

LAND USE APPLICATION SUMMARY

Property Location: 2004, 2008, 2012, 2014, and 2018 Lyndale Avenue South
Project Name: Theatre Garage Marquee Apartments
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Applicant: TGMA Developers LLC
Project Contact: Elizabeth Liebhard
Request: To construct a new, six-story mixed-use building with 113 dwelling units.
Required Applications:

Rezoning	To rezone the properties located 2008-2018 Lyndale Avenue South from the C1 Neighborhood Commercial District to the C2 Neighborhood Corridor Commercial District.
Conditional Use Permit	To increase the maximum allowed height in the C2 Neighborhood Corridor Commercial District from 4 stories/56 feet to 6 stories/69 feet.
Variance	To increase the maximum floor area ratio from 2.38 to 3.00.
Variance	To reduce the required rear yard setback from 15 feet to 3 feet.
Variance	To reduce the required south interior side yard setback from 15 feet to 3 feet.
Site Plan Review	For a six-story, mixed-use building with 113 dwelling units and approximately 8,000 sq. ft. of commercial space.

SITE DATA

Existing Zoning	<u>2004 Lyndale Avenue S:</u> C2 Neighborhood Corridor Commercial District <u>2008, 2012, 2014, 2018 Lyndale Avenue S:</u> C1 Neighborhood Commercial District
Lot Area	35,928 square feet / 0.82 acres
Ward	10
Neighborhoods	Lowry Hill East Neighborhood Association; adjacent to Whittier Alliance, Stevens Square Community Organization
Designated Future Land Use	Mixed Use
Land Use Features	Commercial Corridor (Lyndale Avenue South) Community Corridor (West Franklin Avenue)
Small Area Plan	<u>Lyn-Lake Small Area Plan (2009)</u>

Date Application Deemed Complete	September 22, 2016	Date Extension Letter Sent	September 26, 2016
End of 60-Day Decision Period	November 21, 2016	End of 120-Day Decision Period	January 20, 2017

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject site contains five parcels totaling approximately 35,928 square feet/0.82 acres. The site is located at the southwest corner of the intersection of Lyndale Avenue South and West Franklin Avenue, just south of Interstate 94. The five parcels currently contain two one-story commercial buildings and two surface parking lots with a total of 66 stalls. The northernmost building was constructed in 1923 as an automotive sales and showroom building, and is now occupied by a theater and thrift store. The building on the southern portion of the site was constructed in 1958 and now contains a dry cleaner's drop-off site, a tailors shop and art gallery. The site is generally flat, however, the north side of the site along Franklin has a grade increase between Lyndale Avenue South and the west side of the property. The properties adjacent to the west side of the site are also situated between seven and ten feet above the grade of the subject site.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. There are commercial uses on all four corners of the intersection and along the Lyndale Avenue South corridor. The southeast corner of the intersection contains a bar and restaurant, the northeast corner contains a restaurant, and the northwest corner contains a vision loss resource center. Most of the commercial buildings are between one and two stories. There are multi-family residential buildings directly to the west of the site, which are generally between three and four stories tall. The greater surrounding neighborhood contains both low and high-density residential buildings, a grocery co-operative, restaurants, bars, cafés, a gas-station, and a variety of retail uses. The intersection receives a significant amount of traffic from vehicles, pedestrians, cyclists, and busses.

PROJECT DESCRIPTION. The applicant is proposing to construct a new, six-story mixed-use building with 113 residential units, including eight two-story walk-up units facing Lyndale, one retail space facing Lyndale, and a restaurant occupying the northeast corner of the parcel. The unit mix includes efficiencies and one- and two-bedroom units. The main exterior materials are face brick and various types of metal panel and mesh. The building would have a central heating and cooling system, so individual HVAC mechanical units would not be visible from the street.

The applicant is proposing to construct one level of below-grade parking and two levels of structured parking on the rear portion of the building, providing a total of 149 vehicle parking spaces. The development qualifies for both the enclosed parking density bonus and the mixed commercial-residential density bonus, as all parking is enclosed and 54 percent of the ground floor gross floor area is commercial. These bonuses increase the allowable floor area ratio from 1.7 to 2.38. The first floor and below-grade parking areas would be accessible via one curb cut on Lyndale Avenue, while the curb cut on Franklin Avenue would lead to the mezzanine (second level) parking area. The roof of the parking garage would have a common green space and patio area for the residents. The applicant has completed a Travel Demand Management Plan, which is included in the attachments.

The applicant is requesting to rezone the four properties located at 2008-2018 Lyndale Avenue South from the C1 Neighborhood Commercial District to the C2 Neighborhood Corridor Commercial District. The property located at 2004 Lyndale Avenue South is currently in the C2 zoning district. As the zoning code does not allow developments to belong to more than one zoning classification, the applicant is requesting to rezone four of the five parcels to C2 district so that the entire site belongs to the same zoning district.

While the majority of the building along Lyndale Avenue South would be approximately 63 ½ feet tall, the development would total 69 feet (68 feet, 11 5/8 inches) in height at its tallest point near the

intersection. A conditional use permit is requested to increase the maximum allowed height in the C2 district from 4 stories/56 feet to 6 stories/69 feet.

Two setback variances are requested as part of the application. The minimum south interior side yard setback requirement is 15 feet due to the presence of residential windows on these sides of the building, where the closest residential windows are three feet from the property line. The minimum rear setback along the west is 15 feet, as it abuts a rear lot line of a residential use and zoning district, while the building wall is 3 feet at its closest point along the west property line.

Site plan review is required for any new mixed use building or any building containing five or more new or additional dwelling units. The proposed building would contain 113 dwelling units and approximately 8,000 square feet of commercial space.

Since the Committee of the Whole meeting on August 18, 2016, the applicant has made revisions to the parking area on the first level of building to provide an on-site loading area next to the residential lobby, redesigned the layout of the commercial parking spaces and private garages, moved the residential bike lockers to the garage level, and provided a walkway between the west wall of the walk-up units and the row of commercial parking spaces. The applicant has also provided a landscaping plan which shows that the parking garage would be screened along the west side of the property with Emerald Green Arborvitae.

