

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit, Variances and Site Plan Review  
BZZ-1865

**Date:** October 25, 2004

**Applicant:** Bear Creek Capital on behalf of CVS Pharmacy

**Address of Property:** 2426 West Broadway Avenue

**Project Name:** CVS Pharmacy

**Contact Person and Phone:** Charles Schatz with DJR Architecture, Inc., (612) 676-2715

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

**Date Application Deemed Complete:** September 30, 2004

**End of 60-Day Decision Period:** November 29, 2004

**End of 120-Day Decision Period:** Not applicable

**Ward:** 4      **Neighborhood Organization:** Jordan Area Community Council

**Existing Zoning:** C2

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

**Zoning Plate Number:** 7

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

**Proposed Use:** Drug store

**Concurrent Review:**

**Conditional use permit:** to allow CVS Pharmacy to have extended hours; Sunday through Thursday 6 am to 1 am and Friday through Saturday 6 am to 2 am.

**Variance:** to increase the amount of signage on the south building wall from 97 square feet to 207 square feet.

**Variance:** to increase the amount of signage on the east building wall from 137 square feet to 260.25 square feet.

**Variance:** to increase the size of the free-standing sign from 80 square feet to approximately 284 square feet.

**Variance:** to reduce the distance between a free-standing back-lighted sign and a residential district boundary from 300 feet to approximately 190 (this was noticed as 100 feet) feet.

**Major site plan review.**

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX, Variances, specifically Section 525.520(21) “to vary the number, type, height, area or location of allowed signs on property located in the 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:** An existing commercial building occupies the site. The applicant is proposing to demolish the existing building and construct a new 13,000 square foot building on the site. The building would be utilized by CVS Pharmacy and would have a drive-through. The development would also include the reconfiguration of the surface parking lot on the site. The parking requirement for the development is one parking space per 300 square feet of gross floor area over 4,000 square feet, or 30 parking spaces. The applicant is providing a total of 73 parking spaces.

**CONDITIONAL USE PERMIT** – to allow CVS Pharmacy to have extended hours; Sunday through Thursday 6 am to 1 am and Friday through Saturday 6 am to 2 am

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

The Department of Community Planning and Economic Development – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

**1. Will be detrimental to or endanger the public health, safety, comfort or general welfare.**

The Planning Division believes that extending the hours of operation for CVS Pharmacy would be detrimental to or endanger the public health, safety, morals, comfort or general welfare. The site is located on the northeast corner of the intersection of West Broadway Avenue and Sheridan Avenue North. Adjacent uses include a mixture of residential properties, a church, a school, offices and commercial uses. In this situation, not only would the use be open later but so would the drive-through facility. The drive-through is located on the north side of the building which is adjacent to a single-family dwelling. Associated with the drive-through are lights, voices and idling vehicles which would be detrimental to the adjacent single-family dwelling. Please note, that the loading zone is also located eight feet from the north property line which is located between the two adjacent single-family dwellings to the north.

**2. Will 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.**

Staff uses the following criteria to determine compatibility of extended hours with the surrounding area:

**Proximity to permitted or conditional residential uses.** The CVS drive-through is located on the north side of the building which is adjacent to a single-family dwelling. North of the single-family dwelling is a residential neighborhood.

**Nature of the business and its impacts of noise, light and traffic.** The employees and customers of CVS Pharmacy will utilize the parking lot located on the east side of the building and the drive-through located on the north side of the building. Both of these elements are located adjacent to the residential neighborhood north of the site. Extending the hours of operation would mean extended hours of noise generated from the site, extended hours of light radiating from the store and the light fixtures in the parking lot and traffic coming and going from the site.

**Conformance of use.** Drug stores and uses with drive-through facilities are permitted uses in the C2 zoning district.

**Complaints received.** The building has been vacant for over one year. Between June of 2003 and October of 2004, thirty-three 911-calls have been made in reference to this site.

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

Extending the hours of operation for a use has no impact on utilities, access roads or drainage.

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

Extending the hours of operation for a use has no impact on traffic congestion in the public streets. However, extended hours means more traffic coming and going from the site and more usage of the parking lot when typically the use would be closed.

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

The site is designated as retail-commercial in the comprehensive plan. The site is located on West Broadway Avenue which is a designated Commercial Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Maintain and strengthen the character of the city's various residential areas.
- Mitigate, through screening and buffering, limiting the size and scale of a building, and a business' hours of operation, the effects of commercial properties on residential properties.
- Ensure that commercial uses do not negatively impact nearby residential areas.

Extending the hours of operation for CVS Pharmacy would negatively impact the adjacent single-family dwellings and the remaining residential neighborhood to the north as there would be extended hours of noise generated from the site, extended hours of light radiating from the store and the light fixtures in the parking lot and traffic coming and going from the site.

