

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit, Variances, and Site Plan Review  
BZZ-5447

**Date:** February 6, 2012

**Applicant:** Lyn-Lake Development Partners, LLC

**Address of Property:** 2900-2910 Lyndale Avenue South & 2901-2919 Aldrich Avenue South

**Project Name:** 29<sup>th</sup> & Lyndale Redevelopment

**Contact Person and Phone:** Gretchen Camp, BKV Group, Inc. (612) 373-9122

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

**Date Application Deemed Complete:** January 13, 2012

**End of 60-Day Decision Period:** March 13, 2012

**Ward:** 10    **Neighborhood Organization:** Lowry Hill East Neighborhood Association (adjacent to Whittier Alliance)

**Existing Zoning:** C3A Community Activity Center District and PO Pedestrian Oriented Overlay District

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

**Zoning Plate Number:** 24

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

**Proposed Use:** Mixed use building with ground floor commercial uses and 171 dwelling units

**Concurrent Review:**

- Conditional use permit to increase the maximum building height from 4 stories to 7 stories and from 56 feet to 87 feet.
- Variance of the PO Overlay District standard requiring the first floor of the building to be located within 8 feet of a lot line adjacent to a street to allow the first floor to be set back more than 8 feet from Lyndale Avenue and 29<sup>th</sup> Street.
- Variance of the PO Overlay District standard requiring the maximum width of a curb cut to be 20 feet to allow a 25.5 foot wide curb cut on Aldrich Avenue.
- Variance to reduce the interior side yard requirement from 17 feet to 0 feet and the rear yard requirement from 15 feet to 0 feet to allow the building.

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- Variance to reduce the minimum drive aisle width requirement to allow 5 parking spaces to maneuver in the public alley.
- Variance to increase the maximum size of a projecting sign and the amount of signage allowed on a primary building wall.
- Site plan review for a new mixed use building with 171 dwelling units.

**Applicable zoning code provisions:** Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, specifically section 525.520 (1) “To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations,” (14) “To reduce the minimum required width of parking aisles or to increase the maximum width of driveways in any zoning district, as regulated in Chapter 541, Off-Street Parking and Loading...,” (20) “To vary the standards of any overlay district, other than the SH Shoreland Overlay District or the FP Floodplain Overlay District,” (21) “To vary 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, pursuant to Chapter 543, On-Premise Signs;” Chapter 530 Site Plan Review.

**Background:** The subject site consists of the properties of 2900-2910 Lyndale Avenue South and 2901-2919 Aldrich Avenue South. Most of the site is vacant. Parking for the VFW, located at 2918 Lyndale Avenue South, occupies the properties of 2915-2919 Aldrich Avenue South. The applicant has a purchase agreement with the VFW to purchase the property occupied by the parking lot.

The applicant is proposing to construct a 7-story, mixed use building with 171 dwelling units and ground level commercial uses. Three levels of parking are also proposed. Parking for the residents and on-site commercial uses would be provided below-grade. Covered parking on the ground level would be provided for the VFW. The building would extend over and under the public alley. In 2008, the City Council vacated the air and subterranean rights for the public alley between the properties of 2900-2910 Lyndale Avenue South and 2901 Aldrich Avenue South, subject to conditions pertaining to how the alley is used, construction requirements, drainage, clearance, and utility easements. The alley vacation was requested to allow a development that was a 5-story building, 65 feet in height as measured to the top of the parapet, and set back 14 to 16 feet from 29<sup>th</sup> Street. Most of the top floor was set back an additional 7 feet from the lower floors. The shadowing impacts of that proposed development shadowed the Midtown Greenway for several winter months.

For the proposed development, land use applications are required to allow the following:

- The maximum height allowed in the C3A district is 4 stories or 56 feet, whichever is less. The proposed height is 7 stories, including the mezzanine level of the live-work units, and 87 feet to the top of the light monitor feature. A conditional use permit is required to increase the maximum height. Upon approval of the conditional use permit, the action must be recorded with Hennepin County as required by state law.
- In the PO overlay district, the first floor of the building must be located within eight feet of a lot line adjacent to a street unless a greater yard is required. Portions of the building would be set back more than 8 feet from Lyndale Avenue and the building would be setback 15 to 17 feet from 29<sup>th</sup> Street. A variance is required to increase the allowed setback.

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- In the PO overlay district, the driveway width for all parking facilities cannot exceed 20 feet of street frontage. The proposed driveway on Aldrich Avenue would be 25.5 feet wide. A variance is required to increase the width.
- An interior side yard is required along the south lot line adjacent to a permitted residential use fronting Aldrich Avenue. The minimum interior side yard requirement is equal to  $5+2x$ , where  $x$  is equal to the number of stories above the first floor. A seven-story building is proposed; therefore the minimum requirement is 17 feet. Most of the building would be set back 17 feet or more from the south lot line, except where the lot line is angled. At that location, parts of the building would be closer than 17 feet from the interior lot line. A variance is required to reduce the interior side yard requirement.
- A rear yard is required along the lot line adjacent to the west side of the alley. Where residential uses containing windows face a rear lot line, a rear yard of at least five feet plus two feet for each story above the first floor with residential windows is required, but not to exceed 15 feet if no other yard requirements apply. Five stories of the building would contain residential windows facing the alley; therefore, the minimum requirement is 15 feet. The residential walls would be set back 15 feet or more, except at the south end of the building where the walls would be located up to 0 feet from the rear lot line. A variance is required to reduce the rear yard requirement.
- The minimum two-way drive aisle width required for 90 degree angled parking stalls is 22 feet of clear area. The drive aisle is required to be provided on-site because all maneuvers associated with parking are also required to occur in the off-street parking area. Five parking spaces would be accessed from and would maneuver in the alley. The number of spaces maneuvering in the alley was reduced from 7 to 5 after the public hearing notice was sent. A variance is required to reduce the required drive aisle width to allow the maneuvering in the alley.
- Five signs would be located on the wall facing Lyndale Avenue with a total amount of sign area of approximately 582 square feet. The total allowed size allocation of signage in the C3A district is 1.5 square feet of signage per one foot of primary building wall. Each of the walls facing a street is a primary building wall. Sign area allowed on one primary building wall is not allowed to be transferred to another primary building wall. With a width of 123 feet, 184 square feet of signage is allowed on the Lyndale Avenue elevation. One of the proposed signs is a 420 square foot projecting sign (including the structure that attaches it to the building) with a projection of 8 feet from the wall. In the C3A district, a projecting sign is allowed to be 48 square feet with a maximum projection of 4 feet. A variance is required to increase the maximum size, including area and projection from the building, of a projecting sign and the amount of signage allowed on a primary building wall.
- Site plan review is required for any new mixed use building with 5 or more new dwelling units.

Correspondence from the neighborhood group, LHENA, was received and is attached to this report. Staff will forward any additional comments, if any are received, at the City Planning Commission meeting.

**CONDITIONAL USE PERMIT:** to increase the maximum allowed height from 4 stories to 7 stories and from 56 feet to 87 feet.

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

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

**1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

Construction of a mixed use building of seven stories that is 73.5 feet to the top of the roof and 87 feet to the top of the light monitor feature in height on the site would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

**2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The proposed height should have little effect on surrounding properties. There is a mix of residential and commercial uses in the immediate area. The scale of surrounding buildings also varies in size from one to two-story commercial storefronts to six-story mixed use buildings. To maintain alley access through the site, a clearance of 17.5 feet is required. As a result of the clearance requirement, the height of the first floor is taller. The site is located mostly north of adjacent properties and the increase in height should have no effect on them. It is separated from the residential property to the west by a 60 foot wide street right-of-way. Where adjacent to streets, the sixth floor would be stepped back approximately 5 feet to reduce adverse affects from the increase in height.