RELATED APPROVALS. The City Planning Commission reviewed and approved a previous version of this project in August 2014 (BZZ-6675), with conditions. However, the applicant withdrew their land use application prior to completing the City review process for the rezoning petition and an appeal of the City Planning Commission decision. The current proposal reflects a number of notable changes that have been made to the project since 2014:

- The size of the previous retail/theater space along Lyndale Avenue S has been reduced from approximately 3,600 square feet to 1,130 square feet. The indoor theater has been eliminated from the project, and the east frontage now contains eight two-story walk-up residential units and one retail bay in addition to the restaurant space at the corner.
- The previous proposal had four levels of above-grade parking, while the current proposal contains two levels of above-grade parking and one level of underground parking. The previous proposal contained 163 vehicle parking spaces, while the current proposal contains 143 spaces.
- The overall height of the building at its tallest point has been reduced by approximately 4.5 feet (73 feet, 5 3/8 inches to 68 feet, 11 5/8 inches).
- The number of residential units has increased from 82 to 113, which now triggers a loading requirement of one small (10 by 25 foot) loading space. In addition, the residential portion of the development qualifies for a 50 percent reduction in the minimum parking requirement based on the transit incentive revisions that were made to the zoning code in 2015.
- The current proposal and the previous version of the project contained almost the same amount of above-grade building bulk. However, the previous version dedicated much more above-grade building area to parking (four stories versus two stories), which is not included in the gross floor area or floor area ratio computations. With the additional gross floor area dedicated to residential uses, the project now requires a variance of the maximum floor area ratio. In addition, the massing of the current building is concentrated more heavily toward the Lyndale Avenue South side of the site compared to the previous design.
- While the curb cut locations have not changed, the parking level layouts and circulation patterns have been revised to accommodate the level of underground parking and the one level of parking above the ground floor.

- There is no longer an open pedestrian walk-through area connecting the sidewalk along Lyndale Avenue S to the ground floor parking area.

PUBLIC COMMENTS. No comments had been received as of the writing of this report. Any correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

ANALYSIS

REZONING

The Department of Community Planning and Economic Development has analyzed the application for a petition to rezone the properties located at 2008, 2012, 2014, and 2018 Lyndale Avenue South from the C1 Neighborhood Commercial District to the C2 Neighborhood Corridor Commercial District, based on the following findings:

1. *Whether the amendment is consistent with the applicable policies of the comprehensive plan.*

The proposed zoning would be consistent with the applicable policies of *The Minneapolis Plan for Sustainable Growth*. The property is designated as Mixed Use on the future land use map. There is no requirement that every building in a Mixed Use area be mixed use, but the designation allows for mixed use developments, such as residential uses mixed with office or retail.

The site is also located along two land use features: Lyndale Avenue South is a designated Commercial Corridor and West Franklin Avenue is a Community Corridor. Commercial Corridors like Lyndale Avenue South have historically been prominent destinations with a mix of uses, with highest density residential uses along the corridor and medium density uses in surrounding areas. Community Corridors, such as West Franklin Avenue, are primarily residential with intermittent commercial uses clustered at intersections.

The following principles and policies outlined in the plan apply to this proposal:

Land Use 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.

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

- 1.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.

Land Use Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

- 1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low-impact light industrial – where compatible with the existing and desired character.

The remainder of the site is currently zoned C2. The C2 district allows a mix of uses, both commercial and residential. The extension of the commercial zoning as proposed should not significantly affect adjacent residential properties.

The *Lyn-Lake Small Area Plan* was adopted by the City Council in 2009. The plan states that the intersection of West Franklin Avenue and Lyndale Avenue South is “a gateway to Southwest Minneapolis, and improvements should be made” to make the area comfortable for pedestrians and expand opportunities for development. The proposed development would widen the sidewalk along Lyndale Avenue South to reduce the pedestrian crossing across Lyndale Avenue South while creating a more pedestrian-friendly pathway along the west side of Lyndale Avenue South. The City is also currently in the process of a rezoning study which recommends adding the Pedestrian Oriented Overlay District to the subject site and corridor.

2. *Whether the amendment is in the public interest and is not solely for the interest of a single property owner.*

The site currently has split zoning. The rezoning will result in uniform zoning of the site and would allow for a wider range of goods and services along a Community Corridor and Commercial Corridor, as called for in adopted City policies. The amendment is in the public interest and not solely in the interest of the property owner.

3. *Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.*

The proposed zoning classification would be compatible with those of other properties in the area. The parcels at the northwest, northeast, and southwest portions of the intersection are all zoned C2, and the C2 classification extends to both the north and south of the intersection along Lyndale Avenue South. The four parcels that the applicant is requesting to rezone from C1 to C2 would be directly adjacent and to the south of 2004 Lyndale Avenue South, which is zoned C2. The existing uses and zoning classification of adjacent and nearby properties are consistent with the C2 zoning district that is proposed for the four parcels in question.

4. *Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.*

The C2 district allows four stories by-right instead of the three stories allowed in the C1 district, as well as larger retail spaces compared to the C1 zoning district. Because the site is located on a Commercial Corridor in a mixed use area, allowing a wider range of available goods and services and more dense residential development is appropriate.

The total development site is 35,928 square feet. The portion of the site that is located in the C2 district is approximately 14,300 square feet. If the rezoning petition were not granted, the northernmost parcel would be limited to a development that would fit on a 14,300 square feet and subject to setbacks for any walls with residential windows facing the interior or rear property lines, while meeting the objectives for a property zoned C2 along a Commercial and Community Corridor. The remaining 21,600 square feet of the subject site – the four parcels located in the C1 district – would have to be developed separately from the parcel at the corner and would also subject to the setbacks and height for the C1 zoning district. Those factors limit the reasonable use of the property under the current zoning. Allowing the four properties to belong to the same zoning classification would make it possible for future developments on the properties to be constructed in an efficient, coherent manner to emphasize the corner of Franklin and Lyndale and establish a strong, pedestrian-oriented façade along the two intersecting corridors.

