

**Department of Community Planning and Economic Development – Planning Division**  
Site Plan Review  
BZZ-4550

**Date:** October 26, 2009

**Applicant:** Roundy's Supermarket Inc.

**Addresses of Property:** 1104 Lagoon Avenue

**Project Name:** Rainbow Foods

**Contact Person and Phone:** Max Dickman, (414) 231-5887

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

**Date Application Deemed Complete:** September 17, 2009

**End of 60-Day Decision Period:** November 16, 2009

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

**Ward:** 10      **Neighborhood Organization:** Lowry Hill East

**Existing Zoning:** C3S, Community Shopping Center District and PO Pedestrian Oriented Overlay District

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

**Zoning Plate Number:** 24

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

**Proposed Use:** Grocery store

**Concurrent Review:**

**Variance:** of the PO Pedestrian Oriented Overlay District standards

**Site Plan Review:** to construct a new 224,529 (118,670 square feet is parking and loading) square foot Rainbow Foods grocery store

**Applicable zoning code provisions:** Chapter 525, Article IX, Variances, specifically Section 525.520(20) "to vary the standards of any overlay district..." and Chapter 530, Site Plan Review

**Background:** The applicant is proposing to demolish the existing 38,000 square foot grocery store and 120-space surface parking lot and construct a new 90,713 square foot grocery store with an additional 10,404 square feet of retail space on the site. In addition to the commercial space there would be a 250-

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space structured parking garage constructed on the site. The Rainbow Foods lobby and flower shop would be located on the first floor of the building at the corner of Lagoon Avenue and Emerson Avenue South and the additional retail space would be located along Lagoon Avenue towards Dupont Avenue South. The main portion of the grocery store would occupy the entire second level of the building. The structured parking garage would be constructed in back of the ground level commercial space along Lagoon Avenue. The parking garage would have frontage on Dupont Avenue South, Emerson Avenue South and vacated West 29<sup>th</sup> Street.

As part of this redevelopment project City staff has had many conversations with the applicant about rededicating the portion of vacated West 29<sup>th</sup> Street that is now part of their property to the City of Minneapolis for use as a public street. At this time no resolution has been determined. It is the intent of the Planning Division to continue this conversation with the applicant. Please note that the proposed building placement has been designed in such a way that it would not interfere with West 29<sup>th</sup> Street if it were rededicated as a public street.

**Travel Demand Management Plan (TDMP):** Non-residential developments containing more than 100,000 square feet of new or additional gross floor area and all developments containing more than 4,000 square feet of new or additional gross floor area, or more than four new or additional parking spaces located within the PO Overlay District in and around the intersection of West Lake Street and Hennepin Avenue South are required to prepare a TDMP. The TDMP shall address the transportation impacts of the development on air quality, parking and roadway infrastructure.

A TDMP was submitted to the City for review in July of 2009. The TDMP analyzed the transportation impacts of the proposed development on air quality, parking and roadway infrastructure. The conclusion of the TDMP was that the development would not have a negative impact on air quality, the parking supply in the area or on the roadway infrastructure.

**VARIANCE** - of the PO Pedestrian Oriented Overlay District

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.**

**PO Pedestrian Oriented Overlay District:** The applicant is seeking a variance of the PO Pedestrian Oriented Overlay District. Specifically, the applicant is seeking a variance to allow a portion of the building along Lagoon Avenue and Emerson Avenue South to be built more than eight feet from the front property line, to allow less than 40 percent windows on the first floor of the building and to allow two driveways greater than 20 feet in width.

**Building setbacks:** The building walls along Dupont and Emerson avenues are located at the property line and the majority of the building wall along Lagoon Avenue is located at the property line. However, the Lagoon Avenue and Emerson Avenue South corner of the building is curved so there are portions of the building wall that are located further than eight feet away from the property line. At the maximum setback the building is located 14 feet from the property line. The applicant

has indicated that the corner of the building has been designed with a curved wall to provide architectural and visual interest at the street edge. The area between the building and the property line will be used for additional sidewalk space. The applicant has indicated that setting the building back from the property line and creating wider sidewalks is in conformance with the goals of the Uptown Small Area Plan.