Shadowing of the Midtown Greenway would increase with the construction of the proposed development. The building would be set back 15 to 17 feet from 29<sup>th</sup> Street at ground level, which separates the site from the Midtown Greenway, to reduce the shadowing effects. The applicant has provided a series of shadow studies to illustrate the impacts the increased height will have on the greenway. The studies show that the proposed building would have essentially the same impact on the greenway as a 4 story, 56 foot building built up to the north property line on the site. The study also shows that a building less than 25 feet in height at the north property line would need to be constructed in order for no shadowing of the bike path to occur at anytime during the year. The site is located in an activity center where high density development is supported and encouraged. Although shadowing of the greenway will increase with the construction of the proposed development, high density development is appropriate at this location. The building would shadow the bike path in the greenway between October 16<sup>th</sup> and February 27<sup>th</sup>. The residential development to the west of the site is a six-story building, 65 feet tall. At the time it was built, it was located in the R6 district where the maximum allowed height is six stories, 84 feet. Adjacent to 29<sup>th</sup> Street, the first four floors were set back 17 feet from the lot line. The fifth floor was stepped back an additional 14 feet and the sixth floor was stepped back an additional 27 feet beyond that. The stepped back upper floors of the adjacent building has resulted in a reduced amount of time that the building shadows the greenway during the winter months. For this reason and because most of the upper floors of the proposed building are oriented east/west along 29<sup>th</sup> Street, staff is recommending that the planning commission require the applicant to step the fifth and sixth floors back from the floors beneath them. Specifically, the fifth floor should be set back at least 25 feet from 29<sup>th</sup> Street and the sixth floor should be set back at least 35 feet from 29<sup>th</sup> Street. The implementation of this

recommendation would result in shadowing impacts that are similar with what was approved previously for this site in 2008, which was supported by the Midtown Greenway Coalition.

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

The site is served by existing infrastructure. Vehicle access would be from Aldrich Avenue and the alley. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

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

The proposed uses will comply with all minimum vehicle, bicycle and loading requirements. The increased height would not have an effect on congestion in the streets.

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

In *The Minneapolis Plan for Sustainable Growth*, the future land use designation of this site is mixed use. The site is adjacent to Lyndale Avenue, which is designated as a commercial corridor. It is also within the LynLake activity center. With the adoption of the staff recommendation, this proposal would be consistent with the applicable principles and policies of the comprehensive plan including the following:

Land Use Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

1.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.

Urban Design Policy 10.6: New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level.

10.6.1 Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks.

*Lyn-Lake Small Area Plan*

Adopted by the City Council in 2009, the *Lyn-Lake Small Area Plan* recommends mixed use development as the future land use of the site. Related to height, the plan states the following:

“[I]t is recommended that when new development is constructed the building face along Lyndale Avenue South or West Lake Street not exceed six stories (84 feet) in the Activity Center so that the new construction will fit into the existing context at the street level and not detract from the existing character. If additional height is proposed, the additional stories should be substantially set back from the lower floors so they do not increase the amount of shadowing that would be created by the six story facade. However, there may be situations in which the provision of quality amenities may be a trade off for increased shadowing.”

“As development is proposed, the inclusion of green spaces and plazas should be encouraged. In appropriate locations, trade-offs for the provision of open space, such as allowance for additional height should be considered. Open space that is accessible to the general public should be given priority, but private spaces can also provide environmental benefits and beautification to an area.”

Midtown Greenway Land Use and Development Plan

Approved by the City Council in February of 2007, the *Midtown Greenway Land Use and Development Plan* includes the following guidelines pertaining to height:

- The first few stories of taller buildings should relate to the street level by recessing the taller part of the building in relation to the first few stories, or by utilizing architectural elements and detailing to create a separation between the first few stories and the higher stories.
- Solar access to the Greenway is highly important. Any given part of the Greenway trail should have exposure to the sun for much of the day. A number of strategies may be employed to achieve this objective. These include stepping back the mass of future buildings along the south side of the Greenway, giving taller buildings a relatively narrow east-west dimension, and pivoting the orientation of buildings to a diagonal that allows morning and afternoon sunlight to pass by the northeast and northwest building faces to shine on the greenway.

*Staff comment:* Making 29<sup>th</sup> Street west of Lyndale Avenue a key pedestrian amenity is a goal of both of these plans. In the 15 to 17 foot setback between the building and 29<sup>th</sup> Street, the applicant is proposing landscaping, outdoor seating, and multiple principal entrances.

**6. And does, in all other respects, conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.**

The proposed development will conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permit, variances, and site plan review.

**ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT**

**1. Access to light and air of surrounding properties.**

The increase in height would not impact the access to light and air of surrounding properties. The upper levels of the building would be setback from the adjacent properties except at the southeast corner of the site where a yard variance is required. Staff is recommending approval of the variance. The building would be separated from all other properties by streets.

**2. Shadowing of residential properties or significant public spaces.**

Please see finding #2 above.

**3. The scale and character of surrounding uses.**

The scale of the surrounding buildings varies in size from one- to two-story commercial storefronts to six-story mixed use buildings. The Murals mixed-use development located at 2833 Lyndale Avenue is six-stories and 71 feet in height adjacent to Lyndale Avenue. The Blue Apartments located across Aldrich Avenue from this site is six-stories and 65 feet in height. In general, building bulk is increasing along the greenway, the Lyn-Lake area, and the Uptown area. Most of the proposed building would not exceed 73.5 feet in height.

**4. Preservation of views of landmark buildings, significant open spaces or water bodies.**

The building would be set back between 15 and 17 feet from 29<sup>th</sup> Street at the ground level. The building should not significantly block views of landmark buildings, significant open spaces, or bodies of water.

**VARIANCE:** Of the PO Overlay District standard requiring the first floor of the building to be located within 8 feet of a lot line adjacent to a street to allow the first floor to be set back more than 8 feet from Lyndale Avenue and 29<sup>th</sup> Street.

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

**1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Practical difficulties exist in complying with the ordinance because of circumstances unique to the property that have not been created by the applicant. The small area plans that include this site envision 29<sup>th</sup> Street as a key pedestrian amenity. The *Midtown Greenway Land Use and Development Plan* calls for widening the 29<sup>th</sup> Street right-of-way from 40 feet to 56 feet to provide additional sidewalk area. Setting the building back more than 8 feet is necessary for that to occur in the future. Lyndale Avenue is a commercial corridor with a high level of pedestrian traffic. The setback of the building adjacent to Lyndale Avenue would vary from 0 to 13 feet. The larger setbacks are located next to the principal entrances to allow wider sidewalk area.

**2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The PO Pedestrian Oriented Overlay District is established to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and accessory parking facilities, and by prohibiting certain high impact and automobile-oriented uses. The standard pertaining to the placement of buildings is intended to reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation. In general, policies of the comprehensive plan also support the intent of this ordinance. The *Midtown Greenway Land Use and Development Plan* calls for widening the 29<sup>th</sup> Street right-of-way from 40 feet to 56 feet to provide additional sidewalk area. To improve the public realm, proposed ground level pedestrian amenities between the building and the lot lines

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adjacent to the streets include wider sidewalks, landscaping, multiple principal entrances, and a seating area. An abundant amount of windows would be provided on the ground level that would allow views of the adjacent spaces. A transformer is proposed to be located at the corner of 29<sup>th</sup> Street and Aldrich Avenue. Placing a transformer in this location does not promote the goals of the comprehensive plan. Staff is recommending that the planning commission require the applicant to locate it in the interior of the site, such as within an unused corner of the parking area. If the transformer is located at the interior of the site, the request is reasonable and consistent with the spirit and intent of the ordinance and the comprehensive plan.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Not granting the variance would limit the ability of 29<sup>th</sup> Street to be widened in the future. To improve the public realm, proposed ground level pedestrian amenities between the building and the lot lines adjacent to the streets include wider sidewalks, landscaping, multiple principal entrances, and a seating area. An abundant amount of windows would be provided at the ground level to allow views of the adjacent spaces. Staff is recommending that the planning commission require the applicant to locate the transformer proposed to be located at the corner of 29<sup>th</sup> Street and Aldrich Avenue in the interior of the site, such as within an unused corner of the parking area, to promote this area as a key pedestrian amenity. Granting of the variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

**VARIANCE:** Of the PO Overlay District standard requiring the maximum width of a curb cut to be 20 feet to allow a 25.5 foot wide curb cut on Aldrich Avenue.