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

With the approval of the conditional use permit, variances and the site plan review this development will be in conformance with the applicable regulations of the zoning code.

**VARIANCE** - to increase the amount of signage on the south building wall from 97 square feet to 207 square feet

**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.**

**Signage on south building wall:** The applicant is seeking a variance to increase the amount of signage on the south building wall from 97 square feet to 207 square feet. The applicant has indicated that due to the angled configuration of the site along West Broadway Avenue and the increased setback of the proposed building from 26<sup>th</sup> Avenue North that there is decreased visibility of the building and its signage.

**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.**

**Signage on south building wall:** The Planning Division believes that the applicant has created its own hardship on this site by placing the building in its proposed location. The building could be configured in a way where the front wall of the building would be parallel with the property line along West Broadway Avenue which would increase the visibility of the building.

**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.**

**Signage on south building wall:** The granting of the variance would alter the essential character of the neighborhood given that the amount of signage proposed by the applicant is more than two times the amount allowed by the zoning code. Approving this variance would set a precedent that the Planning Division would not want repeated along West Broadway Avenue as it lends itself to sign clutter. In addition, the majority of the existing signs on the buildings along West Broadway Avenue are much smaller in comparison to the proposed sign package; approving this variance would be out of character with the surrounding area.

**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.**

**Signage on south building wall:** The Planning Division believes that the granting of the variance would have little impact on fire safety, nor would the amount of signage be detrimental to welfare or public safety.

**VARIANCE** – to increase the amount of signage on the east building wall from 137 square feet to 260.25 square feet

**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.**

**Signage on east building wall:** The applicant is seeking a variance to increase the amount of signage on the east building wall from 137 square feet to 260.25 square feet. The applicant has indicated that due to the setback requirement of the building and the distance of the east wall from 26<sup>th</sup> Avenue North that adherence to the zoning code requirement would limit the visibility of the signage on the east building wall.

**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.**

**Signage on east building wall:** The Planning Division believes that the applicant has created its own hardship on this site by placing the building in its proposed location. Section 530.100 specifically says that buildings shall be located within eight feet of the front property line, except where a greater yard is required by the zoning code. The only setback requirement for this site is for the first 40 feet of the property from the east and north property lines. Therefore, the building does not have to be setback from 26<sup>th</sup> Avenue North; the applicant is choosing to have the building in this location.

**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.**

**Signage on east building wall:** The granting of the variance would alter the essential character of the neighborhood given that the amount of signage proposed by the applicant is almost two times the amount allowed by the zoning code. The east wall of the proposed building will be visible to those residential properties along Russell Avenue North, the church and the school and the recently approved mixed-use development located on the corner of West Broadway Avenue and Queen Avenue North. Approving this variance would set a precedent that the Planning Division would not want repeated along West Broadway Avenue as it lends itself to sign clutter. In addition, the majority of the existing signs on the buildings along West Broadway Avenue are much smaller in comparison to the proposed sign package; approving this variance would be out of character with the surrounding area.

**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.**

**Signage on east building wall:** The Planning Division believes that the granting of the variance would have little impact on fire safety, nor would the amount of signage be detrimental to welfare or public safety.

**VARIANCE** – to increase the size of the free-standing sign from 80 square feet to approximately 284 square feet

**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.**

**Size of free-standing sign:** The applicant is seeking a variance to increase the size of the free-standing sign from 80 square feet to approximately 284 square feet. The applicant has indicated that due to the height and configuration of the proposed building and the angled configuration of West Broadway Avenue that adherence to the zoning code would severely limit the visibility of the free-standing sign.

**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.**

**Size of free-standing sign:** The Planning Division believes that the applicant has created its own hardship on this site by placing the building in its proposed location. The building could be configured in a way where the front wall of the building would be parallel with the property line along West Broadway Avenue which would increase the visibility of the building, therefore eliminating the need for a free-standing sign and increasing the amount of signage that would be allowed on the building.

**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.**

**Size of free-standing sign:** The granting of the variance would alter the essential character of the neighborhood given that the amount of signage proposed by the applicant is more than three times the amount allowed by the zoning code. The free-standing sign will be visible to those residential properties along Sheridan Avenue North. Approving this variance would set a precedent that the Planning Division would not want repeated along West Broadway Avenue as it lends itself to sign clutter.

**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.**

**Size of free-standing sign:** The Planning Division believes that the granting of the variance would have little impact on fire safety, nor would the proposed size of the free-standing sign be detrimental to welfare or public safety.