5. *Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.*

The five parcels on the subject site have been zoned C1 and C2 since 1999. Prior to that time, when a new zoning code was adopted, all five parcels belonged to the B3S2 Community Service District for at least 30 years, which is comparable to today's C2 zoning district. The proposed zoning would be consistent with the historical zoning classification for this corridor as well as with the more recent mixed use development that has occurred in the surrounding area.

CONDITIONAL USE PERMIT

The Department of Community Planning and Economic Development has analyzed the application to increase the maximum allowed height in the C2 Neighborhood Corridor Commercial District from 4 stories/56 feet to 6 stories/69 feet, based on the following findings:

1. *The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.*

The maximum allowed height of a building in the C2 Neighborhood Commercial District is 4 stories or 56 feet, whichever is less. The applicant has designed the proposed building in such a way that the bulk would be concentrated along the eastern portion of the site that is adjacent to Lyndale Avenue South and along the north side of the site that is adjacent to West Franklin Avenue. The majority of the building would be 63.5 feet tall along Lyndale Avenue South and would be set back approximately 55 feet from the west property line which abuts residential uses. The proposed parking garage along the western portion of the site would be two stories (26 feet) in height and would provide a transition in building heights between the proposed mixed-use building and adjacent properties to the west and south. The proposed building would not be detrimental to or endanger the public health, safety, comfort or general welfare.

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

The surrounding area contains a range of building heights. The residential buildings directly to the west have three and four stories and are situated on a grade that is between approximately seven and ten feet above that of the subject site. The general surrounding area contains one and two-story commercial buildings and medium-density residential buildings with three or four stories.

The zoning classifications in the surrounding area support as-of-right building heights of four (C2 and OR2) and six stories (R6). The C2 zoning district applies to approximately ten properties at or near the intersection of Lyndale Avenue South and West Franklin Avenue. The OR2 and R6 zoning districts are located just to the east and west of the intersection of Lyndale Avenue South and West Franklin Avenue. As the measurement of building height in the zoning code is based on the adjacent natural grade rather than actual sea elevation, the varied topography of the area plays an important role in the impact that a building's height has in conjunction with the structure's bulk and height as measured by the zoning code. If all of the parcels located in the surrounding area were redeveloped up to their permitted building heights, the proposed development would be at or below the relative height of the properties in the area since the intersection is located in a valley.

For these reasons, CPED finds that increasing the height of the building would not be injurious to the use and enjoyment of other property in the vicinity and would not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

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

Increasing the height of the proposed building will not have an impact on utilities, access roads, or drainage. The applicant has prepared a comprehensive utility and drainage plan for the subject site.

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

Increasing the height of the proposed building will have no impact on traffic congestion in the public streets. The number of units proposed for the development is permitted and the Travel Demand Management Plan (TDMP) for the project found that all four intersections included in the study area would operate acceptably at overall Level of Service C or better in the weekday a.m. and p.m. peak hours. In addition, the TDMP found that the site is providing adequate on-site parking. The development would also reduce the number of existing curb cuts from four to two, and would reconstruct the curb alignment along the northern part of Lyndale Avenue South to reduce the width of the pedestrian crossing across Lyndale and widen the sidewalk adjacent to the site.

5. *The conditional use is consistent with the applicable policies of the comprehensive plan.*

In addition to the comprehensive plan policies listed above in the rezoning findings of this report, the proposed development would be consistent with the following general land use policies of *The Minneapolis Plan for Sustainable Growth*:

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

- 1.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.
- 1.5.2 Facilitate the redevelopment of underutilized commercial areas by evaluating possible land use changes against potential impacts on the surrounding neighborhood.

Land Use Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

- 1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

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.

- 10.6.3 Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses.

The site currently contains two one-story commercial buildings and two surface parking areas. The site is designated as Mixed Use in the future land use map and is located on two land use features: Lyndale Avenue South, a Commercial Corridor, and a West Franklin Avenue, a Community Corridor. The comprehensive plan calls for higher-density developments along designated land use features, and the proposed development would be consistent with the comprehensive plan by providing 113 dwelling units and ground-level commercial uses. The majority of the building along the alley adjacent to other residential uses steps down to two stories to provide an appropriate physical transition.

6. *The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

If the requested land use applications are approved, the proposal will comply with all provisions of the C2 Neighborhood Corridor Commercial District.

Additional Standards to Increase Maximum Height

In addition to the conditional use permit standards, the Planning Commission shall consider, but not be limited to, the following factors when determining the maximum height of principal structures in commercial districts:

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

The development addresses light and air of surrounding properties by varying the height and building setbacks of the structures on the site, and incorporating the existing topography on and near the site. The residential buildings to the west are between three and four stories tall and are elevated between seven and ten feet above the elevation of the subject site. The proposed development would be six stories. As a result, the tallest points of the six-story portion of the proposed building would be approximately 18 feet above the nearest neighboring property and 62 feet to the east of the residential building. However, the majority of the proposed mixed-use building would be almost level with the top of the roof of the neighboring properties.

The two-story parking garage would be located in between the proposed mixed-use structure and the residential uses to the west. The parking garage would be approximately three feet from the west property line and 16 feet from the nearest residential structure. The existing adjacent commercial building to the south does not contain north-facing windows and would not be negatively impacted by the proposed development. Increasing the height of the proposed development should not impede access to the light and air that the surrounding properties receive.