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

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Practical difficulties exist in complying with the ordinance because of circumstances unique to the property that have not been created by the applicant. The site has frontage on three streets: Lyndale Avenue, 29<sup>th</sup> Street, and Aldrich Avenue. Because of the high traffic volumes, the Public Works Department will not allow and the Planning Division strongly discourages vehicle access exiting from Lyndale Avenue when other access options are available. The small area plans that include this site envision 29<sup>th</sup> Street as a key pedestrian amenity. Providing an additional vehicle access point from 29<sup>th</sup> Street would detract from this vision. The 25.5 foot wide curb cut on Aldrich Avenue will provide ingress and egress lanes for vehicles accessing the VFW parking area. Access is controlled by gate arms, requiring a 2.5 foot wide island in between each lane. Reducing the width of the curb cut to 20 feet would result in insufficient width for each lane.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The PO Pedestrian Oriented Overlay District is established to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and accessory parking facilities, and by prohibiting certain high impact and automobile-oriented uses. The comprehensive plan includes policies that support a walkable city with pedestrian character. The 25.5 foot wide curb cut on Aldrich Avenue will provide ingress and egress lanes for vehicles accessing the VFW parking area. Access is controlled by gate arms, requiring a 2.5 foot wide island in between each lane. Reducing the width of the curb cut to 20 feet would result in insufficient width for each lane. The applicant has also minimized the number of curb cuts that provide vehicle access to the site with access to the below-grade parking being provided from the alley. No other curb cuts on the site are proposed. The applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

The proposal should improve the pedestrian character of the area. Granting the proposed variance would also not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. Where the site abuts Aldrich Avenue, there are currently 5 curb cuts. The applicant is proposing to minimize the number of curb cuts on the site to one 25.5 foot curb cut on Aldrich Avenue. The only other vehicle access to the site would be from the alley where the width of the alley access on 29<sup>th</sup> Street would be increased from 12 feet to 19 feet.

**VARIANCE:** To reduce the interior side yard requirement from 17 feet to 0 feet and the rear yard requirement from 15 feet to 0 feet to allow the building.

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

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

An interior side yard is required along the south lot line because there is an adjacent permitted residential use and the proposed structure will have residential windows facing the interior lot line on floors two through six. The minimum requirement is 17 feet. Most of the building would be set back 17 feet or more from the south lot line, except where the lot line is angled. At that location, parts of the building would be closer than 17 feet from the interior lot line. The proposed walls with windows would be no closer than 6 feet from the interior lot line, where they are adjacent to a driveway and one-story garage on the adjacent residential building. They would also be located 24 feet or more from the 5-story adjacent residence, which has no windows facing the subject site. A

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rear yard is required along the lot line adjacent to the west side of the alley where residential windows would face the rear lot line. The minimum requirement is 15 feet. The residential walls would be set back 15 feet or more, except at the south end of the building where the walls would be located 0 to 8 feet from the rear lot line for a length of 39 feet. These circumstances are unique to the property and have not been created by the applicant.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. Policies of the comprehensive plan also support the purpose of the yard ordinances. The walls with residential windows facing the interior and rear lot lines would be located on the upper floors of the building. Most of the building would be set back 17 feet or more from the south lot line, except where the lot line is angled. At that location, parts of the building would be closer than 17 feet from the interior lot line. The proposed walls with windows would be no closer than 6 feet from the interior lot line, where they are adjacent to a driveway and one-story garage on the adjacent residential building. They would also be located 24 feet or more from the 5-story adjacent residence, which has no windows facing the subject site. Along the alley, the residential walls would be set back 15 feet or more except at the south end of the building where the walls would be located 0 to 8 feet from the rear lot line for a length of 39 feet. Having windows facing the alley is allowed by the building code and the adjacency to the alley will allow those units to have access to light and air. The request is reasonable and in keeping with the spirit and intent of the ordinance and the comprehensive plan.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Granting the variance should have little negative effect on surrounding properties because of the proximity to the alley and the adjacent residence has no windows facing the shared lot line. The walls with residential windows would be located on the upper floors of the building and will provide additional natural surveillance opportunities of adjacent spaces.

**VARIANCE:** To reduce the minimum drive aisle width requirement to allow 5 parking spaces to maneuver in the public alley.

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

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

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*Two parking spaces north of the parking garage ramp:* One of the spaces proposed is needed to provide the required van accessible space with adequate vertical clearance for the residences. Including the 12 foot alley, 24 feet would be available for maneuvering. The alley must remain public because other properties on the block use it for vehicle access.

*Three parking spaces south of the parking garage ramp:* For the three spaces south of the parking garage ramp, only 12 feet would be available for maneuvering if the required loading space on the opposite side of the alley is occupied. The applicant has not provided turning movements to show if accessing these spaces is possible without maneuvering in the loading space. These parking spaces are in excess of the minimum parking required. The circumstances for the three spaces south of the entrance ramp are not unique to the property and have been created by the applicant.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The minimum drive aisle width requirement is established to ensure adequate room to maneuver without affecting adjacent land uses. A 22-foot drive aisle is required for two-way traffic. The comprehensive plan supports ordinances that prevent creating adverse effects on adjacent properties.

*Two parking spaces north of the parking garage ramp:* Including the 12 foot alley, 24 feet would be available for maneuvering. The visibility from these spaces is less impeded by the proposed building and should result in fewer conflicts with other vehicles using the alley. The request is reasonable and would be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

*Three parking spaces south of the parking garage ramp:* Only 12 feet would be available for maneuvering if the required loading space on the opposite side of the alley is occupied. The applicant has not provided turning movements to show if accessing these spaces is possible without maneuvering in the loading space. These parking spaces are in excess of the minimum parking required. Views from these spaces will likely be inhibited by fencing and the parking garage ramp wall and will increase potential conflicts with other users of the alley.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

*Two parking spaces north of the parking garage ramp:* The visibility from these spaces is less impeded by the proposed building and should result in fewer conflicts with other vehicles using the alley.

*Three parking spaces south of the parking garage ramp:* Only 12 feet would be available for maneuvering if the required loading space on the opposite side of the alley is occupied. The applicant has not provided turning movements to show if accessing these spaces is possible without maneuvering in the loading space. Views from these spaces will likely be inhibited by fencing and the parking garage ramp wall and will increase potential conflicts with other users of the alley.

**VARIANCE:** To increase the maximum size of a projecting sign and the amount of signage allowed on a primary building wall.

A total of seven signs are proposed on the building. Five of the signs would be located on the wall facing Lyndale Avenue: one 34.5 square foot wall sign is proposed for the residential use, one 26.5 square foot wall sign is proposed for the retail use, one 97.5 square foot wall sign is proposed for the restaurant, one 3 square foot projecting sign is proposed to indicate public parking, and one 420 square foot projecting sign (including the structure that attaches it to the building) with a projection of 8 feet from the wall is proposed to announce the Lyn-Lake business district. The total amount of sign area proposed on the Lyndale Avenue elevation is approximately 582 square feet. Two approximately 3 square foot projecting signs would be located on the Aldrich Avenue and 29<sup>th</sup> Street facades, each at the parking entrances. All signs would be internally illuminated.

The total allowed size allocation of signage in the C3A district is 1.5 square feet of signage per one foot of primary building wall. Each of the walls facing a street is a primary building wall. Sign area allowed on one primary building wall is not allowed to be transferred to another primary building wall. With a width of 123 feet, 184 square feet of signage is allowed on the Lyndale Avenue elevation. In the C3A district, a wall sign is allowed to be up to 180 square feet in area and a projecting sign is allowed to be 48 square feet with a maximum projection of 4 feet. There is no height limit and all signs are allowed to be illuminated, but not backlit.

