

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permits, Variance, Site Plan Review
BZZ - 3558

Date: June 11, 2007

Applicant: SMJ Investments LLC

Address of Property: 2604 & 2607 Lyndale Ave S

Project Name: 2601 Lyndale Ave Condos

Contact Person and Phone: Todd Knutson, 530 N 3rd St Ste 530, Minneapolis MN 55401, 612-332-8000 ext. 25

Planning Staff and Phone: Tara Beard, (612) 673-2351

Date Application Deemed Complete: April 12, 2007

End of 60-Day Decision Period: June 11, 2007

End of 120-Day Decision Period: A letter was sent to the applicant on May 7, 2007 extending the decision period to August 10, 2007.

Ward: 6, adjacent to 10 **Neighborhood Organization:** Whittier Alliance, adjacent to Lowry Hill East

Existing Zoning: C1 Neighborhood Commercial District (2601 Lyndale Ave S) and OR1 Neighborhood Office Residence District (2607 Lyndale Ave S)

Proposed Zoning: C1 Neighborhood Commercial District (2607 Lyndale Ave S)

Zoning Plate Number: 24

Legal Description of Property Proposed for Rezoning: The land referred to is situated in the State of Minnesota, County of Hennepin, and is described as follows:

2607 Lyndale Ave S

Lot 25, Block 2, Hoblitt's Addition to Minneapolis

Lot area: 10,588 square feet (2601 and 2607 Lyndale Ave S combined)

Proposed Use: Mixed-use building with 15 dwelling units and 2,400 square feet of commercial space.

Concurrent Review:

- Rezone 2607 Lyndale Ave S from OR1 to C1
- Conditional use permit to create 16 new dwelling units
- Conditional use permit to increase maximum height from 3 to 4 stories
- Variance to decrease the minimum lot area from 706 to 662 sq ft per dwelling unit, a reduction of 6% (**this application is not needed and will be returned**).
- Site Plan Review

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits – Chapter 530 Site Plan Review

Background: On behalf of SMJ Investments, LLC, Todd Knutson has applied for land use approvals to demolish a 4,781 square foot building at 2601 Lyndale Ave S (the former Rex Hardware) and a 2,071 square foot dwelling unit at 2607 Lyndale Ave S and construct a new mixed-use building with 2,400 square feet of retail on the first floor and 15 dwelling units above. The new building would be four stories high and have approximately 37,761 square feet, including 1st floor and underground parking. The proposed project meets all setback and parking requirements.

The project consists of one floor of underground parking for the residential users, a first floor consisting of approximately 2,400 square feet of retail space and parking, a second floor and third floor with 6 dwelling units each, and a reduced footprint fourth floor with three additional units. A mixed-use building in the C1 District is limited to 3 stories in the zoning code; the applicant is requesting a conditional use permit to allow the fourth story.

A specific retail use for the first floor has not been identified. Parking requirements for general retail sales and services are being met by the project. The applicant is aware that if a more intensive use is ultimately selected for the space (such as a restaurant or coffee shop), a parking variance may be required.

The applicant has provided copy of a letter from Whittier Alliance indicating committee level support of all applications. Furthermore, signatures of 2/3 of all property owners within 100 feet were required as a part of the rezoning application. Staff has not directly received any written correspondence from community stakeholders as of the writing of this report.

ZONING AMENDMENT -

Required Findings for a zoning amendment:

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

Lyndale Ave S is a commercial corridor from Lake St W to Franklin Ave W, and the subject site is four blocks from the center of the Lyn-Lake Activity Center and three blocks from the Midtown Greenway which is a designated Major Housing Site.

Specific policies in *The Minneapolis Plan* that apply to these applications include:

Chapter 4.3 of *The Minneapolis Plan* states: “Minneapolis will support development in Commercial Corridors where it enhances the street’s character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.” This policy includes the following implementation step:

- Support a mix of uses on Commercial Corridors--such as retail sales, office, institutional, higher density residential (including Major Housing Sites where designated), and clean low-impact light industrial--where compatible with the existing and desired character of the street.

Rezoning from OR1 to C1 will allow higher density housing on the commercial corridor as well as a wider variety of commercial use options.

Chapter 4.9 of *The Minneapolis Plan* states: “Minneapolis will grow by increasing its supply of housing. One of the implementation steps for this policy is to “support the development of new medium- and high-density housing in appropriate locations throughout the City.” The subject sites proximity to both an Activity Center and a Major Housing Site, in addition to its location on a commercial corridor indicates that the high-density housing proposed at this site is appropriate.