2. *Shadowing of residential properties, significant public spaces, or existing solar energy systems.*

The site in question is between approximately seven and ten feet below the grade of the adjacent residential properties. The applicant has submitted a shadowing study that demonstrates the proposed development's impacts on nearby properties during the winter solstice, summer solstice, and spring equinox at 4 p.m., noon, and 9 or 10 a.m. in each scenario. The shadow study indicates that there would be some shadowing of the adjacent residential properties in early mornings, but shadowing significantly decreases or is eliminated by noon. Afternoon shadowing impacts are not expected. While there would be an increase in shadowing of neighboring properties at certain times of day during the year, approving the conditional use permit for height would not result in substantial shadowing effects on nearby residential properties.

There are no significant public spaces or existing solar energy systems in the immediate vicinity that would be affected by the development; the nearest solar energy system is at 1011 West 24th Street, which is approximately 1,500 feet to the southwest of the site.

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

The building heights in the surrounding area range between one and four stories. The three- and four-story, medium-density residential buildings to the east and west of the site are situated on a hill relative to the subject site, which is in a valley, so the resulting difference in the heights of the existing and proposed buildings would be 18 feet at most, and the remainder of the proposed structures would be close to level or shorter than surrounding residential uses.

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

The proposed development will not block views of landmark buildings, significant open spaces, or bodies of water.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to increase the maximum floor area ratio from 2.38 to 3.00, based on the following findings:

- 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 maximum floor area ratio (FAR) for multi-family dwellings before density bonuses in the C2 District is 1.70. This project qualifies for two 20% density bonuses for enclosed parking and mixed commercial-residential buildings as outlined in Section 548.130 of the zoning code. Therefore, the maximum allowed FAR of the project is 2.38. The proposed project includes 107,916 square feet of gross floor area on a site that is 35,928 square feet in area, which equals a floor area ratio of 3.00. A variance is therefore requested to increase the maximum floor area ratio from 2.38 to 3.00.

Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The site is located at the intersection of a Community Corridor and Commercial Corridor, where development of mixed-use projects and high-density housing is encouraged. The *Lyn-Lake Small Area Plan* was adopted by the City Council in 2009. This plan also recommends medium to high density residential uses on Commercial Corridors, particularly in mixed-use developments. The plan states that the intersection of West Franklin Avenue and Lyndale Avenue South is “a gateway to Southwest Minneapolis, and improvements should be made” to make the area comfortable for pedestrians and expand opportunities for development. The policy recommendations for dense mixed-use development in this location contribute to unique circumstances that 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.*

The purpose of the maximum floor area ratio is to measure the scale and intensity of the site being developed. The request to increase the FAR from 2.38 to 3.00 is reasonable. Although the building would exceed the floor area ratio maximum, the applicant has taken measures to reduce the building’s impact by concentrating the majority of the building bulk along Lyndale Avenue and Franklin Avenue. The property is located at the intersection of a Commercial Corridor and a Community Corridor, which encourages high-density mixed-use development. Given these factors, the proposed floor area ratio will utilize the property in a reasonable manner that is 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 would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The bulk and scale of buildings in the general area varies from one to four stories in height, with significant grade changes that impact perceived height and bulk as well. The parking garage portion of the building steps down to two stories along most of the western lot line, and the residential portion of the building steps down to 5 stories nearest to the western lot line. These features mitigate the impact of the bulk on the nearest

residential uses. 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.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the minimum rear yard setback from 15 feet to 3 feet, based on the following findings:

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 applicant is seeking a variance to reduce the rear yard setback from 15 to 3 feet. The minimum building setback of 15 feet along the west property line is triggered by the adjacent residential uses. The site is located along a Community Corridor and Commercial Corridor, and is located in an area that is designated as Mixed Use in the future land use map. The applicant's proposal balances the policies that support increased commercial activity and residential density on the site with the need to provide off-street parking and access for the proposed uses on the site. The applicant has indicated that the soil conditions of the site are unsuitable and non-compactable and do not allow all of the parking to be located below grade. Due to the minimum dimensions required for parking and drive aisles, the lot has limited width to accommodate parking that is lined with active uses along the street. The proposed setback at the ground level varies from 3.2 feet to 3.9 feet. The applicant has demonstrated that landscaping can feasibly be planted in this area which will help to mitigate the appearance of the parking garage. Staff is recommending a condition of approval ensuring that this landscaping is incorporated in the final plans. The narrow depth of the lot and the soil conditions of the site limiting the feasibility of locating all parking underground are practical difficulties which were not 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 request for a reduced setback along the west property line is reasonable and is in keeping with the spirit and intent of the ordinance and comprehensive plan. The intent of having yard controls is to provide for the orderly development and use of land, and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards by providing adequate light, air, open space, and separation of uses. The proposed structure will not diminish light, air, or open space for the adjacent properties. At the third level, the roof of the parking garage would incorporate a green roof with a variety of landscaping features. The fourth through sixth levels have only 30 feet of building wall set back 3 feet from the property line, with 40 feet of building wall set back 10 feet, and the remainder of the building wall set back 55 feet from the west property line. The applicant is proposing to use the property in a reasonable manner and staff finds that the applicant's request is in keeping with the spirit of the ordinance and 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 would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The applicant has demonstrated that the development, as proposed, would provide sufficient light and air for adjacent residential uses while maintaining the mix of uses that is characteristic of the site and surrounding properties. Staff is

recommending a condition of approval that the parking garage walls be screened with year-round landscaping, as shown on the submitted plans.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the minimum south interior side yard setback from 15 feet to 3 feet, based on the following findings:

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 applicant is seeking a variance to reduce the south interior side yard setback from 15 feet to 3 feet. In commercial districts, uses are not typically subject to minimum yard requirements. However, residential uses containing windows which face an interior side yard are subject to a minimum yard equal to five feet plus two feet for every story above the first. For this six-story building, the minimum yard requirement is therefore 15 feet where windows are located along the south property line. The nearest windows are located 3 feet from the south property line. The first two levels of the building are not subject to a yard requirement as they do not contain residential windows. If the windows were eliminated, the entire building could be built up to the property line without requiring a variance. However, this would be inconsistent with city policies and ordinance requirements discouraging blank walls. The applicant is proposing to place the entire building 3 feet from the south property line, allowing for some separation between the adjacent property to the south and the proposed development. CPED staff finds that practical difficulties exist in complying with the ordinance because of these circumstances unique to the property.