**1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The variance is being requested to allow a sign that will announce the Lyn-Lake business district as a regional destination. The LynLake projecting sign is intended to act as a gateway to this designated activity center. It is oriented to Lyndale Avenue where the commercial activity is primarily focused. The signage regulations do not have specific standards for district signage. They also do not allow sign area allowed on one primary building wall to be transferred to another primary building wall. On this building, the walls facing Aldrich Avenue and 29<sup>th</sup> Street are also primary building walls. Both streets are primarily residential streets and 29<sup>th</sup> Street is adjacent to the Midtown Greenway. The amount of signage allowed on these walls is 382 and 366 square feet respectively. The total amount of signage proposed would be far less than what is allowed. When a sign contains individual elements, an imaginary rectangle is drawn around the sign elements, including the structure, to calculate the area. If an imaginary rectangle were drawn around only the letters in the sign, the sign area would be only 189 square feet.

**2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Regulations governing on-premise signs are established to allow effective signage appropriate to the planned character of each zoning district, to promote an attractive environment by minimizing visual clutter and confusion, to minimize adverse effects on nearby property, and to protect the public

health, safety and welfare. The C3A Community Activity Center District is established to provide for the development of major urban activity and entertainment centers with neighborhood scale retail sales and services, residential and other uses. The PO Pedestrian Oriented Overlay District is established in part to preserve and encourage the pedestrian character of commercial areas. Comprehensive plan policies are also aligned with the purpose of these regulations.

The variance is being requested to allow a sign that will announce the Lyn-Lake business district as a regional destination. The LynLake sign is intended to act as a gateway to this designated activity center. It is oriented to Lyndale Avenue where the commercial activity is primarily focused. The signage regulations do not have specific standards for district signage. They also do not allow sign area allowed on one primary building wall to be transferred to another primary building wall. On this building, the walls facing Aldrich Avenue and 29<sup>th</sup> Street are also primary building walls. The amount of signage allowed on these walls is 382 and 366 square feet respectively. Both streets are primarily residential streets and 29<sup>th</sup> Street is adjacent to the Midtown Greenway. The applicant is proposing a minimal amount of signage on these walls that identify the location of the parking entrances. On the Lyndale Avenue elevation, the amount of signage for the individual uses would be less than what is allowed on that wall and would be oriented toward pedestrians. The sign is also visible from the Midtown Greenway. Using sign area from the 29<sup>th</sup> Street wall to allow the LynLake projecting sign on the Lyndale Avenue wall would minimize clutter. Considering that most of the 420 square feet of the LynLake sign is supporting structure, staff is recommending that the planning commission still allow up to 50 square feet of signage on the 29<sup>th</sup> Street elevation.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

The majority of the signage would be oriented to Lyndale Avenue where the commercial activity is concentrated. Granting this variance would not likely be detrimental to the health, safety, or welfare of the general public. With the adoption of the staff recommendation, the signage should not contribute to sign clutter in the area or detract from the pedestrian character of the area.

#### **Additional Findings Required by the Minneapolis Zoning Code for a Sign Variance:**

- 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 C3A Community Activity Center District is established to provide for the development of major urban activity and entertainment centers with neighborhood scale retail sales and services, residential and other uses. The PO Pedestrian Oriented Overlay District is established in part to preserve and encourage the pedestrian character of commercial areas. Each wall that faces a street is a primary building wall. Aldrich Avenue and 29<sup>th</sup> Street are primarily residential streets and 29<sup>th</sup> Street is adjacent to the Midtown Greenway. The proposed signage would be concentrated on the Lyndale Avenue facade where the commercial activity is located. Although the Lyn-Lake sign would be visible from the Midtown Greenway, it would not dominate the north side of the building facing 29<sup>th</sup>

Street where enhanced pedestrian amenities are desired. Allowing the proposed signage should not contribute to sign clutter in the area or detract from the pedestrian character of the area with adoption of the staff recommendation to limit the amount of allowed signage on the 29<sup>th</sup> Street wall in return for allowing additional signage on the Lyndale Avenue elevation.

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.**

The total amount of sign area proposed on the Lyndale Avenue elevation is approximately 582 square feet including a 420 square foot projecting sign with a projection of 8 feet from the wall. The LynLake sign is made up of individual letters projecting from the building. Each letter would be made up of an extruded aluminum frame with a backlit LED, yellow/orange acrylic infill lens. If an imaginary rectangle were drawn around only the letters in the sign, the sign area would be only 189 square feet. The primary exterior materials of the building include metal panels, cement fiber board, brick, and glass. The applicant has included a rendering showing the relationship of the architectural character of the sign to the building. The variance is being requested to allow a sign that will announce the Lyn-Lake business district as a regional destination. The LynLake projecting sign is intended to act as a gateway to this designated activity center. It is oriented to Lyndale Avenue where the commercial activity is primarily focused.

### **SITE PLAN REVIEW**

#### **Findings as Required by the Minneapolis Zoning Code for the Site Plan Review:**

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

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

##### **BUILDING PLACEMENT AND DESIGN:**

- 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.

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- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances, windows, and active functions:
  - Residential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

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

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

    - a. Windows shall be vertical in proportion.
    - b. Windows shall be distributed in a more or less even manner.
    - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
    - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
    - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
    - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.
    - g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
  - Ground floor active functions:

Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
  - The form and pitch of roof lines shall be similar to surrounding buildings.
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

***Conformance with above requirements:***

- The building is located on a lot with frontage on three streets. The first floor of the building would be built up to the Aldrich Avenue lot line. It would be located more than 8 feet from Lyndale Avenue and 29<sup>th</sup> Street.

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- Amenities, including landscaping and seating, would be located between the building and 29<sup>th</sup> Street. A wider sidewalk would be provided between the building and Lyndale Avenue where it would not be built up to the lot line.
- Principal entrances would face each street.
- All parking would be enclosed within the building or located at the interior of the site.
- The building would include recesses and projections and windows on all sides to divide the building into smaller identifiable sections.
- There would not be any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length on all sides of the building except on the first floor east wall facing the alley.
- The primary exterior materials would be durable and include metal panels, cement fiber board, brick, rock-face concrete masonry units and glass. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.
- All sides of the building would be similar to and compatible with each other.
- Plain face concrete block would not be used as a primary exterior building material.
- The principal entrances would be surrounded by windows and sheltered by awnings to emphasize their importance.
- The first floor walls facing Lyndale Avenue, 29<sup>th</sup> Street, and Aldrich Avenue are subject to the minimum window requirements. Twenty percent of the walls adjacent to residential spaces are required to be windows and thirty percent of the walls adjacent to nonresidential spaces are required to be windows. In the PO district, at least 40 percent of the first floor façade of any individual nonresidential use that faces a public street or sidewalk must be windows or doors. The amount of windows proposed on each wall would greatly exceed the minimum requirements, except the wall facing Aldrich Avenue adjacent to the VFW parking area. Thirty percent of the wall adjacent to the VFW parking is equal to 427.2 square feet. On all other walls, each commercial tenant space would comply with the minimum window requirements. Windows would be vertical in proportion and distributed in a more or less even manner. All windows would be within four feet of the adjacent grade. The applicant has not indicated that the glass will not be clear or lightly tinted with a visible light transmittance of 0.6 or greater. This information will need to be identified on the final approved plans. Because tenants are not known at this time, floor plans showing tenant layout is not available. Individual tenants will need to not block required windows with shelving, mechanical equipment or other similar fixtures between the height of four and seven feet above the adjacent grade.
- Each wall above the first floor facing Lyndale Avenue, 29<sup>th</sup> Street, and Aldrich Avenue is subject to the 10 percent window requirement. The amount of windows proposed on each of the walls would greatly exceed the minimum requirements. Windows would be vertical in proportion and distributed in a more or less even manner.
- More than 70 percent of the linear frontage of each ground floor building wall facing Lyndale Avenue and 29<sup>th</sup> Street would accommodate spaces with active functions. Facing Aldrich Avenue, 42.5 percent of the linear ground floor frontage would accommodate spaces with active functions.
- A flat roof is proposed on the building. Buildings in the immediate area also have flat roofs.