**Percentage of windows:** Sites located within the PO Pedestrian Oriented Overlay District are required to provide at least 40 percent windows or doors on the first floor of the building that faces a public street or public sidewalk. This window requirement pertains to the Dupont Avenue South, Lagoon Avenue and Emerson Avenue South sides of the building. The percentage of windows on the first floor of the building facing Dupont Avenue South is 15 percent. This calculation is based on the total length of the building wall. If however you subtract out that portion of the building wall that is parking ramp the percentage of windows on the first floor of the building is 26 percent. The percentage of windows on the first floor of the building facing Emerson Avenue South is 12 percent. This calculation is based on the total length of the building wall. If however you subtract out that portion of the building wall that is parking ramp the percentage of windows on the first floor of the building is 29 percent. Although neither street frontage meets its window requirement both of the walls have been designed with maximum window area where there are active uses on the ground floor. In addition, both of the building walls exceed the minimum window percentage on the second floor of the building.

**Width of driveways:** There will be a total of two curb cuts leading into and out of the parking garage. One of the curb cuts will be located along Dupont Avenue South and the other will be located along Emerson Avenue South. As part of the TDMP that was done for this project one of the design changes that the applicant was asked to consider making in order to improve circulation within the parking garage was to have one drive lane entering the site and two drive lanes exiting the site at both access points. Of the two exits one is to allow for right-hand turns and the other is to allow for left-hand turns. The applicant further analyzed the site and has designed the Dupont Avenue South curb cut with two exit lanes but the curb cut along Emerson Avenue South only has one exit lane. Given the design of the curb cuts the Dupont Avenue South driveway is 34 feet in width and the driveway on Emerson Avenue South is 24 feet in width. The applicant has indicated that with the location of the columns in the parking garage the width of the driveways have been made wider than 20 feet to allow for clear visibility and pedestrian safety.

- 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.**

**PO Pedestrian Oriented Overlay District:**

**Building setbacks:** The site is unique in that it is located in a PO Pedestrian Oriented Overlay District where the regulations require that all buildings be located within eight feet of the front property line but it is also located within the boundaries of the Uptown Small Area Plan where the policies encourage wider sidewalks for a more enhanced pedestrian atmosphere.

**Percentage of windows:** The site is unique in that the majority of the building wall along both Dupont and Emerson avenues is parking garage. Although neither street frontage meets its window requirement both of the walls have been designed with maximum window area where there is active uses on the ground floor. In addition, both of the building walls exceed the minimum window percentage on the second floor of the building.

**Width of driveways:** The site is unique in that to accommodate one drive lane entering the site and two drive lanes exiting the site along Dupont Avenue South and to provide clear visibility at both of the exits given the location of the columns the width of the driveways have been made wider than 20 feet.

- 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.**

**PO Pedestrian Oriented Overlay District:**

**Building setbacks:** The Planning Division believes that the granting of this variance would 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. Since the corner of the building has been designed with a curved wall only a very small portion of the building is actually located more than eight feet from the property line. There would be no off-street parking between the building and the property lines.

**Percentage of windows:** The Planning Division believes that the granting of this variance would 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. Although neither street frontage meets its window requirement both of the walls have been designed with maximum window area where there are active uses on the ground floor. In addition, the parking ramp has been designed so people can see in and out of it to and from from the public sidewalk.

**Width of driveways:** The Planning Division believes that the granting of this variance would 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. Neither of the proposed driveways are excessive in size. In addition, although the curb cut along Dupont Avenue South is 34 feet in width the applicant was asked to accommodate both a right-hand and left-hand exit from the site as part of the TDMP.