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 request to allow a reduced setback along the south property line is reasonable and is in keeping with the spirit and intent of the ordinance and comprehensive plan. The site is located along a Community Corridor and Commercial Corridor, and is located in an area that is designated as Mixed Use in the future land use map. The intent of having yard controls is to provide for the orderly development and use of land, and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards by providing adequate light, air, open space, and separation of uses. The proposed structure will not diminish light, air, or open space for the adjacent properties. The property to the south is a one-story commercial building with zero north-facing windows. The residential windows on the proposed development would overlook the existing commercial building to the south, and would not have a negative impact on the light and air for those facing the south property line on either side. The applicant is proposing to use the property in a reasonable manner and the applicant's request is in keeping with the spirit of the ordinance and 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 would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The applicant has demonstrated that the development, as proposed, would provide sufficient light and air for adjacent uses while maintaining the mix of uses that is characteristic of the site and surrounding properties.

SITE PLAN REVIEW

The Department of Community Planning and Economic Development has analyzed the application based on the required findings and applicable standards in the site plan review chapter:

I. Conformance to all applicable standards of Chapter 530, Site Plan Review.

BUILDING PLACEMENT AND DESIGN

Building placement – Requires alternative compliance

- The first floor of the building is located between three feet and twelve feet from the front lot line along Lyndale. The first floor of the building is located zero to three feet from the corner lot line along Franklin. The placement of the building along Lyndale exceeds the eight foot requirement in several places and therefore requires alternative compliance.
- The placement of the building reinforces the street wall, maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation.
- The area between the building and lot line includes amenities such as landscaping.
- All on-site accessory parking is located to the rear of the site, within the principal building served.

Principal entrances – Meets requirements

- The building is oriented so that at least one principal entrance faces the front property line. There are several entrances to the building, the restaurant use, the retail use, and the walk-up units on Lyndale.
- All principal entrances are clearly defined and emphasized through the use of architectural features such as recesses and specialty pavement.

Visual interest – Requires alternative compliance

- The building walls provide architectural detail and contain windows in order to create visual interest.
- The proposed building emphasizes architectural elements, including recesses, projections, windows, and entries, to divide the building into smaller identifiable sections.
- While there are blank, uninterrupted walls exceeding 25 feet in length on the west elevation of the building, the applicant is proposing to mitigate the blank walls of the parking garage on the south and west elevations with metal mesh installations to support vine plantings. Additionally, the applicant is proposing to plant several arborvitae shrubs along the western façade to provide year-round screening of the parking garage wall. As there are blank walls on the building, alternative compliance is required. Staff is recommending a condition of approval requiring these mesh installations and the proposed shrubs in order to ensure that any potential blank walls are properly mitigated.

Exterior materials – Meets requirements

- The applicant is proposing brick, metal panel, and precast concrete as the building's primary exterior materials. Each elevation would comply with the City's durability standards for exterior materials (see Table I). Please note that exterior material changes at a later date may require review by the Planning Commission and an amendment to the site plan review.
- In addition, the application is consistent with the City's policy of allowing no more than three exterior materials per elevation, excluding windows, doors, and foundation materials.
- Plain face concrete block is not proposed along any public streets, sidewalks, or adjacent to a residence or office residence district.

- The exterior materials and appearance of the rear and side walls of the building are similar to and compatible with the front of the building.

Table 1. Percentage of Exterior Materials per Elevation

Material	Allowed Max	North	South	East	West
Brick (face)	100%	24.3%	27.7%	36.1%	11.6%
Glass	100%	38.2%	11.2%	32.2%	28.6%
Concrete	100%	0%	20.4%	0%	21.9%
Metal Panel	75%	37.5%	40.7%	31.7%	37.9%

Windows – Requires alternative compliance

- For residential uses, the zoning code requires that no less than 20 percent of the walls on the first floor, and no less than ten 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. At the first floor along Lyndale, the residential uses incorporate only 18 percent windows. This requires alternative compliance. (See Table 2.)
- For nonresidential uses, the zoning code requires that no less than 30 percent of the walls on the first floor are windows with clear or lightly tinted glass with a visible light transmittance ratio of six-tenths (0.6) or higher. The project is in compliance with the minimum window requirement for the nonresidential uses along both Lyndale and Franklin (see Table 2). The plans submitted do not indicate the visual light transmittance of the windows. Staff is recommending a condition of approval ensuring that the windows have a visible light transmittance ratio of six-tenths or higher.
- All windows are vertical in proportion and are evenly distributed along the building walls.

Table 2. Percentage of Windows per Applicable Elevation

	Code Requirement		Proposed	
Residential Uses				
1st floor	20% minimum	280 sq. ft.	18%	254 sq. ft.
2nd floor and above	10% minimum	Varies	Meets requirements	
Nonresidential Uses				
Lyndale: 1st floor	30% minimum	274 sq. ft.	61%	557 sq. ft.
Franklin: 1st floor	30% minimum	288 sq. ft.	40%	386 sq. ft.

Ground floor active functions – Meets requirements

- At least 70 percent of the first floor building frontage facing the public street, public sidewalk, or public walkway is required to contain active functions. The ground floor facing Lyndale Avenue contains 87 percent (261 feet) active functions. The ground floor facing Franklin Avenue contains 76 percent (92 feet) active functions. The proposal meets this requirement.

Roof line – Meets requirements

- The principal roof line of the building will be flat, which is similar to that of surrounding buildings.

Parking garages – Meets requirements

- All of the proposed parking is located below ground or enclosed within the building.
- Sloped floors do not dominate the appearance of the walls on the parking garage, and vehicles would be screened from view.

- The proposed parking garage complies with the minimum windows and ground floor active functions requirements.