**ACCESS AND CIRCULATION:**

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**

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- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.
- Site plans shall minimize the use of impervious surfaces.

*Conformance with above requirements:*

- Well-lit walkways 4 feet in width or greater would connect the main entrances to the public sidewalks.
- Transit shelters are not proposed as part of the development.
- The site would have vehicle access from Aldrich Avenue and the alley. The total number of curb cuts on the site is being reduced from five to two. The access is located where it will have the least amount of conflict with pedestrian traffic. The residential use located south of the site does not have vehicle access from the alley other than for trash and loading.
- All parking would be enclosed in the building or located under it, except for four spaces on the south side of the building. The amount of impervious surface proposed for parking areas and driveways is not excessive. However, if the area where these spaces are proposed is the only location where the transformer shown at the corner of 29<sup>th</sup> Street and Aldrich Avenue can be relocated and/or additional room is needed to provide sufficient screening for the mechanical equipment, then these parking spaces should be removed.

**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 are 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.

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- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

### *Conformance with above requirements:*

- The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is 49,490 square feet. The building would occupy 44,005 square feet of the site. The lot area minus the building footprint therefore consists of 5,485 square feet. At least 20 percent of the net site area is 1,097 square feet. The proposed amount of on-site landscaping is 3,126 square feet or 57 percent of the net lot area.
- 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 3 and 11 respectively. No canopy trees are proposed on-site. Forty-six shrubs are proposed on-site.
- A 7-foot wide landscaped yard with screening that is 3 feet tall and 60 percent opaque is required between the the four parking spaces on the south end of the building and Aldrich Avenue. A canopy tree is also required in the landscaped yard and all spaces are required to be located within 50 feet of an on-site deciduous tree. No on-site landscaping or screening is proposed between the parking and the street.
- A 7-foot wide landscaped yard with screening that is 6 feet tall and 95 percent opaque is required between the four parking spaces on the south end of the building and the adjacent residential use. No landscaping or screening is proposed.

### **ADDITIONAL STANDARDS:**

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
  - Natural surveillance and visibility
  - Lighting levels
  - Territorial reinforcement and space delineation
  - Natural access control
- To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that hAvenue been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

### *Conformance with above requirements:*

- On-site retention of the stormwater runoff from the unenclosed parking areas would not be practical. Six inch by six inch curbing will define those areas.
- The building should not impede any views of important elements of the city.
- Please refer to the conditional use permit section of this report for the shadowing analysis.

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- The building would be designed to minimize the generation of wind currents at the ground level. Walls are recessed and project from the building and awnings and plantings at the ground level would help to reduce wind.
- The development includes environmental design elements to prevent crime. An abundant amount of windows exceeding the minimum requirements would be provided to allow natural surveillance and visibility of the adjacent streets and openings in the wall of the first floor parking level would also provide opportunities for natural surveillance. Multiple principal entrances would face each adjacent street. Landscaping, walkways, lighting and fencing would clearly guide pedestrian movement on and through the site and would control and restrict people to appropriate locations.
- No locally designated structures or structures that have been determined to be eligible to be locally designated as an historic structure exist on the site.

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

**ZONING CODE:** The site is zoned C3A with the PO Overlay District. A multiple family dwelling with 5 or more units is a permitted use in the C3A district. The commercial uses will most likely be general retail sales and services and food and beverages uses, which are also permitted uses.

**Parking and Loading:**

*Minimum automobile parking requirement:* The minimum parking requirement for a multiple family dwelling with 5 or more units is one space per dwelling unit. With 171 dwellings proposed, at least 171 spaces are required. A total of 171 spaces that would comply with the zoning code parking space size requirements would be provided in the below grade parking garage for the residential use. For the parking spaces proposed, at least 4 must be accessible. Four enclosed accessible spaces would be provided. Not more than 25 percent of the required spaces can be compact spaces. In other words, at least 128 spaces must comply with the dimensions required for standard spaces. One hundred forty eight standard sized spaces would be provided.

The minimum parking requirement for general retail sales and services uses is one space per 500 square feet of gross floor area (GFA) in excess of 4,000 square feet, but not less than 4 spaces. One 1,545 square foot space is proposed, which requires 4 spaces. The minimum parking requirement for a restaurant with general entertainment is parking equal to 30 percent of the capacity of persons. The proposed size of the restaurant space is 7,500 square feet of which 60 percent (4,500 square feet) is expected to be seating and lobby area. With a capacity of 15 square feet per person, the minimum requirement is equal to 90 spaces. Therefore the combined minimum parking requirement for the nonresidential uses is 94 spaces. In the PO overlay district, the minimum parking requirement is 75 percent of the minimum requirement in Chapter 541, Off-Street Parking and Loading. This reduces the minimum requirement to 71 spaces. The nonresidential uses of the development also qualify for a bicycle incentive that reduces the parking requirement further by 10 percent for providing bicycle spaces equal to 25 percent of the number of required vehicle parking spaces. Twenty-five percent of 71 is 18. The applicant is proposing at least 18 bicycle spaces that comply with the standards for required bicycle parking, thus reducing the vehicle parking requirement by 7 spaces to 64 spaces. A total of 68 spaces would be provided in the below grade parking garage for the nonresidential uses, of which 67 would comply with the zoning code parking space size requirements (the parallel space next to the ramp does not comply and the size requirement cannot be varied). At least three of these spaces must be accessible.

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Three accessible spaces would be provided. Not more than 25 percent of the required spaces can be compact spaces. In other words, at least 51 spaces must comply with the dimensions required for standard spaces. Fifty-eight standard sized spaces would be provided.

*Maximum automobile parking requirement:* There is not a maximum parking requirement for residential uses in the C3A district when all parking is enclosed. The maximum parking requirement for retail sales and services uses is one space per 200 square feet of gross floor area. With 1,545 square feet of retail space proposed, the maximum requirement is 8 spaces. The maximum parking requirement for a restaurant with general entertainment is parking equal to 40 percent of the capacity of persons. The proposed size of the restaurant space is 7,500 square feet of which 60 percent (4,500 square feet) is expected to be seating and lobby area. With a capacity of 15 square feet per person, the maximum requirement is equal to 120 spaces. Therefore the combined maximum parking requirement for the nonresidential uses is 128 spaces. In the PO overlay district, the maximum parking requirement is 75 percent of the maximum requirement in Chapter 541, Off-Street Parking and Loading. This reduces the maximum requirement to 96 spaces. The number of spaces proposed for the on-site nonresidential uses would not exceed 96 spaces.

*Bicycle parking requirement:* The minimum bicycle parking requirement for a multiple family dwelling is equal to one space per two dwelling units. Not less than 90 percent of the required bicycle parking must meet the standards for long term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, required long-term bicycle parking spaces must be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. The total minimum requirement is 88 spaces, of which at least 80 must meet the long-term parking requirements. The applicant would provide 90 spaces all of which would be long-term spaces. Additional bicycle parking is shown elsewhere on the plans as well.

For the general retail sales and services uses, the minimum requirement is 3 spaces or 1 space per 5,000 square feet of gross floor area, whichever is greater. With 1,545 square feet of retail space proposed, 3 spaces are required. The minimum bicycle parking requirement for a restaurant is 3 spaces. The total nonresidential use requirement is 6 spaces. Not less than 50 percent of the required bicycle parking must meet the standards for short-term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, short term spaces must be located in a convenient and visible area within 50 feet of a principal entrance and must permit the locking of the bicycle frame and one wheel to the rack and must support a bicycle in a stable position without damage to the wheels, frames or components. Required spaces that are not short-term need to comply with the long-term requirements. The applicant would provide at least 4 bicycle spaces that comply with the short-term standards and 42 bicycle spaces that comply with the long-term standards for required nonresidential bicycle parking.

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*Loading:* For multi-family dwellings with 100 to 250 units, one small loading space (10 feet wide by 25 feet deep) is required. For general retail sales and services and sit down restaurants occupying less than 20,000 square feet of gross floor area, adequate shipping and receiving facilities, accessible by motor vehicle off any adjacent alley, service drive or open space on the same zoning lot is required. One small loading space and adequate shipping and receiving facilities would be provided along the east side of the alley.