- 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.**

**PO Pedestrian Oriented Overlay District:** 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.

**SITE PLAN REVIEW**

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

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

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

**BUILDING PLACEMENT AND DESIGN:**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
  - Residential uses:
    - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20)

**percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**

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

- **Nonresidential uses:**
  - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
    - a. Windows shall be vertical in proportion.**
    - b. Windows shall be distributed in a more or less even manner.**
    - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.**
    - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.**
    - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
  - **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
- **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

**PLANNING DIVISION RESPONSE:**

- **The building reinforces the street walls along Dupont Avenue South, Lagoon Avenue and Emerson Avenue South as all three sides of the building are located close to the property line. The design of the building facilitates pedestrian access as the grocery store has its own entrance as do the individual retail tenant spaces. All of the entrances are directly accessible from the public sidewalk. Natural surveillance of the surrounding area is maximized along all sides of the building as there are windows that provide views into and out of the building and the parking garage portion of the building has been designed in such a way that allow clear views through the parking areas.**
- **The first floor of the building is required to be located within eight feet of the front and corner side property lines. The building walls along Dupont and Emerson avenues are located at the property**

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line and the majority of the building wall along Lagoon Avenue is located at the property line. However, the Lagoon Avenue and Emerson Avenue South corner of the building is curved so there are portions of the building wall that are located further than eight feet away from the property line. Alternative compliance is required since this provision is not being met.

- The area between the building and the property line along Lagoon Avenue will be used for additional sidewalk space. The applicant is proposing to construct either-inch high planters in the boulevard along Lagoon Avenue to help soften the building from the public right-of-way.
- The entrance to the grocery store will be located at the corner of Lagoon Avenue and Emerson Avenue South and the additional retail spaces will have entrances along Lagoon Avenue. All of the entrances will be directly accessible from the public sidewalk.
- The overall size of the building has been minimized through the use of recesses and projections, windows and a mixture of exterior building materials.
- All of the on-site accessory parking is located within the building. Access to the parking garage will be from either Dupont or Emerson avenues.
- The exterior materials of the building include brick, metal and precast concrete. All sides of the building are similar to and compatible with the front of the building.
- The majority of the building does not contain areas that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. However, there are four areas of the building that are over 25 feet in length and blank. All four areas of the building are on the second floor and are located over a parking garage entrance or near the loading dock. Alternative compliance is required since this provision is not being met.
- At least 30 percent of the first floor and at least 10 percent of the second floor of the building walls that face a public street, public sidewalk, public pathway, or on-site parking lot are required to be windows. For purposes of Chapter 530, Site Plan Review, the Midtown Greenway is defined as a public pathway. This window requirement pertains to the Midtown Greenway side of the building. Sites located within the PO Pedestrian Oriented Overlay District are required to provide at least 40 percent windows or doors on the first floor of the building that faces a public street or public sidewalk. This window requirement pertains to the Dupont Avenue South, Lagoon Avenue and Emerson Avenue South sides of the building. The bottom of any window used to satisfy the ground floor window requirement may not be more than four feet above the adjacent grade. The analysis of the project's compliance with these requirements follows:
  - Dupont Avenue South: The percentage of windows on the first floor of the building is 15 percent. This calculation is based on the total length of the building wall. If however you subtract out that portion of the building wall that is parking ramp the percentage of windows on the first floor of the building is 26 percent. In either case alternative compliance is required since this provision is not being met. The percentage of windows on the second floor of the building is 11 percent.
  - Lagoon Avenue: the percentage of windows on the first floor of the building is 75 percent and the percentage of windows on the second floor of the building is 26 percent. Please note that there are three large windows on the second floor of the building that the Planning Division is not including in the total window calculation as there will be graphics added to the glass to prevent direct sunlight from entering the building because the produce department is in back of them. If these windows were included in the total window calculation there would be 39 percent windows on the second floor. In either case the window percentage exceeds the minimum required.