ACCESS AND CIRCULATION

Pedestrian access – Meets requirements

- There are clear and well-lit walkways at least four feet in width connecting building entrances to the adjacent public sidewalk and on-site parking facilities.

Transit access – Meets requirements

- No transit shelters are proposed as part of this development.

Vehicular access – Meets requirements

- Vehicular access and circulation has been designed to minimize conflicts with pedestrian traffic and with surrounding residential uses.
- Curb cuts have been consolidated. The development would reduce the number of existing curb cuts from four to two.
- There are no public alleys adjacent to the site.
- Service vehicle access does not conflict with pedestrian traffic.
- There is no maximum impervious surface requirement in the C2 zoning district. According to the materials submitted by the applicant, 95.2 percent of the site will be impervious, while 99.7 percent of the site is currently impervious. Additionally, the roof of the parking garage would incorporate landscaping.

LANDSCAPING AND SCREENING

General landscaping and screening – Requires alternative compliance

- The overall composition and location of landscaped areas complement the scale of development and its surroundings.
- At least 20 percent of the site not occupied by the building is landscaped. The applicant is proposing approximately 1,289 square feet of landscaping on site, or approximately 34 percent of the site not occupied by buildings (see Table 3).
- The applicant is not proposing any on-site trees. One canopy tree is required per 500 square feet of the required landscaped area, including all required landscaped yards. The tree requirement for the site is 2 trees and the applicant is proposing zero trees on-site and 3 canopy trees in the public right-of-way. This requires alternative compliance.
- The applicant is proposing at least one shrub per 100 square feet of the required landscaped area, including all required landscaped yards. The shrub requirement for the site is 8 shrubs and the applicant is proposing 43 shrubs.
- The remainder of the required landscaped area is covered with native grasses, perennial flowering plants, vines, and shrubs.

Table 3. Landscaping and Screening Requirements

	Code Requirement	Proposed
Lot Area	--	35,928 sq. ft.
Building Footprint	--	32,188 sq. ft.
Remaining Lot Area	--	3,740 sq. ft.

Landscaping Required	748 sq. ft.	1,289 sq. ft.
Canopy Trees (1:500 sq. ft.)	2 trees	0 trees on-site (3 off-site)
Shrubs (1:100 sq. ft.)	8 shrubs	43 shrubs

Parking and loading landscaping and screening – Meets requirements

- There is no surface parking proposed for the site, so the site is not subject to the screening and landscaping requirements for parking areas per section 530.170.
- Information included in the landscape plan indicates that the plant materials, and installation and maintenance of the plant materials, would comply with sections 530.200 and 530.210 of the zoning code.
- All other areas not occupied by buildings, parking and loading facilities, or driveways would be covered with wood mulch.

ADDITIONAL STANDARDS

Concrete curbs and wheel stops – Not applicable

- There are no surface parking spaces proposed on the site.

Site context – Meets requirements

- There are no important elements of the city near the site that will be obstructed by the proposed building.
- This building should have minimal shadowing effects on public spaces and adjacent properties.
- This building has been designed to minimize the generation of wind currents at ground level.

Crime prevention through environmental design – Meets requirements

- The site plan employs best practices to increase natural surveillance and visibility, to control and guide movement on the site, and to distinguish between public and non-public spaces. The proposal promotes natural observation and maximizes the opportunities for people to observe adjacent spaces and public sidewalks.
- The project provides lighting on site, at all building entrances, and along walkways that maintains a minimum acceptable level of security while not creating glare or excessive lighting of the site.

Historic preservation – Not applicable

- This site is neither historically designated nor is it located in a historic district.

2. Conformance with all applicable regulations of the zoning ordinance.

The proposed use is permitted in the C2 District.

Off-street Parking and Loading – Meets requirements

- The off-street vehicle parking requirement for the restaurant use is 1 space per 500 square feet up to 2,000 square feet, plus 1 space per 300 square feet in excess of 2,000 square feet. The 6,558 square foot restaurant use therefore requires 19 spaces (see Table 4). The 1,127 square foot retail area requires 4 parking spaces. The residential dwellings qualify for the transit incentive, so the typical parking requirement of 113 spaces (1 per dwelling unit) is reduced by 50 percent, to 57 spaces.

- The minimum bicycle parking requirement for the residential use is 57 spaces. The retail and restaurant have bicycle parking spaces of 3 spaces each. The applicant is meeting the bicycle parking requirement. (See Table 5.)
- The off-street loading requirement is one small loading space for the multi-family dwellings. The restaurant and retail uses do not have a loading requirement due to their size. (See Table 6.)

Table 4. Vehicle Parking Requirements Per Use (Chapter 541)

Use	Minimum	Reductions	Total with Reductions	Maximum Allowed	Proposed
Restaurant, sit down	19	--	--	87	44
General retail sales and services	4	--	--	6	
Residential dwellings	113	56 (Transit incentive)	57	--	99
	--	--	128	Nonresidential: 93 Residential: None	143

Table 5. Bicycle Parking Requirements (Chapter 541)

Use	Minimum	Short-Term	Long-Term	Proposed
Restaurant, sit down	3	Not less than 50%	--	28
General retail sales and services	3	Not less than 50%	--	
Residential dwellings	57	--	Not less than 90%	57
	63	--	--	85

Table 6. Loading Requirements (Chapter 541)

Use	Loading Requirement	Minimum Requirement	Proposed
Restaurant	Low	None	None
General Retail Sales and Services	Low	None	None
Residential Dwellings	None	1 small	1 small
	--	1 small	1 small

Building Bulk and Height – Requires conditional use permit and variance

- The applicant has requested a conditional use permit to increase the height of the building from 4 stories or 56 feet to six stories, 69 feet. The applicant has also requested a variance to increase the maximum floor area ratio from 2.38 to 3.00. Staff is recommending approval of both applications as evaluated above. (See Table 7.)