**VARIANCE** – to reduce the distance between a free-standing back-lighted sign and a residential district boundary from 300 feet to approximately 190 feet

**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.**

**Location of the free-standing sign:** The applicant is seeking a variance to reduce the distance between a free-standing back-lighted sign and a residential district boundary from 300 feet to approximately 190 feet. The applicant has indicated that the free-standing sign could not reasonably be placed anywhere on the site that would comply with the requirements of the zoning code.

**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.**

**Location of the free-standing sign:** The Planning Division believes that the applicant has created its own hardship on this site by internally illuminating the sign. There are other means of illuminating a sign other than having the lights located within the sign. In addition, the building could be configured in a way where the front wall of the building would be parallel with the property line along West Broadway Avenue which would increase the visibility of the building, therefore eliminating the need for a free-standing sign and increasing the amount of signage that would be allowed on the building.

**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.**

**Location of the free-standing sign:** The granting of the variance would alter the essential character of the neighborhood given that the free-standing sign will be visible to those residential properties along Sheridan Avenue North. Approving this variance would set a precedent that the Planning Division would not want repeated along West Broadway Avenue as it lends itself to sign clutter.

**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.**

**Location of the free-standing sign:** The Planning Division believes that the granting of the variance would have little impact on fire safety, nor would the location of the free-standing sign be detrimental to welfare or public safety.

## **SIGN ADJUSTMENT**

### **Findings Required by the Minneapolis Zoning Code for the Proposed Sign Adjustment:**

**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.**

It is in the Planning Division's opinion that the proposed sign package is inconsistent with the purpose of the zoning district. The applicant is proposing to have a free-standing sign on the property that is more than three times the size allowed in the C2 zoning district. In addition, the applicant is proposing to have signage on the south and east walls of the building that is more than twice the amount allowed in the C2 zoning district.

**2. The sign adjustment will allow a sign of exceptional design or style that will enhance the area or that is more consistent with the architecture and design of the site.**

The Planning Division does not believe that the proposed signs are of an exceptional design or style that will enhance the area. The wall signs are made up of channel letters and are back lit and the free-standing sign is also back lit.

## **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. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

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

#### **BUILDING PLACEMENT AND FACADE**

- 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.**

- **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 façade shall provide architectural detail and shall contain windows at the ground level or first floor.**
- **In larger buildings, architectural elements shall be emphasized.**
- **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 where visible from a public street or a residence or office residence district.**
- **Entrances and windows:**
- **Residential uses shall be subject to section 530.110 (b) (1).**
- **Nonresidential uses shall be subject to section 530.110 (b) (2).**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- This development does not reinforce the street wall, does not maximize natural surveillance and does not facilitate pedestrian access.
  - The building is located 30 feet from the property line along Sheridan Avenue North, between two and 62 feet from the property line along West Broadway Avenue and 86 feet from the property line along 26<sup>th</sup> Avenue North. To meet the requirements of Chapter 530, Site Plan Review the building would be located within eight feet of all three property lines.
  - The windows that are located on the building do not allow views into and out of the building as the windows that are lower than seven feet nine inches are sandblasted and have interior shelving units in front of them that are seven feet high. The windows that have clear vision glass do not start until a height of seven feet nine inches.
  - The entrance to the building is located on the southeast corner of the building. The entrance is located 62 feet from the property line along West Broadway Avenue and 86 feet from the property line along 26<sup>th</sup> Avenue North.
- The exterior materials of the building include EFIS and brick veneer.
- The percentage of windows required on the Sheridan Avenue North, West Broadway Avenue and parking lot side of the building is 30 percent.
  - According to the submitted drawings there is a total of 36 percent windows located on the Sheridan Avenue North side of the building. Although the applicant meets the percentage of windows on this side of the building all of the windows are sandblasted which will not allow views into and out of the building. Even if the windows were clear vision glass there are seven foot high shelving units located in front of them.
  - According to the submitted drawings there is a total of 48 percent windows located on the West Broadway Avenue side of the building. Although the applicant meets the percentage of windows on this side of the building 34 percent of the windows are sandblasted which will not allow views into and out of the building. Even if the windows were clear vision glass there are five to

seven foot high shelving units located in front of them. The remaining 14 percent of windows on this side of the building are made of clear vision glass and allow views into and out of the building. Please note that all of these windows are located at the entryway.