*Off-site parking:* Parking will be provided on-site for the VFW located at the property of 2918 Lyndale Avenue South. Off-site parking is allowed between these two sites because they are both zoned C3A and are located within 500 feet of each other. Currently, 52 spaces are located on the subject site. As a nightclub/reception hall, the maximum parking requirement for the VFW is equal to parking equal to 40 percent of the capacity of persons (approximately 100 spaces). Sixty spaces, including four tandem spaces, would be provided for the VFW in the new development. At least two of these spaces must be accessible. Two accessible spaces would be provided. Not more than 25 percent of the required spaces can be compact spaces. In other words, at least 42 spaces must comply with the dimensions required for standard spaces. Forty-seven standard sized spaces would be provided.

*Minimum drive aisle width and maneuvering on-site:* The minimum two-way drive aisle width required for 90 degree angled parking stalls is 22 feet of clear area. The drive aisle is required to be provided on-site because all maneuvers associated with parking are also required to occur in the off-street parking area. Five parking spaces would be accessed from and would maneuver in the alley. The number of spaces maneuvering in the alley was reduced from 7 to 5 after the public hearing notice was sent. A variance is required to reduce the required drive aisle width to allow the maneuvering in the alley.

**Proposed Lot Area:** The proposed lot area is 49,490 square feet. It does not include any area occupied by alley right-of-way.

**Maximum Floor Area:** The maximum FAR allowed in the C3A district is 2.7. The development qualifies for two density bonuses for enclosing all required residential parking spaces and for devoting at least 50 percent of the ground floor to commercial uses. Therefore the maximum FAR is increased to 3.78. The building, not including parking, would have a total of 169,166 square feet, which is an FAR of approximately 3.42.

The maximum allowed floor area of retail sales and services uses is 8,000 square feet when located in a multi-story building with no parking located between the building and the street. The proposed size of the retail space would be 1,545 square feet.

**Minimum Lot Area:** The minimum lot area requirement in the C3A district is 400 square feet per dwelling unit, or 68,400 square feet for 171 units. The development qualifies for two density bonuses for enclosing all required residential parking spaces and for devoting at least 50 percent of the ground floor to commercial uses. With the density bonuses, the minimum lot size requirement is reduced to 289.41 square feet per unit, or 49,490 square feet for 171 units.

**Dwelling Units per Acre:** The applicant proposes a density of 150.5 dwelling units per acre.

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**Building Height:** The maximum height allowed in the C3A district is 4 stories or 56 feet, whichever is less. The proposed height is 7 stories, including the mezzanine level of the live-work units, and 87 feet to the top of the light monitor feature. A conditional use permit is required to increase the maximum height.

**Yard Requirements:**

*Interior side yard requirement:* An interior side yard is required along the south lot line adjacent to a permitted residential use fronting Aldrich Avenue. The minimum interior side yard requirement is equal to  $5+2x$ , where  $x$  is equal to the number of stories above the first floor. A seven-story building is proposed; therefore the minimum requirement is 17 feet. Most of the building would be set back 17 feet or more from the south lot line, except where the lot line is angled. At that location, parts of the building would be closer than 17 feet from the interior lot line. A variance is required to reduce the interior side yard requirement. Surface parking, including curbing, for the VFW and mechanical equipment are subject to a 5 foot interior side yard requirement and would comply with this requirement. The 4 foot wide walkway for residential emergency egress is a permitted obstruction.

An interior side yard is required along the south lot line adjacent to the VFW property located at 2918 Lyndale Avenue S. Where residential uses containing windows facing an interior side lot line, an interior side yard of at least five feet plus two feet for each story above the first floor with residential windows is required, but not to exceed 15 feet if no other yard requirements apply. Five stories of the building would contain residential windows facing the alley; therefore, the minimum requirement is 15 feet. The residential walls would be set back more than 15 feet.

*Rear yard requirement:* A rear yard is required along the lot line adjacent to the west side of the alley. Where residential uses containing windows face an interior side lot line, an interior side yard of at least five feet plus two feet for each story above the first floor with residential windows is required, but not to exceed 15 feet if no other yard requirements apply. Five stories of the building would contain residential windows facing the alley; therefore, the minimum requirement is 15 feet. The residential walls would be set back 15 feet or more, except at the south end of the building where the walls would be located up to 0 feet from the rear lot line. A variance is required to reduce the rear yard requirement.

**Specific Development Standards:** Food and beverage uses are required to regularly inspect and remove litter from the premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet.

**PO Pedestrian Oriented Overlay District Standards:** The following standards apply to this development:

- Drive-through facilities, automobile services uses, transportation uses, self-service storage, commercial parking lots (including the expansion of any existing commercial parking lot), and the conversion of any accessory parking lot to a commercial parking lot are prohibited. These uses are not proposed.
- The first floor of the building must be located within eight feet of a lot line adjacent to a street unless a greater yard is required. The applicant is requesting a variance to allow portions of the building to

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be set back more than 8 feet from Lyndale Avenue and to allow the building to be setback 15 to 17 feet from 29<sup>th</sup> Street.

- Amenities are required between the building and lot lines adjacent to a street. A wider sidewalk area would be provided between the building and Lyndale Avenue. A wider sidewalk, a landscaped rain garden, an outdoor seating area for the retail use, walkways and landings would be located between the building and 29<sup>th</sup> Street. The building would be built up to the lot line adjacent to Aldrich Avenue.
- At least one principal entrance must face the street. Multiple principal entrances would face Lyndale Avenue, 29<sup>th</sup> Street and Aldrich Avenue.
- At least 40 percent of the first floor façade of any nonresidential use that faces a public street or sidewalk must be windows or doors of clear or lightly tinted glass that allows views into and out of the building at eye level. Windows must be distributed in a more or less even manner. Required windows are measured between two and 10 feet above the finished level of the floor. The Lyndale Avenue and 29<sup>th</sup> Street building elevations would contain 40 percent windows that meet these standards. No nonresidential uses would face Aldrich Avenue.
- Awnings and canopies are encouraged, but backlit awnings and canopies are prohibited. Awnings are proposed on all street facing sides of the building over the entrances.
- Pole signs, backlit awning and canopy signs, and backlit insertable panel projecting signs are prohibited. These types of signs are not proposed.
- Accessory parking is required to be located at the rear or interior of the site, within the building, or entirely below grade. All parking would be enclosed or would be located at the interior of the site.
- Parking lots are limited to 60 feet of street frontage. Parking lot frontage would not exceed 60 feet.
- The driveway width for all parking facilities cannot exceed 20 feet of street frontage. The proposed driveway on 29<sup>th</sup> Street would be 19 feet wide. The proposed driveway on Aldrich Avenue would be 25.5 feet wide. A variance is required to increase the width.

**Signs:** A total of seven signs are proposed. Five of the signs would be located on the wall facing Lyndale Avenue: one 34.5 square foot wall sign is proposed for the residential use, one 26.5 square foot wall sign is proposed for the retail use, one 97.5 square foot wall sign is proposed for the restaurant, one 3 square foot projecting sign is proposed to indicate public parking, and one 420 square foot projecting sign (including the structure that attaches it to the building) with a projection of 8 feet from the wall is proposed to announce the Lyn-Lake business district. The total amount of sign area proposed on the Lyndale Avenue elevation is approximately 582 square feet. Two approximately 3 square foot projecting signs would be located on the Aldrich Avenue and 29<sup>th</sup> Street facades, each at the parking entrances. All signs would be internally illuminated.

The total allowed size allocation of signage in the C3A district is 1.5 square feet of signage per one foot of primary building wall. Each of the walls facing a street is a primary building wall. Sign area allowed

on one primary building wall is not allowed to be transferred to another primary building wall. With a width of 123 feet, 184 square feet of signage is allowed on the Lyndale Avenue elevation. In the C3A district, a wall sign is allowed to be up to 180 square feet in area and a projecting sign is allowed to be 48 square feet with a maximum projection of 4 feet. There is no height limit and all signs are allowed to be illuminated, but not backlit. A variance is required to increase the maximum size, including area and projection from the building, of a projecting sign and the amount of signage allowed on a primary building wall. New signage also requires Zoning Office review, approval, and permits.