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- Emerson Avenue South: The percentage of windows on the first floor of the building is 12 percent. This calculation is based on the total length of the building wall. If however you subtract out that portion of the building wall that is parking ramp the percentage of windows on the first floor of the building is 29 percent. In either case alternative compliance is required since this provision is not being met. The percentage of windows on the second floor of the building is 21 percent.
- Midtown Greenway: the percentage of windows on the first floor of the building is zero percent and the percentage of windows on the second floor of the building is 10 percent. Alternative compliance is required since this provision is not being met.
- The windows in the building are vertical in nature and are evenly distributed along the building walls.
- The roof line of the building will be flat which is similar in style to the commercial buildings in the area.
- The parking ramp has been designed so the ramps leading to and from the second level of the garage are located towards the interior of the site. Vehicles will be screened from view with three and a half foot tall walls. To further screen vehicles from view and to create visual interest five-foot wide metal architectural screens have been spaced evenly along the Dupont and Emerson Avenue sides of the building. The Midtown Greenway side of the parking ramp does not have this same architectural treatment on the first floor. The Planning Division is recommending that architectural screens, similar to those proposed on the Dupont and Emerson avenue sides of the building, be evenly spaced along the Midtown Greenway side of the building too.

**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:**

- The entrance to the grocery store will be located at the corner of Lagoon Avenue and Emerson Avenue South and the additional retail spaces will have entrances along Lagoon Avenue. All of the entrances will be directly accessible from the public sidewalk. On the first floor of the building there is an open air pedestrian walkway between the grocery store entrance and the retail space. The open air walkway connects the parking garage to the building entrances.
- There is an existing transit shelter located on Lagoon Avenue at Emerson Avenue South. The applicants are proposing to remove the existing shelter and replace it underneath the open air pedestrian walkway. The applicant has indicated that there will be seating available and that the area will be protected from weather elements.
- There will be a total of two curb cuts leading into and out of the parking garage. One of the curb cuts will be located along Dupont Avenue South and the other will be located along Emerson

Avenue South. As part of the TDMP that was done for this project one of the design changes that the applicant was asked to consider making in order to improve circulation within the parking garage was to have one drive lane entering the site and two drive lanes exiting the site at both access points. Of the two exits one is to allow for right-hand turns and the other is to allow for left-hand turns. The applicant further analyzed the site and has designed the Dupont Avenue South curb cut with two exit lanes but the curb cut along Emerson Avenue South only has one exit lane. Vacated West 29<sup>th</sup> Street will serve as access to the off-street loading area. As noted in the background section above, the City is interested in re-establishing vacated West 29<sup>th</sup> Street in a manner consistent with adopted policy guidance for the area.

- There is no alley associated with this site.
- There is no maximum impervious surface requirement in the C3S zoning district. According to the materials submitted by the applicant 90 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 103,056 square feet. The footprint of the building is 83,657 square feet. When you subtract the footprint from the lot size the resulting number is 19,399 square feet. Twenty percent of this number is 3,880 square feet. According to the applicant's landscaping plan there is 9,824 square feet of landscaping on the site or approximately 51 percent of the site not occupied by the building.
- The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement for this site is eight and 39 respectfully. The applicant is providing a total of four canopy trees and 125 shrubs on the site. In addition, the applicant is providing four evergreen trees and several perennials on the site. The applicant is also proposing to provide 17 canopy trees in the public boulevard. In addition, the applicant is proposing to install three eight-inch high planters along Lagoon Avenue and one eight-inch high planter along Dupont Avenue South. There would be several perennials provided in the planters. Alternative compliance is required since this provision is not being met.

**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:**

- All of the on-site accessory parking is located within the building.
- This building should not impede any views of important elements of the city.
- This building should not significantly shadow public spaces and adjacent properties. The north wall of the building is located 40 feet from the south property line of the Midtown Greenway.
- This building should have minimal wind effects on the surrounding area.

- The site plan complies with the crime prevention design elements. The building entrances are directly accessible from the public sidewalk, the parking garage has been designed so people can see in and out of it from the public sidewalk, there are windows located on all sides of the building and there are lights located near all of the pedestrian entrances and throughout the parking garage.
- 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:** Grocery stores and general retail sales and services uses are permitted uses in the C3S zoning district.