Table 7. Building Bulk and Height Requirements

	Code Requirement	Bonuses	Total	Proposed
Lot Area	--	--	--	35,928 sq. ft. / 0.82 acres
Gross Floor Area	--	--	--	107,916 sq. ft.
Floor Area Ratio (Maximum)	1.7	+ 0.34 for enclosed parking +0.34 for mixed commercial-residential	2.38	3.00
Building Height (Maximum)	4 stories or 56 feet, whichever is less		--	6 stories/ 69 ft.

Lot Requirements – *Not applicable*

Yard Requirements – *Requires variance(s)*

- In commercial districts, uses are not typically subject to minimum yard requirements. However, residential uses containing windows which face an interior side yard are subject to a minimum yard equal to five feet plus two feet for every story above the first. For this six-story building, the minimum yard requirement is therefore 15 feet where windows are located along the south property line. Additionally, because the property abuts a residential district, there is a 15 foot requirement along the rear yard as well (see Table 8).

Table 8. Minimum Yard Requirements

Setback	Zoning District	Overriding Regulations	Total Requirement	Proposed
Front (East)	0 ft.	--	0 ft.	0 ft.
Corner Side (North)	0 ft.	--	0 ft.	0 ft.
Interior Side (South)	0 ft.	15 ft.	15 ft.	3 ft.
Rear (West)	0 ft.	15 ft.	15 ft.	3 ft.

Signs – *Meets requirements*

- All signs are subject to Chapter 543, On-Premise Signs. No specific signage is currently proposed. Conceptual signage shown on the submitted elevations shows a wall sign about 54 feet high. Please note that this sign would require a variance if ultimately proposed. The applicant will be required to submit a separate sign permit application for any specific signage that is proposed.

Screening of Mechanical Equipment – *Meets requirements with Conditions of Approval*

- All mechanical equipment is subject to the screening requirements of [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.
- The building would have a central heating and cooling system, so individual HVAC mechanical units would not be visible from the street.
- No rooftop mechanical equipment is shown on the plans submitted; any additional mechanical equipment shall be required to comply with the standards above.

Refuse Screening – Meets requirements

- All refuse and recycling storage containers are located within the building.

Lighting – Meets requirements

- Existing and proposed lighting must comply with Chapter 535 and Chapter 541 of the zoning code, including:

535.590. Lighting.

- a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.
- b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:
 - 1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and 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.
- No photometric plan has been submitted at this time. All lighting will be reviewed prior to the issuance of any permits to verify compliance with the requirements above.

Fences – Not applicable

- Fences must comply with the requirements in [Chapter 535](#). The applicant is proposing a 6 foot chain link fence in the southwest corner of the site. Staff is recommending a condition of approval that this fence be vinyl-coated chain link, and encourages the applicant to consider a decorative fence in this location.

Specific Development Standards – Meets requirements

- The applicant’s proposal meets the specific development standards for restaurants in [Chapter 536](#).

3. Conformance with the applicable policies of The Minneapolis Plan for Sustainable Growth.

The Minneapolis Plan for Sustainable Growth identifies the site as Mixed Use on the future land use map. In addition to the policies listed in previous sections, the proposed development is consistent with the following principles and policies outlined in the comprehensive plan:

Urban Design Policy 10.2: Integrate pedestrian scale design features into Downtown site and building designs and infrastructure improvements.

- 10.2.1 The ground floor of buildings should be occupied by active uses with direct connections to the sidewalk.
- 10.2.2 The street level of buildings should have windows to allow for clear views into and out of the building.
- 10.2.3 Ensure that buildings incorporate design elements that eliminate long stretches of blank, inactive building walls such as windows, green walls, architectural details, and murals.
- 10.2.5 Locate access to and egress from parking ramps mid-block and at right angles to minimize disruptions to pedestrian flow at the street level.
- 10.2.6 Arrange buildings within a site in order to minimize the generation of wind currents at ground level.
- 10.2.7 Locate buildings so that shadowing on public spaces and adjacent properties is minimized.
- 10.2.8 Coordinate site designs and public right-of-way improvements to provide adequate sidewalk space for pedestrian movement, street trees, landscaping, street furniture, sidewalk cafes and other elements of active pedestrian areas.

Urban Design Policy 10.4: Support the development of residential dwellings that are of high quality design and compatible with surrounding development.

- 10.4.1 Maintain and strengthen the architectural character of the city's various residential neighborhoods.
- 10.4.2 Promote the development of new housing that is compatible with existing development in the area and the best of the city's existing housing stock.

Urban Design Policy 10.5: Support the development of multi-family residential dwellings of appropriate form and scale.

- 10.5.2 Medium-scale, multi-family residential development is more appropriate along Commercial Corridors, Activity Centers, Transit Station Areas and Growth Centers outside of Downtown Minneapolis.

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.

- 10.6.3 Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses.
- 10.6.4 Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces.
- 10.6.5 Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level.
- 10.6.6 Integrate transit facilities and bicycle parking amenities into the site design.

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.

- 10.9.1 Encourage both mixed-use buildings and a mix of uses in separate buildings where appropriate.
- 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.

Urban Design 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.
- 10.10.2 Identify commercial areas in the city that reflect, or used to reflect, traditional urban form and develop appropriate standards and preservation or restoration objectives for these areas.
- 10.10.3 Enhance pedestrian and transit-oriented commercial districts with street furniture, street plantings, plazas, water features, public art and improved transit and pedestrian and bicycle amenities.

- 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.

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

- 10.18.5 Design parking structures so sloping floors do not dominate the appearance of the walls.
- 10.18.6 The ground floor of parking structures should be designed with active uses along the street walls except where frontage is needed to provide for vehicular and pedestrian access.
- 10.18.7 Minimize the width of ingress and egress lanes along the public right of way in order to provide safe pedestrian access across large driveways.

Urban Design 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.

- 10.19.6 Green roofs, living walls, and porous pavement are encouraged but are not meant to be a substitute for ground-level landscaping of sites as landscaping provides both a natural amenity and aesthetic beauty to the urban landscape.