Chapter 9.5 of *The Minneapolis Plan* states: “Minneapolis will support the development of residential dwellings of appropriate form and density.” One of the implementation steps for this policy is to “Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.” The subject site is on a Commercial Corridor and would provide high-density residential development.

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

The rezoning is in the interest of the public as it will allow 15 dwelling units on a site on a commercial corridor where there is currently only one. The intersection at 26th & Lyndale has commercial uses on the three other corners other than the subject corner (which also most recently held a commercial use); the proposed rezoning will allow a lot size that permits the retention of a commercial use and additional dwelling units to support the commercial uses in the area.

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.

C1 zoning along a commercial corridor is appropriate. Across the street from 2607 Lyndale Ave S is C4 zoning, and all four corners of the adjacent intersection are commercially zoned. The OR1 District that continues south of 2607 Lyndale Ave S is compatible with C1 zoning, which it currently abuts. There is a wide variety of commercial, residential and office residential districts in the larger area, specifically on Lyndale Ave S.

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 existing zoning classification allows residential and minimal commercial uses. It is reasonable to upzone this property because of its adjacency to a C1 district and its proximity to an intersection with commercial uses on all four corners. The upzone is also reasonable because of the sites location on a commercial corridor.

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 subject site is just outside the Lyn-Lake area, where development pressure the general has been high. There is a variety of high density residential buildings and mixed-use buildings in the immediate area. The character of the area as a high-activity area with many different types of amenities has remained stable for some time, with a general goal of increasing amenities and density along the corridor while protecting the lower-density residential areas to the east and west of Lyndale Ave S. The challenge faced by the area as it grows is to keep it a viable option for residential and commercial activities for a wide variety of people; something that this proposal will help accomplish.

CONDITIONAL USE PERMIT -

Required Findings for the Conditional Use Permit to allow 15 new dwelling units:

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

There is no evidence that creating 15 new dwelling units will adversely affect the public health, safety, comfort or general welfare on the corner of a commercial corridor.

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.

Adjacent properties are mixed and should not be negatively impacted by the proposed building. All parking is enclosed and all setbacks are being met. Adjacent and nearby uses include multi-family residential buildings with higher density than what is proposed for the subject site.

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

Access to the enclosed parking will be off the alley directly east of the building. Adequate utilities and drainage will be provided. Further exploration of these issues will be examined when the project submits for Preliminary Development Review.

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

All parking is provided off street and no curb cuts would be added to the site. The project is located at the end of the alley and should not have an impact on the majority of the users of the alley, which include multi-family residential buildings and single family homes.

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

Lyndale Ave S is a commercial corridor from Lake St W to Franklin Ave W, and the subject site is four blocks from the center of the Lyn-Lake Activity Center and three blocks from the Midtown Greenway which is a designated Major Housing Site.

Specific policies in *The Minneapolis Plan* that apply to these applications include:

Chapter 4.3 of *The Minneapolis Plan* states: “Minneapolis will support development in Commercial Corridors where it enhances the street’s character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.” This policy includes the following implementation steps:

- Develop parking facilities and management strategies that balance the following goals: improved customer access, protection of sidewalk traffic; reduced visual impacts and shared use of parking facilities.
- Require that street design for Commercial Corridor streets provide automobile access and parking in keeping with traditional urban form

By proposing a mixed-use building while providing enclosed parking and utilizing the existing alley for vehicular access to the site the project is consistent with these implementation steps.

Chapter 9.11 of *The Minneapolis Plan* states: “Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.” Implementation steps for this policy include orienting “new buildings to the street to foster safe and successful commercial nodes and corridors,” and requiring “storefront transparency to assure both natural surveillance and an inviting pedestrian experience.” The proposed building is built up to the street and the retail space has storefront windows facing the commercial corridor and 26th St W.

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.

In addition to the rezoning of 2607 Lyndale Ave S from OR1 to C1, and a Conditional Use Permit to allow 15 new dwelling units, the proposal requires a Conditional Use Permit for an increase in height and a Site Plan Review. Originally the applicant proposed a total of 16 units in the building and was requesting a variance to increase the minimum lot area to allow the additional unit. That application has been withdrawn. At the time of the printing of this report,

the applicant has not been scheduled for Preliminary Development Review (PDR). PDR must take place before final plans will be accepted.

