign in the shape of a rooster located along East Lyndale Avenue North/Lakeside Avenue North. This sign is in conformation with the height and size requirements but a sign permit was never applied for when it was installed. The applicant will need to apply for a sign permit.

In addition, all other signs located in the market can be 14 feet in height and 45 square feet in area. Six of the signs associated with the farmers' market exceed these dimensional requirements. Since the vendors within the farmers' market can change on a yearly basis the Planning Division is recommending that a condition of approval be placed on the site plan review indicating that no sign associated with the farmers' market exceed 14 feet in height or 45 square feet in area.

Refuse screening: The refuse and recycling storage area is located on the west side of the building. There is currently a chain link fence with slats in it which screens this area from the public street. This is not an allowed screening material. The applicant is proposing to replace the chain link fence with slats with a wooden fence enclosure.

Lighting: No changes are being proposed to the site lighting.

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).
- 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 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).

The Planning Division does not believe that the proposed development is in conformance with all of the above policies of *The Minneapolis Plan*. However, because of the type of use that is on the site the Planning Division believes that it would be impractical to landscape and screen the parking lot from the adjacent streets since it is also used for the farmers' market. The Planning Division does believe that having a farmers' market in the City of Minneapolis is important to the city's livelihood.

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 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 66,028 square feet. The footprint of the building and the farmers' market sheds is 33,639 square feet. When you subtract the footprint from the lot size the resulting number is 32,389 square feet. Twenty percent of this number is 6,478 square feet. According to the applicant's landscaping plan there is 3,049 square feet of landscaping on the site or approximately nine percent of the site not occupied by the building.

There is currently no landscaping on the site. As part of the farmers' market urban garden the applicant will be adding 3,049 square feet of green space on the site. The Planning Division believes that it would be impractical to require that an additional 3,429 square feet of landscaping be added to the site given the heavy pedestrian traffic that is in the area when the farmers' market is in operation.

- **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 13 and 65 respectfully. The applicant is providing a total of six canopy trees and 116 shrubs on the site. In addition, the applicant is providing nine ornamental trees, five evergreen trees and 117 perennials and grasses on the site.

Given the wide variety of plant materials that are being provided on the site the Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than 17 canopy trees on the site. In total there will be 20 trees on the site but nine will be ornamental trees and five will be evergreen trees.

- **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 196 feet of frontage along East Lyndale Avenue North/Lakeside Avenue and 124 feet of frontage along Third Avenue North. These dimensions require that eight canopy trees be planted along East Lyndale Avenue North/Lakeside Avenue and that five canopy trees be planted along Third Avenue North. The applicant is not proposing to have any trees planted along either of the street frontages. **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 not providing any landscaping along either of the street frontages. **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 not proposing to install screening along either

of the street frontages. . **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 not being met.

The above landscaping standards all relate to the existing parking lot located on the site. The parking lot is also used for the farmers' market. As part of this development the applicant is not proposing to make any changes to this area of the site. It should be noted that the parking lot is in conformance with the approved site plan from 2001. The Planning Division believes that it would be impractical to landscape and screen the parking lot given the heavy pedestrian traffic that is in the area when the farmers' market is in operation. The areas where the required landscaped yards are required to be installed are used for circulation routes through the farmers' market.

RECOMMENDATIONS:

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to increase the amount of signage allowed on the site located at 200 East Lyndale Avenue North and 250 Lakeside Avenue subject to the following conditions:

1. There shall be no more than 1,644 square feet of signage associated with the farmers' market allowed on the site.
2. When the farmers' market is closed for the season all temporary signage shall be removed from the site.

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 **approve** the site plan review for the property located at 200 East Lyndale Avenue North and 250 Lakeside Avenue subject to the following conditions:

1. No sign associated with the farmers' market shall exceed 14 feet in height or 45 square feet in area.
2. The chain link fence with slats shall be removed from around the refuse and recycling area and replaced with an enclosure that is in compliance with Section 535.80.
3. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.

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4. All site improvements shall be completed by September 28, 2010, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Statement of proposed use and description of project
2. Responses to the variance findings
3. Site signage list and photos
4. Preliminary Development Report
5. August 15, 2009, letter to Council Member Samuels and the North Loop Neighborhood Association
6. Zoning map
7. Site, civil and landscaping plans
8. Site renderings
9. Site photos