CPED finds that the proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

4. Conformance with applicable development plans or objectives adopted by the City Council.

The site is located within the boundaries of the *Lyn-Lake Small Area Plan*, which was adopted by the City Council in 2009. The plan states that the intersection of West Franklin Avenue and Lyndale Avenue South is “a gateway to Southwest Minneapolis, and improvements should be made” to make the area comfortable for pedestrians and expand opportunities for development. The proposed development would widen the sidewalk along Lyndale Avenue South to reduce the pedestrian crossing across Lyndale Avenue South while creating a more pedestrian-friendly pathway along the west side of Lyndale Avenue South.

5. Alternative compliance.

The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding that the project meets one of three criteria required for alternative compliance. Alternative compliance is requested for the following requirements:

- **Building placement.** The placement of the building along Lyndale exceeds the eight foot requirement in several places and therefore requires alternative compliance. The ground floor of the building on Lyndale incorporates several entries to the building, the restaurant space, the retail space, and the residential walk-up units. The building wall varies in setback. As the building is over 280 feet in length along Lyndale, the varied setbacks help to break up the building length. The maximum setback on the ground floor is 12 feet, only 4 feet further set back than required. The majority of the building is placed within the 8 foot requirement. Staff finds that this adequately meets the intent of the requirement and allows for additional landscaping and recommends granting alternative compliance.

- **Visual interest.** While there are blank, uninterrupted walls exceeding 25 feet in length on the west elevation of the building, the applicant is proposing to mitigate the blank walls of the parking garage on the south and west elevations with metal mesh installations to support vine plantings. Additionally, the applicant is proposing to plant several arborvitae shrubs along the western façade to provide year-round screening of the parking garage wall. Staff finds that the proposed mesh installations and shrubs will adequately mitigate the impact of the blank walls. Staff is therefore recommending grating alternative compliance, with a condition of approval requiring these mesh installations and the proposed shrubs in order to ensure that any potential blank walls are property mitigated.
- **Windows.** At the first floor along Lyndale, the residential uses incorporate only 18 percent windows. However, each of the eight walk-up units has a glass door. If the glass in the glass doors was included in the calculation, nearly 200 additional square feet of glazing would be included and the proposal would meet the requirement. Staff finds that this adequately meets the intent of the requirement to have glazing at the ground level of residential uses. Granting alternative compliance is recommended.
- **General landscaping and screening: canopy trees.** The applicant is not proposing any on-site canopy trees. One canopy tree is required per 500 square feet of the required landscaped area, including all required landscaped yards. The tree requirement for the site is 2 trees and the applicant is proposing zero trees on-site and 3 canopy trees in the public right-of-way. This requires alternative compliance. The applicant is proposing 35 shrubs in excess of their requirement, in addition to several additional shrubs, perennials, and vines both on-site and in the public right-of-way. This alternative meets the intent of the requirement as additional amenities are provided to address any adverse effects from not meeting the canopy tree requirement. Staff recommends granting alternative compliance.

FOR REZONINGS ONLY

ZONING PLATE NUMBER. 18

LEGAL DESCRIPTION.

Parcel/Address	Legal Description
#1/2004 Lyndale Ave So., Minneapolis	The east 123.73 feet of Lots 1 and 2, Block 1, SUNNYSIDE ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota.
#2/2008 Lyndale Ave So., Minneapolis	Lot 3, Block 1, SUNNYSIDE ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota.
#3/2012 Lyndale Ave So., Minneapolis	The north 35 feet, front and rear, of Lot 4, Block 1, SUNNYSIDE ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota.
#4/2014 Lyndale Ave So., Minneapolis	The south 23 feet of Lot 4 and the north 18 feet of Lot 5, Block 1, SUNNYSIDE ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota.
#5/2018 Lyndale Ave So., Minneapolis	The south 40 feet of Lot 5, Block 1, SUNNYSIDE ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the applications by Elizabeth Liebhard for the properties located at 2004, 2008, 2012, 2014, and 2018 Lyndale Avenue South:

A. Rezoning.

Recommended motion: **Approve** the application for a rezoning of the properties located at 2008, 2012, 2014, and 2018 Lyndale Avenue South from the C1 District to the C2 District.

B. Conditional Use Permit.

Recommended motion: **Approve** the application for an increase in maximum height from 4 stories or 56 feet to 6 stories or 69 feet, 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 two years of approval.

C. Variance to increase the maximum floor area ratio.

Recommended motion: **Approve** the application for a variance of the maximum floor area ratio from 2.38 to 3.00.

D. Variance to reduce the rear yard setback.

Recommended motion: **Approve** the application for a variance of the required rear yard from 15 feet to 3 feet, subject to the following conditions:

1. The parking garage walls shall be screened with year-round landscaping, as shown on the submitted plans.

E. Variance to reduce the side yard setback.

Recommended motion: **Approve** the application for a variance of the required side yard from 15 feet to 3 feet.

F. Site Plan Review.

Recommended motion: **Approve** the application for a six-story, mixed-use building with 113 dwelling units and approximately 8,000 sq. ft. of commercial space, subject to the following conditions:

1. All site improvements shall be completed by November 18, 2018, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. CPED staff shall review and approve the final site, elevation, landscaping, and lighting plans before building permits may be issued.
3. The metal mesh for growing vines shall be installed as shown on the south and west elevations. The proposed shrubs shall be incorporated in final plans to ensure that the west elevation is adequately screened year-round.
4. Non-residential ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of six-tenths (0.6) or higher.
5. All new signs are required to meet the requirements of Chapter 543 of the zoning code and separate approvals shall be obtained from CPED.

6. The proposed chain link fence in the southwest corner of the site shall be vinyl-coated. A decorative fence is encouraged.

ATTACHMENTS

1. Zoning map
2. Oblique aerial photo
3. Written description and findings submitted by applicant
4. Survey
5. Plans
6. Building elevations
7. Renderings
8. Shadow study
9. Photos
10. Travel Demand Management Plan