CONDITIONAL USE PERMIT -

Required Findings for the Conditional Use Permit to allow an increase in height from 3 to 4 stories:

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

There is no evidence that allowing an additional story to the proposed building on the site would be detrimental to public health, safety, or general welfare. The location of the building is on the southeast corner of the intersection, so most shadowing will occur on the public street (26th St W). The proposed fourth story is set in over 5 feet from the footprint of the bottom three stories on all four sides of the building, further reducing the impact of the additional story.

- 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 two adjacent buildings are of similar heights. A grade change to the south means that the existing residential structure immediately to the south of the subject site is less than a full story shorter than the proposed building, and the multi-family residential building across the alley to the east is 58 feet high, which although shorter than the proposed project height is also four stories.

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

Access to the enclosed parking will be off the alley directly east of the building. Adequate utilities and drainage will be provided. Further exploration of these issues will be examined when the project submits for Preliminary Development Review.

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

All parking is provided off street and no curb cuts would be added to the site. The project is located at the end of the alley and should not have an impact on the majority of the users of the alley, which include multi-family residential buildings and single family homes.

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

Lyndale Ave S is a commercial corridor from Lake St W to Franklin Ave W, and the subject site is four blocks from the center of the Lyn-Lake Activity Center and three blocks from the Midtown Greenway which is a designated Major Housing Site.

Specific policies in *The Minneapolis Plan* that apply to these applications include:

Chapter 4.9 of *The Minneapolis Plan* states: “Minneapolis will grow by increasing its supply of housing. One of the implementation steps for this policy is to “support the development of new medium- and high-density housing in appropriate locations throughout the City.” The subject sites proximity to both an Activity Center and a Major Housing Site, in addition to its location on a commercial corridor indicates that the high-density housing proposed at this site is appropriate. Because of the inclusion of enclosed parking in the design and the commercial use on the first floor, the proposal is eligible for two density bonuses. These bonuses would allow for up to 19 dwelling units. Even with the proposed additional story, the applicant is only proposing 16 new dwelling units, which may indicate that increasing the height is not “over-building” the site.

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.

In addition to the Conditional Use Permit for an increase in height, a rezoning of 2607 Lyndale Ave S from OR1 to C1, and a Conditional Use Permit to allow 15 new dwelling units, the proposal requires a height and a Site Plan Review. Originally the applicant proposed 4 units on the fourth floor of the building and was requesting a variance to increase the minimum lot area to allow 16 dwelling units. That application has been withdrawn. At the time of the printing of this report, the applicant has not been scheduled for Preliminary Development Review (PDR). PDR must take place before final plans will be accepted.

In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the maximum height:

(1) Access to light and air of surrounding properties.

As mentioned before, the building to the east is similar in height to the proposed building, and because of grade changes even the 2 ½ story duplex to the south is comparable in height. All setbacks are being met and the additional story proposed is even further set back from the building footprint.

(2) Shadowing of residential properties or significant public spaces.

No significant public spaces would be shadowed by the proposed building. Most shadowing created by the building would be on 26th St W or Lyndale Ave S.

(3) The scale and character of surrounding uses.

Building heights in the area vary widely. As mentioned before, there are buildings in the area that are 4 stories or more, including the multi-family building immediately to the east and another multi-family building directly north of the first that is also four stories.

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

No significant views should be compromised by the proposed height of the new building.

VARIANCE -

Findings Required by the Minneapolis Zoning Code for the Variance to reduce the minimum lot area from 706 to 662 sq ft per dwelling unit.

This application was noticed in error and has been **returned** to the applicant.

SITE PLAN REVIEW

Findings as Required By the Minneapolis Zoning for Site Plan Review

Required Findings for 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 Zoning Code

BUILDING PLACEMENT AND DESIGN:

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

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

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

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

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - 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.