**Off-Street Parking and Loading:** The minimum and maximum parking requirements for a grocery store are the same as the minimum and maximum parking requirements for general retail sales and services uses.

**Minimum automobile parking requirement:** The minimum parking requirement is one parking space for each 500 square feet of gross floor area in excess of 4,000 square feet. The development is 105,859 square feet in size so the minimum parking requirement is 204 spaces. However, in the PO Pedestrian Oriented Overlay District the minimum parking requirement is 75 percent of what is required in Chapter 541, Off-Street Parking and Loading. Seventy-five percent of 204 spaces is 153 spaces. There will be 250 parking spaces provided in the parking garage.

**Maximum automobile parking requirement:** The maximum parking requirement is one parking space for each 200 square feet of gross floor area. The development is 105,859 square feet in size so the maximum parking requirement is 529 spaces. However, in the PO Pedestrian Oriented Overlay District the maximum parking requirement is 75 percent of what is required in Chapter 541, Off-Street Parking and Loading. Seventy-five percent of 529 spaces is 397 spaces. There will be 250 parking spaces provided in the parking garage.

**Bicycle parking requirement:** The bicycle parking requirement for a grocery store is the same as the bicycle parking requirement for general retail sales and services uses. The bicycle parking requirement is three spaces or one space per every 5,000 square feet of gross floor area, whichever is greater. The development is 105,859 square feet in size so the bicycle parking requirement is 21 spaces. The applicant is providing a total of 20 bicycle parking spaces on the site. The Planning Division is recommending that there be a minimum of 21 bicycle parking spaces provided on site. Half of the bicycle parking spaces are located within the parking garage along Emerson Avenue South and the other half of the parking spaces are located within the open air walkway that connects the parking garage to the building entrances. All of the bicycle parking spaces will be protected from weather elements.

**Loading:** The loading requirement for a grocery store is high and the loading requirement for general retail sales and services uses is low. Based on the size of the grocery store the loading requirement is three large loading bays. Given the size of the general retail sales and services uses there would be no additional loading requirement for those uses. The applicant is proposing to have three large loading bays and one small loading bay on the site.

**Maximum Floor Area:** The maximum floor area ratio in the C3S zoning district is 2.7. The lot area is 103,056 square feet. The proposed building is 105,859 square feet. The floor area ratio is 1.03.

**Height:** The maximum building height in the C3S zoning district is four stories or 56 feet, whichever is less. The building is 48 feet tall and contains two floors and a mezzanine level.

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

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

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

**Hours of Operation:** The permitted hours of operation in the C3S zoning district are 6:00 am – 10:00 pm Sunday through Thursday and 6:00 am – 11:00 pm Friday and Saturday. The existing grocery store operates 24 hours a day and will continue to do so after the redevelopment of the site is complete.

**Signs:** Signs are subject to the requirements of Chapter 543, On-premise Signs. In the C3S zoning district one can have two square feet of signage for every one foot of primary building wall. Wall signs are limited to 300 square feet in size. Projecting signs are limited to 48 square feet in size. There is no height limitation for either wall signs or projecting signs except neither are permitted to extend above the roofline of the building. In the C3S zoning district there can be one freestanding monument sign per every 600 feet of primary frontage or fraction thereof, but not more than two, and one per secondary frontage of 600 feet or more. Freestanding monument signs are limited to 250 square feet and can be no taller than 8 feet.

The applicant is not proposing to have a freestanding sign located on the site. Given the length of the building walls there could be up to 700 square feet of signage along Dupont Avenue South, up to 486 square feet of frontage along Lagoon Avenue and up to 536 square feet of frontage along Emerson Avenue South. The plans show a total of 216 square feet of signage along both Dupont Avenue South and Lagoon Avenue.

**Refuse screening:** A dedicated refuse and recycling room will be located inside the building near the loading facility.

**Lighting:** A lighting plan showing footcandles was not submitted as part of the application materials. The Planning Division is recommending that a lighting plan showing footcandle calculations be submitted as part of the final building plans.