- According to the submitted drawings there is a total of 55 percent windows located on the parking lot side of the building. Although the applicant meets the percentage of windows on this side of the building 28 percent of the windows are sandblasted which will not allow views into and out of the building. Even if the windows were clear vision glass there are seven foot high shelving units located in front of them. The remaining 27 percent of windows on this side of the building are made of clear vision glass. Of the 27 percent windows that are made of clear vision glass, only ten percent of them allow views into and out of the building. Please note that all of these windows are located at the entryway. The remaining 17 percent of the widows that are made of clear visions glass are located above a height of seven feet nine inches which do not allow views into and out of 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 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

### **COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- The principal entrance to the building is connected to the public sidewalk via a walkway. The walkway connects to both West Broadway Avenue and 26<sup>th</sup> Avenue North.
- The Public Works Department has reviewed the vehicular access and circulation plan provided by the applicant. In order to be in compliance with the Public Works requirements, the drive-through facility would need to be moved further east to avoid conflicts with vehicles exiting the drive-through facility and entering the site through the driveway on Sheridan Avenue North.
- The applicant has indicated that snow will be stored in the landscape area on the east side 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 shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **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.**

- **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 530.160 (b).**
- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**
- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**
- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.**
- **All other areas not governed by sections 530.150, 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 530.220.**
- **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 530.60, as provided in section 530.230.**

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- According to the submitted plans approximately 24 percent of the site not occupied by the building will be landscaped. The landscaping requirement for this development is 14 trees and 70 shrubs. According to the plant schedule there will be a total of 35 trees and 147 shrubs.
- There is an existing three-foot high chain link fence located along the north property line that the applicant is proposing to keep on the site after construction is complete.

**ADDITIONAL STANDARDS**

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent**

properties.

- 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.
- 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.

### **COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- A lighting plan showing footcandles was not submitted as part of the application.
- This development should not block views of important elements within the city.
- This development should not cast shadows on public spaces and adjacent properties.
- This development should not contribute to the wind tunnel effect.
- The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. In order to be in compliance with the CPTED requirements, there would be no pay phone on the site, there would be no benches located on the patio, there would be a fence located along the entire length of the north property line to prevent cut-through foot traffic and a camera plan would be submitted for review by the Police Department.
- The existing building is not historic nor is the site.

### **Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan**

#### **ZONING CODE**

See conditional use permit finding number six above.

#### **THE MINNEAPOLIS PLAN**

The site is designated as retail-commercial in the comprehensive plan. The site is located on West Broadway Avenue which is a designated Commercial Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding one and two family dwellings.
- Support efforts that recognize the increased visibility and importance of corner properties.
- Enhance unique characteristics of 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 public spaces and infrastructure.
- Require the landscaping of parking lots.
- Protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses.
- Require screening and buffering for new developments next to residential areas.
- Use the site plan review process to ensure that lighting and signage associated with non-residential uses do not create negative impacts for residentially zoned property.

- Integrate “eyes on the street” design principles into site plan review to foster safer and more successful commercial areas in the city.
- Support development in Commercial Corridors where it enhances the street’s character, improves its ability to accommodate automobile traffic and foster pedestrian movement and expands the range of goods and services.

The proposed site plan and elevations are not in conformance with the foregoing policies of the comprehensive plan. The orientation of the building does not take advantage of being located on a corner property or along a Commercial Corridor. In addition, the walls of the building are located more than eight feet from the property lines as well as the entrance. Besides the clear glass windows located in the entryway, there are no other windows located on this building that would allow views into or out of the building. The drive-through facility and the loading zone are located on the north side of the property without an appropriate transition area between them and the adjacent single-family dwellings. The amount of signage, including the wall signs and the free-standing sign, are more than two and three times the amount allowed by the zoning code.

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

There are no small area plans adopted by the city for this particular location.

### **ALTERNATIVE COMPLIANCE**

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

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

### **COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- Alternative compliance is not warranted for this development.

### **RECOMMENDATIONS**

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the conditional use permit application to allow CVS Pharmacy to have extended hours; Sunday through Thursday 6 am to 1 am and Friday through Saturday 6 am to 2 am located at 2426 West Broadway.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance application to increase the amount of signage on the south building wall from 97 square feet to 207 square feet for the property located at 2426 West Broadway.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance application to increase the amount of signage on the east building wall from 137 square feet to 260.25 square feet for the property located at 2426 West Broadway.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance application to increase the size of the free-standing sign from 80 square feet to approximately 284 square feet for the property located at 2426 West Broadway.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance application to reduce the distance between a free-standing back-lighted sign and a residential district boundary from 300 feet to approximately 190 feet for the property located at 2426 West Broadway.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the site plan review application for CVS Pharmacy located at 2426 West Broadway.

**Attachments:**

1. Statement of proposed use
2. Conditional use permit findings
3. Police Incidents from Property Info (CNAP)
4. Variance findings
5. E-mail to CM Johnson
6. Correspondence between the applicant and staff regarding contact with the Jordan Area Community Council
7. Correspondence from adjacent property owners
8. Zoning Map
9. Site plan, floor plans and elevations
10. Sign information
11. Photographs of the site and surrounding area