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

Conformance:

- The building is placed to reinforce the street wall, and much of the street frontage is glass for visibility into the commercial spaces.
- The building is on a corner lot. The entire 26th St frontage is essentially on the property line and most of the Lyndale Ave frontage would be constructed to the front lot line except where a greater setback is required for the first forty feet from the south because of an adjacent residential use.
- There is landscaping between the building and the property line except where concrete is proposed for walkways from the public sidewalk to the building.
- Both commercial uses and the residential use have principal entrances facing the front lot line (Lyndale Ave).
- All commercial parking will be provided in an enclosed first-floor garage. All residential parking will be provided in an underground garage.
- The building is not large, but windows, recesses and architectural details break up the building into sections.
- No blank, uninterrupted walls exceed 25 feet on the proposed project elevations.
- Exterior materials consist largely of brick, with stucco on the recessed fourth floor and some stone details.
- Plain-face concrete block is not proposed as an exterior material for any of the buildings.
- Windows are required on 30% of the first floor and 10% of each floor above the first floor for two sides of the building because they face a public street. The proposed windows provided are as follows:
 - Lyndale Ave S (East) elevation
 - 1st floor: 30% required, 57% provided
 - 2nd floor: 10% required, 27% provided
 - 3rd floor: 10% required, 26% provided
 - 4th floor: 10% required, 22% provided
 - 26th St W (South) elevation
 - 1st floor: 30% required, 35% provided
 - 2nd floor: 10% required, 19% provided
 - 3rd floor: 10% required, 19% provided
 - 4th floor: 10% required, 16% provided
- The windows are generally vertical in nature and are distributed in a more or less even manner.
- The roof is flat which is consistent with neighboring buildings.

ACCESS AND CIRCULATION:

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.
- Site plans shall minimize the use of impervious surfaces.

Conformance:

- Walkways greater than 4 feet are provided to all building entrances.
- There is a transit shelters adjacent to the site on Lyndale Ave. There is a bus stop and bench also in the right of way between the building and Lyndale Ave.
- All parking would be accessed from the rear alley.
- Adjacent properties also have parking access off the alley, including residential uses. The residential use that would share alley access directly across from the proposed building is a four-story multi-family residential building with garage access off the alley.
- All areas not needed for buildings, access, or trash and recycling, will be landscaped. No part of the area between the building g and the alley is proposed to be landscaped, and most of this area is needed for access to the parking garages and trash pick-up. However, there is a concrete snow storage area adjacent to the building at the alley and 26th St that staff is recommending the applicant landscape as a condition of approval.

LANDSCAPING AND SCREENING:

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
- Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.
- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.

- All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

Conformance:

- The lot area (10,588 sq. ft.) less the building footprint (8,440 sq. ft.) yields a net site of 2,148 sq. ft. The Code requires a minimum of 430 sq. ft. of landscaping, 1 tree and 5 shrubs. The total landscaping proposed by the applicant is 1,785 sq. ft. This equals 83% of the net site. The proposed project includes 3 trees and 13 shrubs.
- No screening is required on this site.
- Most areas not occupied by buildings, parking and loading facilities or driveways will be covered with turf grass, native grasses, or other perennial flowering plants, vines, mulch, shrubs or trees. However, there is a concrete snow storage area adjacent to the building at the alley and 26th St that staff is recommending the applicant landscape as a condition of approval.

ADDITIONAL STANDARDS:

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

Conformance:

- There is no surface parking on the site.
- The project will not block views of important elements of the city nor create any substantive shadows on adjacent buildings and open spaces.
- The project would not be expected to contribute significantly to ground-level winds.
- The site design and landscape plan allows views from the public sidewalk into 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 proposed use of 15 dwelling units is permitted with a Conditional Use Permit in the C1 District.

Off-Street Parking and Loading: Chapter 541 requires not less than one parking space per dwelling unit and 4 spaces for the general commercial use. There are 15 dwelling units proposed, thus 15 residential parking spaces are required. The applicant proposes 16 spaces and a bike rack in an underground parking garage. One of these spaces will need to be lost to provide a van accessible space. Twelve commercial spaces are provided in a first floor enclosed garage, but again, 11 spaces will likely be the final count when a fully van accessible space is provided.

Maximum Floor Area: All commercial uses shall be limited to a maximum gross floor area of 4,000 square feet per use, although the project is subject to two bonuses for providing no parking between the principal structure and the street and additional stories above the 1st floor. This would allow a maximum of 8,000 sq. ft. for a commercial use. The size of the retail space proposed by the applicant is 2,400 sq. ft.

The permitted Floor Area Ratio (FAR) in the C1 District is 1.7. Because the project is eligible for two 20% density bonuses because of enclosed parking and mixed-uses, they are entitled to an adjusted FAR of 2.38 ($1.7 + .2(1.7) + .2(1.7)$). The proposed building would have an FAR of 2.26.