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

The site is located on Lagoon Avenue which is a designated Commercial Corridor. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates this site as commercial. According to the principles and polices outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

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- 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 (Land Use Policy 1.10).
- Encourage a height of at least two stories for new buildings along Commercial Corridors, in keeping with neighborhood character (Implementation Step for Land Use Policy 1.10).
- Support urban design standards that emphasize traditional urban form with pedestrian scale design features at the street level in mixed-use and transit-oriented development (Urban Design Policy 10.8).
- Encourage both mixed-use buildings and a mix of uses in separate buildings where appropriate (Implementation Step for Urban Design Policy 10.8).
- Coordinate site designs and public right-of-way improvements to provide adequate sidewalk space for pedestrian movement, street trees, landscaping, street furniture, sidewalk cafes and other elements of active pedestrian areas (Implementation Step for Urban Design Policy 10.8).
- Seek new commercial development that is attractive, functional and adds value to the physical environment (Urban Design Policy 10.11).
- Design streets and sidewalks to ensure safety, pedestrian comfort and aesthetic appeal (Urban Design Policy 10.16).
- Encourage wider sidewalks in commercial nodes, activity centers, along community and commercial corridors and in growth centers such as Downtown and the University of Minnesota (Implementation Step for Urban Design Policy 10.16).
- Provide streetscape amenities, including street furniture, trees, and landscaping, that buffer pedestrians from auto traffic, parking areas and winter elements (Implementation Step for Urban Design Policy 10.16).
- Reduce the visual impact of automobile parking facilities (Urban Design Policy 10.18).
- Design parking structures so sloping floors do not dominate the appearance of the walls (Implementation Step for Urban Design Policy 10.18).

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

The site is located within the boundaries of two recently adopted small area plans: the *Midtown Greenway Land Use and Development Plan* (February 2007) and the *Uptown Small Area Plan* (February 2009). In both plans the future land use for this site is commercial mixed-use. In the *Midtown Greenway Land Use and Development Plan* the development intensity is Urban-Oriented and in the *Uptown Small Area Plan* the development intensity is Transit-Oriented.

The *Midtown Greenway Land Use and Development Plan* suggests that vacated West 29<sup>th</sup> Street be regained to be used as a public street. As part of this redevelopment project the City of Minneapolis has had many conversations with the applicant about rededicating the portion of vacated West 29<sup>th</sup> Street that is now part of their property to the City of Minneapolis for use as a public street. At this time no resolution has been determined. It is the intent of the Planning Division to continue this conversation with the applicant. Please note that the proposed building placement has been designed in such a way that it would not interfere with West 29<sup>th</sup> Street if it were rededicated as a public street.

In the *Uptown Small Area Plan* the site is located in the area designated as the Urban Village, South Sub-Area. In the Urban Village mixed-use residential development is recommended with building heights between three and five stories. The plan calls for the continuation of community-oriented retail uses but in new, more dense, urban buildings. Buildings should be designed with a continuous street wall but sidewalks should be widened and be active. The Planning Division believes that the proposed project is in conformance with the above policies of the *Uptown Small Area Plan*.

**ALTERNATIVE COMPLIANCE:**

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

**PLANNING DIVISION RESPONSE:**

- **The first floor of the building is required to be located within eight feet of the front and corner side property lines.** The building walls along Dupont and Emerson avenues are located at the property line and the majority of the building wall along Lagoon Avenue is located at the property line. However, the Lagoon Avenue and Emerson Avenue South corner of the building is curved so there are portions of the building wall that are located further than eight feet away from the property line. At the maximum setback the building is located 14 feet from the property line. The applicant has indicated that the corner of the building has been designed with a curved wall to provide architectural and visual interest at the street edge. The area between the building and the property line will be used for additional sidewalk space. The Planning Divisions is recommending that the City Planning Commission grant alternative compliance to allow the Lagoon Avenue and Emerson Avenue South corner of the building to be located more than eight feet from the property line.
- **Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed 25 feet in length.** The majority of the building does not contain areas that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. However, there are four areas of the building that are over 25 feet in length and blank. All four areas of the building are on the second floor and are located over a parking garage entrance or near the loading dock. The building has been designed so all four sides of the building are similar to and compatible with one another. Architecturally the building has been designed with small square windows on the second floor that balance out the four areas of the

building that are over 25 feet in length and blank. The Planning Divisions is recommending that the City Planning Commission grant alternative compliance to allow four areas of the building to be over 25 feet in length and blank.