**Refuse Screening:** Refuse storage containers would be stored in the building.

**Screening of Mechanical Equipment:** All mechanical equipment is required to be arranged so as to minimize visual impact by using screening and must comply with Chapter 535 and district requirements including:

**535.70. Screening of mechanical equipment.** (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

- (1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
  - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
  - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
  - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

**Lighting:** Lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

**535.590. Lighting.** (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

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

- (1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property

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line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.

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

**Separate Access Required for Commercial and Residential Uses:** Structures containing both nonresidential and residential uses are required to be designed so that customers and employees of nonresidential uses do not have unsolicited access to hallways that include doorways serving individual dwelling units. The development will comply with this requirement as long as the elevators and stairs providing access to the residential levels have restricted access.

**Home Occupations:** Five live-work units are proposed. Live-work units are subject to the home occupation standards of section 535.450 of the zoning code.

**MINNEAPOLIS PLAN:** In *The Minneapolis Plan for Sustainable Growth*, the future land use designation of this site is mixed use. The site is adjacent to Lyndale Avenue, which is designated as a commercial corridor. It is also within the LynLake activity center. This proposal would be consistent with the applicable principles and policies of the comprehensive plan including the following:

Chapter 1. Land Use

Policy 1.3: Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.

- 1.3.1 Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings.
- 1.3.2 Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.

Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

- 1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.
- 1.4.2 Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.

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- 1.4.4 Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.

Policy 1.12: Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.

- 1.12.1 Encourage a variety of commercial and residential uses that generate activity all day long and into the evening.
- 1.12.2 Encourage mixed use buildings, with commercial uses located on the ground floor and secure entrances for residential uses.
- 1.12.3 Encourage active uses on the ground floor of buildings in Activity Centers.
- 1.12.5 Encourage a height of at least two stories for new buildings in Activity Centers, in keeping with neighborhood character.
- 1.12.6 Encourage the development of high- to very-high density housing within the boundaries of Activity Centers.
- 1.12.7 Encourage the development of medium- to high-density housing immediately adjacent to Activity Centers to serve as a transition to surrounding residential areas.
- 1.12.8 Support district parking strategies in Activity Centers, including shared parking facilities with uniform signage, and other strategies.
- 1.12.9 Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces in Activity Centers.
- 1.12.10 Encourage developments to incorporate climate sensitive site and building design practices.

### Chapter 3. Housing

Policy 3.2: Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.

- 3.2.1 Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.

### Chapter 7. Open Space and Parks

Policy 7.6: Continue to beautify open spaces through well designed landscaping that complements and improves the city’s urban form on many scales – from street trees to expansive views of lakes and rivers.

- 7.6.1 Where open spaces and the built environment interface, seek greater design integration between them to create interesting spaces for active and passive use.
- 7.6.6 Promote open space design that enhances the four season experience for all Minneapolis residents and visitors.

### Chapter 10. Urban Design

Policy 10.9: 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.

- 10.9.2 Promote building and site design that delineates between public and private spaces.
- 10.9.4 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.

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

- 10.10.1 Enhance the city's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality four season public spaces and infrastructure.
- 10.10.4 Orient new buildings to the street to foster safe and successful commercial nodes and corridors.
- 10.10.6 Require storefront window transparency to assure both natural surveillance and an inviting pedestrian experience.

Policy 10.16: Design streets and sidewalks to ensure safety, pedestrian comfort and aesthetic appeal.

- 10.16.1 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.
- 10.16.2 Provide streetscape amenities, including street furniture, trees, and landscaping, that buffer pedestrians from auto traffic, parking areas, and winter elements.

Policy 10.18: Reduce the visual impact of automobile parking facilities.

- 10.18.17 Minimize the width of ingress and egress lanes along the public right of way in order to provide safe pedestrian access across large driveways.
- 10.18.18 Encourage appropriate land uses to share parking lots to reduce the size and visual impact of parking facilities.

Policy 10.19: Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces, buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.

Policy 10.20: Promote an attractive environment by minimizing visual clutter and confusion caused by a proliferation of signage.

- 10.20.2 Master sign plans shall be submitted for multi-tenant buildings to ensure a complementary relationship between signage and the architecture of a building.
- 10.20.3 Develop incentives for exceptional sign design and style, including a special review process to ensure appropriate location, size, height and compatible design to the architecture of the building and other signage.

Policy 10.21: Unique areas and neighborhoods within the city should have a special set of sign standards to allow for effective signage appropriate to the planned character of each area/neighborhood.

- 10.21.2 To promote street life and activity, signs should be located and sized to be viewed by people on foot (not vehicles) in order to preserve and encourage the pedestrian character of commercial areas that have traditional urban form.

Lyndale Avenue: A Vision

The *Lyndale Avenue: A Vision* small area plan was adopted by the City Council in March of 1997. One of the goals of the plan is to “maintain the mixed use of the avenue” in order to support “the thriving business clusters.” The plan also calls for maintaining the urban edge of buildings throughout the commercial districts, specifically zero setbacks for new structures.

Midtown Greenway Land Use and Development Plan

The *Midtown Greenway Land Use and Development Plan* calls for commercial preferred mixed use with transit-oriented (high) intensity development east of the alley and high density housing with urban-oriented (medium) intensity development west of the alley for this site. A future transit station could potentially be located where Lyndale Avenue and the Midtown Greenway cross. The station would be located at the Greenway level. The plan proposes standards for a reconfigured 29th Street right-of-way. The 29th Street right of way along the south side of the Greenway is 40 feet wide with very little landscaping or pedestrian-friendly amenities, and no sidewalk or walkway along the north side of 29th Street adjacent to the Greenway. The desired width of 29<sup>th</sup> Street is a 56-foot right of way that would eventually include a sidewalk and planted boulevard along the north side of 29th Street, providing a walkway for pedestrians to overlook the Greenway. The improvements generally require the acquisition of an additional 16 feet of right-of-way from properties on the south side of 29th Street, which should be phased along with street improvements as new development occurs or as property is obtained to expand the street. The following guidelines also apply to this site:

- New commercial development should be located in existing commercial nodes and along existing commercial corridors in and near the Greenway to complement and not compete with the vibrant commercial activities already present along Lake Street, and Lagoon and Hennepin avenues.
- In most locations guided commercial, new developments are encouraged to integrate residential and/or office uses in order to strengthen the commercial district and build the city at an appropriate level of density. This is the case at Lake Street and Excelsior Boulevard, in Uptown (centered on Hennepin Avenue), along Lyndale, Nicollet and Chicago Avenues, and limited ground-floor commercial at Bloomington Avenue and Lake Street.
- Balconies, windows and additional entries oriented toward the Greenway are strongly encouraged.
- Parking is discouraged between the primary building façade and the street; surface parking should be adjacent to or in the rear of buildings. Underground parking is encouraged for new residential developments.

*Staff comment:* Although the building is proposed to be set back 15 to 17 feet from 29<sup>th</sup> Street, there may be implications with acquiring this space for future right-of-way expansion because the stormwater management system for this development will be located in that area and stairs and landings will also extend into this area. This was also done at the Blue Apartments development directly west of this site. Even so, setting the building back along 29<sup>th</sup> Street provides value to help create a pedestrian-friendly street envisioned by the 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 pavements, 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.