Building Height: Building height for a mixed-use building in which at least 50% of the ground floor gross floor area is commercial in the C1 district is limited to 3 stories or 42 feet. The applicant is proposing a building four stories and 48 feet tall. See conditional use permit findings for this analysis.

Minimum Lot Area: The minimum lot area in the C1 District is 900 square feet per dwelling unit. The lot area for this project is 10,588 or 662 square feet per dwelling unit ($10,588 \text{ sq. ft.} / 16 \text{ dwelling units}$). The project is eligible for two density bonuses, one for enclosed parking and one for mixed use. This decreases the minimum lot area to 540 square feet per dwelling unit ($900 \text{ sq. ft.} - 900(.2) - 900(.2)$), bringing the proposal into compliance.

Dwelling Units per Acre: Proposing 15 dwelling units on 10,588 square feet of land translates to 61 dwelling units per acre.

Yard Requirements: The C1 District requires a front setback of 15 feet for the first 40 feet from the adjacent residential use to the south and no setback for the remainder of the Lyndale Ave frontage. There is also no setback requirement for the 26th St frontage. There is no minimum rear yard setback for the first floor as it is a commercial use and is not directly adjacent to a residential use, but an 11 feet rear yard setback for the 2nd, 3rd, and 4th floor residential uses is required (where residential windows face the rear lot line). A side yard setback to the south, adjacent to residential, is 11 feet. The proposal is meeting or exceeding all setback requirements.

Specific Development Standards: not applicable.

Hours of Operation: The commercial use may be open to the public from 6am to 10pm Sunday through Thursday and from 6am to 11pm on Friday and Saturday. The applicant has not secured tenants yet for the commercial space. Future tenants must apply for a conditional use permit to extend their hours of operation if they exceed the times listed above.

Signs: No signs are proposed at this time. Any signs will require a sign permit and review for compliance with Chapter 543 of the zoning code.

Refuse storage: All storage of refuse and recyclable materials will be located inside the building and will be placed in an outdoor stacking area between the building and the public alley during trash pick up.

Lighting: Lighting must comply with Chapter 535 and Chapter 541 of the zoning code. Headlights should not be an issue for adjacent uses as all parking is enclosed.

Minneapolis Plan: Lyndale Ave S is a commercial corridor from Lake St W to Franklin Ave W, and the subject site is four blocks from the center of the Lyn-Lake Activity Center and three blocks from the Midtown Greenway which is a designated Major Housing Site.

Specific policies in *The Minneapolis Plan* that apply to these applications include:

Chapter 9.15 of *The Minneapolis Plan* states: “Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses.” One implementation step for this policy is to “promote quality design and building orientation of commercial and industrial development that is appropriate with the surrounding neighborhoods. The other three corners of the intersection of 26th & Lyndale have brick buildings with flat roofs and commercial or mixed uses. The applicant is proposing a building design and orientation that mirrors the other three corners of the intersection by meeting the street, using brick as the primary exterior material, and designing a flat roof for the building.

Alternative Compliance: The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:

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

Conformance: Staff has not found any conditions that would require alternative compliance.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the zoning amendment change from OR1 zoning to C1 zoning district:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application for a zoning amendment to change 2607 Lyndale Ave S from an OR1 to a C1 zoning district.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit to allow 15 dwelling units at 2601 and 2607 Lyndale Ave S:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow 15 new dwelling units at 2601 and 2607 Lyndale Ave S.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit to allow an increase in height from 3 to four stories at 2601 and 2607 Lyndale Ave S:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to increase the height at 2601 and 2607 Lyndale Ave S from 3 to 4 stories.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to decrease the minimum lot area:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **return** the application for a variance to decrease the minimum lot area at 2601 and 2607 Lyndale Ave S.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a Site Plan Review at 2601 and 2607 Lyndale Ave S subject to the following conditions:

1. The concrete area in the rear of the site that is indicated on the site plan for snow storage will be landscaped up to the garage door, as required by section 530.180 of the code.
2. Any changes to site plan as a result of Preliminary Development Review may result in another public hearing by the City Planning Commission if the Zoning Administrator deems such changes significant under sections 525.360 and 530.100 of the zoning code.

Attachments:

1. Statement of use
2. Findings

Department of Community Planning and Economic Development – Planning Division
BZZ - 3558

3. Correspondence
4. Site Plan, Floor Plans, Elevations, & Zoning map
5. Photos