- **At least 30 percent of the first floor of the building walls that face a public street, public sidewalk, public pathway, or on-site parking lot are required to be windows.** For purposes of Chapter 530, Site Plan Review, the Midtown Greenway is defined as a public pathway. The percentage of windows on the first floor of the building facing Dupont Avenue South is 15 percent. This calculation is based on the total length of the building wall. If however you subtract out that portion of the building wall that is parking ramp the percentage of windows on the first floor of the building is 26 percent. The percentage of windows on the first floor of the building facing Emerson Avenue South is 12 percent. This calculation is based on the total length of the building wall. If however you subtract out that portion of the building wall that is parking ramp the percentage of windows on the first floor of the building is 29 percent. Although neither street frontage meets its window requirement both of the walls have been designed with maximum window area where there are active uses on the ground floor. In addition, the parking ramp has been designed so people can see in and out of it to and from from the public sidewalk. The Planning Divisions is recommending that the City Planning Commission grant alternative compliance to allow less than 30 percent windows or doors on the first floor of the building facing Dupont and Emerson avenues. The percentage of windows on the first floor of the building facing the Midtown Greenway is zero percent. There is a window requirement for all four sides of the building. The side of the building facing the Midtown Greenway is used for loading and parking. Although the window requirement along the first floor of the building facing the Midtown Greenway side is not being met the parking ramp has been designed so people can see in and out of it to and from from the public sidewalk. The Planning Divisions is recommending that the City Planning Commission grant alternative compliance to allow less than 30 percent windows on the first floor of the building facing the Midtown Greenway.
- **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 eight and 39 respectfully. The applicant is providing a total of four canopy trees and 125 shrubs on the site. In addition, the applicant is providing four evergreen trees and several perennials on the site. The applicant is also proposing to provide 17 canopy trees in the public boulevard. In addition, the applicant is proposing to install three eight-inch high planters along Lagoon Avenue and one eight-inch high planter along Dupont Avenue South. There would be several perennials provided in the planters. The building occupies the majority of the site. The one location where additional trees could be planted would be towards the north side of the building where the loading area is located. If additional trees were planted in this area it would mane maneuvering difficult if not impossible. Given this the Planning Divisions is recommending that the City Planning Commission grant alternative compliance to allow less than the required eight canopy trees on the site.

## **RECOMMENDATIONS:**

**Recommendation of the Department of Community Planning and Economic Development – 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 of the PO Pedestrian Oriented Overlay District standards for the property located at 1104 Lagoon Avenue.

**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 application to construct a new 224,529 (118,670 square feet is parking and loading) square foot Rainbow Foods grocery store located at 1104 Lagoon Avenue subject to the following conditions:

1. Architectural screens, similar to those proposed on the Dupont Avenue South and Emerson Avenue South sides of the building, shall be evenly spaced along the Midtown Greenway side of the parking ramp on the first floor.
2. There shall be a minimum of 21 bicycle parking spaces provided on site.
3. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
4. All site improvements shall be completed by October 26, 2010, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Department of Community Planning and Economic Development – Planning Division  
BZZ-4550

**Attachments:**

1. Preliminary Development Review report from September 24, 2009
2. Statement of proposed use and description of the project
3. September 16 2009, letters to Council Member Remington and the Lowry Hill East Neighborhood Association
4. Zoning Map
5. Aerial photo
6. Shadow analysis
7. Site survey, civil drawings, landscaping plan and elevations
8. Photographs of the site