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- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

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

Building placement within 8 feet of lot lines adjacent to streets

The building would be set back 15 to 17 feet from 29<sup>th</sup> Street. The small area plans that include this site envision 29<sup>th</sup> Street as a key pedestrian amenity. The *Midtown Greenway Land Use and Development Plan* calls for widening the 29<sup>th</sup> Street right-of-way from 40 feet to 56 feet to provide additional sidewalk area. Setting the building back more than 8 feet is necessary for that to occur in the future. Lyndale Avenue is a commercial corridor with a high level of pedestrian traffic. The setback of the building adjacent to Lyndale Avenue would vary from 0 to 13 feet. The larger setbacks are located next to the principal entrances to allow wider sidewalk area. To improve the public realm, proposed ground level pedestrian amenities between the building and the lot lines adjacent to the streets include wider sidewalks, landscaping, multiple principal entrances, and a seating area. An abundant amount of windows would be provided on the ground level that would allow views of the adjacent spaces. Staff is recommending approval of the variance of the PO Overlay District standard requiring the first floor of the building to be located not more than 8 feet from the lot lines adjacent to the adjacent streets. For these reasons, staff is also recommending that the planning commission grant alternative compliance for this standard because the proposed alternatives meet the intent of the requirement, the site plan includes amenities that address adverse effects of the alternative, strict adherence is impractical due to site conditions, the proposed alternative is consistent with the applicable development plans adopted by the city council, the security of the surrounding area has been considered, and visual interest has been created with the proposed amenities and architectural features.

Blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length

The elevation with a blank, uninterrupted wall that does not include windows, entries, recesses or projections or other architectural elements that exceeds 25 feet in length is the first floor east wall facing the alley. This wall is adjacent to the loading space, trash collection areas, and the back-of-house space for the restaurant. The applicant has proposed a brick reveal in the wall as an architectural element. The wall would not be visible from a street. For these reasons, staff is recommending that the planning commission grant alternative compliance.

Thirty percent window requirement and design of ground level of buildings to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than 30 percent of the linear building frontage along each wall facing a public street

Thirty percent of the first floor wall, between 2 and 10 feet above grade, facing Aldrich Avenue adjacent to the VFW parking is required to be windows. Thirty percent of this wall is equal to 427.2 square feet. At least seventy percent of the entire wall facing Aldrich Avenue is also required to accommodate active functions. On this wall only 42.5 percent of the linear ground floor frontage would accommodate spaces with active functions. The wall adjacent to the VFW parking includes horizontal openings in the decorative metal panel façade that provide ventilation for the parking area, but will also provide some opportunities for natural surveillance and visibility of the surrounding area. Also, over 50 percent of each of the upper floor walls facing Aldrich Avenue would be windows. For these reasons, staff is

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recommending that the planning commission grant alternative compliance for this standard because the proposed alternatives meet the intent of the requirement, the site plan includes amenities that address adverse effects of the alternative, the security of the surrounding area has been considered, and visual interest has been created with the proposed architectural features.

On-site canopy trees

At least 3 on-site canopy trees are required. No canopy trees are proposed on-site. Providing trees on the north side of the building is not possible because the applicant is locating their stormwater retention tanks there. In lieu of providing the canopy trees, the applicant is proposing to enhance the landscaping in the right-of-way. The boulevards will be planted with a variety of perennials and grasses, more boulevard trees will be planted and shrubs will be planted between the sidewalk and the building along Aldrich Avenue. For these reasons, staff is recommending that the planning commission grant alternative compliance.

Landscaping and screening requirements for surface parking

A 7-foot wide landscaped yard with screening that is 3 feet tall and 60 percent opaque is required between the the four parking spaces on the south end of the building and Aldrich Avenue. A canopy tree is also required in the landscaped yard and all spaces are required to be located within 50 feet of an on-site deciduous tree. No on-site landscaping or screening is proposed between the parking and street. A generator and transformer are proposed between the parking and the street with no room to plant a tree. The applicant has indicated on the plans that a six foot high screen fence, with a gate restricting access for safety reasons, will be installed in line with the building. Shrubs are proposed in the right-of-way that will also provide screening. As a condition of approval for the variance to allow the building to be setback more than 8 feet from 29<sup>th</sup> Street, staff is recommending that the transformer proposed at the corner of 29<sup>th</sup> Street and Aldrich Avenue be relocated to the interior of the site. In lieu of providing all of the required landscaping, staff is recommending that the planning commission require the applicant install an open decorative metal fence. This may require additional landscaping to provide the necessary screening. If the area where these spaces are proposed is the only location where the transformer can be relocated and/or additional room is needed to provide sufficient screening for the mechanical equipment, then one or more of these parking spaces may need to be removed. With the conditions that the applicant provide an open decorative metal fence with landscaping to provide screening of the mechanical equipment, staff is recommending that the planning commission grant alternative compliance to these requirements for the parking spaces.

A 7-foot wide landscaped yard with screening that is 6 feet tall and 95 percent opaque is required between the four parking spaces on the south end of the building and the adjacent residential use. No landscaping or screening is proposed. A walkway providing emergency egress from the building to street would be located between the parking spaces and the adjacent residence. There are no windows on the wall of the residential building adjacent to the proposed parking spaces. For these reasons, staff is recommending that the planning commission grant alternative compliance.

## **RECOMMENDATIONS**

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to increase the maximum building height from 4 stories to 7 stories and from 56 feet to 87 feet for the property located at 2900-2910 Lyndale Avenue South & 2901-2919 Aldrich Avenue South, subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. To reduce the amount of time that the building shadows the greenway during the winter months, the fifth floor shall be set back at least 25 feet from 29<sup>th</sup> Street and the sixth floor shall be set back at least 35 feet from 29<sup>th</sup> Street.

### **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 above findings and **approve** the variance of the PO Overlay District standard requiring the first floor of the building to be located within 8 feet of a lot line adjacent to a street to allow the first floor to be set back more than 8 feet from Lyndale Avenue and 29<sup>th</sup> Street located at the properties of 2900-2910 Lyndale Avenue South & 2901-2919 Aldrich Avenue South, subject to the following condition:

1. The transformer proposed at the corner of 29<sup>th</sup> Street and Aldrich Avenue shall be located in the interior of the site.

### **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 above findings and **approve** the variance of the PO Overlay District standard requiring the maximum width of a curb cut to be 20 feet to allow a 25.5 foot wide curb cut on Aldrich Avenue located at the properties of 2900-2910 Lyndale Avenue South & 2901-2919 Aldrich Avenue South.

**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 above findings and **approve** the variance to reduce the interior side yard requirement from 17 feet to 0 feet and the rear yard requirement from 15 feet to 0 feet to allow the building located at the properties of 2900-2910 Lyndale Avenue South & 2901-2919 Aldrich Avenue South.

**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 above findings and **deny** the variance to reduce the minimum drive aisle width requirement to allow 5 parking spaces to maneuver in the public alley **and in lieu of approve** a variance to reduce the minimum drive aisle width requirement to allow 2 parking spaces located north of the parking garage ramp to maneuver in the public alley located at the properties of 2900-2910 Lyndale Avenue South & 2901-2919 Aldrich Avenue South.

**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 above findings and **approve** the variance to increase the maximum size of a projecting sign and the amount of signage allowed on a primary building wall located at the properties of 2900-2910 Lyndale Avenue South & 2901-2919 Aldrich Avenue South, subject to the following conditions:

1. The total amount of signage located on the Lyndale Avenue elevation shall not exceed 582 square feet.
2. The total amount of signage for on-site uses shall not exceed 184 square feet on the Lyndale Avenue elevation.
3. The total amount of signage located on the 29<sup>th</sup> Street elevation shall not exceed 50 square feet.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the Site Plan Review:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review for a new mixed use building with 171 dwelling units located at the properties of 2900-2910 Lyndale Avenue South & 2901-2919 Aldrich Avenue South, subject to the following conditions:

- 1) An open decorative metal fence and landscaping that complies with the screening requirements of section 535.70 of the zoning code shall be provided between Aldrich Avenue and the

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generator, transformer, and parking area in lieu of the landscaping requirements of 530.70 of the zoning code.

- 2) Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, floor, site, lighting and landscape plans.
- 3) Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by February 6, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**Attachments:**

- 1) PDR report
- 2) Applicant's statement of proposed use and responses to findings
- 3) Zoning map
- 4) Plans
- 5) Photos
- 6) Shadow studies