



**Request for City Council Committee Action
From the Department of Community Planning & Economic Development**

Date: August 11, 2005

To: Council Member Gary Schiff, Chair of Zoning and Planning Committee, and Members of the Committee

Prepared by: Lonnie Nichols, Senior City Planner, (612) 673-5468

Approved by: Jason Wittenberg, Planning Supervisor, (612) 673-2297

Subject: Appeal decision of the July 18, 2005 City Planning Commission Meeting.

Previous Directives: The City Planning Commission reviewed and took action on the Le Parisien, LLC (BZZ 2273), proposal on May 23, June 27, and July 18, 2005. The attached materials indicate that the CPC granted approvals (rezoning and CUP's for a shopping center, 13 residential units, and a 5-story building), returned an application (setback variance) and accepted the withdrawal of an application (parking variance) that were not required, denied setback variances (rear and interior-North lot line) and denied the site plan. On July 28, 2005, the Zoning & Planning Committee approved the rezoning from C1 to C2, a CUP for a 5-story building with a gable roof, and two setback variances to zero "0" feet (rear and interior-North lot line). The applicant, Le Parisien, LLC, has appealed the July 18, 2005, denial of the site plan review by the City Planning Commission. This is the only outstanding application for BZZ 2273, and the site plan discussed at the July 28, 2005, Zoning and Planning Committee hearing has been attached.

Financial Impact: Development costs for the applicant and potential tax revenue for the City.

Community Impact: Proposed mixed-use development on Commercial Corridor.

Ward: Six (6)

Neighborhood Notification: The Whittier Alliance and Lowry Hill East neighborhood organizations were notified of the project.

City Goals: Goals number one and four apply to the subject site and proposed development.

1. Increase the city's population and tax base by developing and supporting housing choices citywide through preservation of existing housing and new construction.

4. Create strong vital commercial corridors citywide through mixed-use development, including a variety of businesses and creative housing.

Comprehensive Plan: See staff report

Zoning Code: See staff report

Living Wage/Job Linkage: The proposed development would create job opportunities.

End of 60/120 Day Decision Period: On May 12, 2005, staff sent a letter to the applicant extending the 60 day decision period to no later than August 12, 2005. On June 27, 2005, the applicant granted an extension of the time limit in Minnesota Statute 15.99 for the City to approve or deny all the zoning applications for BZZ 2273 to September 1, 2005.

Other: Staff is requesting early signature by the Mayor and publication for the City Council's final actions on this application.

- **Background/Supporting Information:** The appellant's complete statement and reasons for the appeal are attached. The City Planning Commission staff report for July 18, 2005, (including attachments) and minutes are attached.

**Department of Community Planning and Economic Development – Planning
Division
Site Plan Review
BZZ-2273**

Date: July 18, 2005

Applicant: Velocity Investments, dba, Le Parisien, LLC

Address of Property: 2301-2309 Lyndale Avenue South

Project Name: Le Parisien Flats and Market Place

Contact Person and Phone: Mark Dziuk, (612) 548-4848

Planning Staff and Phone: Lonnie Nichols, (612) 673-5468

Date Application Deemed Complete: April 14, 2005

End of 60-Day Decision Period: June 13, 2005. However, on May 12, 2005, a letter was sent to the applicant extending the time for review of this application to August 12, 2005.

End of 120-Day Decision Period: August 12, 2005. However, On June 27, 2005, the applicant granted an extension of the time limit in Minnesota Statute 15.99 for the City to approve or deny all the zoning applications for BZZ 2273 to September 1, 2005.

Ward: **6** Neighborhood Organization: **Whittier**

Existing Zoning: C1 (Neighborhood Commercial)

Proposed Zoning: C2 (Neighborhood Corridor Commercial)

Zoning Plate Number: 18

Legal Description: Badger & Penneys 2nd addn to Mpls, Block 002, Lots 23 and 24 thru 27 incl.

Proposed Use: Mixed-use building designed as shopping center with ground floor and second story commercial uses, green rooftop garden space, and 13 dwelling units (floors 2-4) with enclosed parking.

Concurrent Review: Proposed rezoning of two adjacent parcels from C1 (Neighborhood Commercial) to C2 (Neighborhood Corridor Commercial), conditional use permits for a shopping center, multiple family dwelling with 13 units, and 5 story building 52 feet tall to midpoint of roof (plan revised for 5 story building 55 feet tall to top

of mansard roof) where a 4 story building of 56 feet height is allowed, setback variance from 13 to 0 feet for the rear yard, setback variance from 13 to 0 feet for a drive aisle on the south interior lot line (staff has determined this variance is not needed), setback variance from 13 to 7 feet on the north interior lot line, parking variance from 47 to 25 (plan revised so that parking variance is not required), and site plan review for a mixed use development that includes a dry cleaning outlet, retail bakery serving coffee (changed to bakery with no seating area), wine bar restaurant (changed to general commercial space of approx. 2,000 sf), green roof patio, and 13 dwelling units, located at 2301-2309 Lyndale Avenue South.

Applicable zoning code provisions: Chapters: 521 Zoning Districts and Maps, 525 Administration and Enforcement-specifically Article VII-conditional use permits and Article IX Variances 525.520 (1) to vary yard requirements and 525.520 (7) to reduce the applicable off-street parking requirements, 530 Site Plan Review, 535 Regulations of General Applicability, 536 Specific Development Standards, 541 Off Street Parking and Loading, 548 Commercial Districts.

Background: On May 23, 2005, the City Planning Commission recommended approval of a rezoning of the subject site from C1 to C2, and returned a setback variance for a drive aisle along the South interior lot line that was not required. On June 27, 2005, the City Planning Commission approved conditional use permits for a shopping center, 13 dwelling units, and a 5-story building 55 feet tall to the top of a mansard roof; denied setback variances for North interior lot line and rear yard; and continued the site plan review. The rezoning to C2 was approved by the Zoning and Planning Committee on June 9, 2005, and postponed two cycles (due to continuance of other applications at CPC) to July 22, 2005, by the City Council on June 17, 2005. The applicant has indicated that the variance denials will be appealed to the Zoning and Planning Committee, and that an architectural and economic analysis is underway to determine the viability of the project with no setback variances. Although staff has not received any updated plans at this time, the applicant has indicated that he wishes to proceed with the review as scheduled and that updated plans may be submitted to staff prior to the July 18, 2005, CPC meeting. Due to the previous denial of the setback variances by the CPC and the lack of revised plans to review, staff is recommending denial of the site plan review. As this is the third time for the CPC to review the Le Parisien proposal, staff has significantly reduced the narrative and attachments of the report. Staff has not received additional correspondence from anyone other than the applicants since the June 27, 2005, CPC meeting.

Previous City Actions: Previous City actions for the property include a rezoning (R 629) from the B3S-2 (Community Service District) to the R6 district (high density, multi-family residential) for 2307-2313 Lyndale that was withdrawn in 1971, a conditional use permit for a second hand goods store (C-724) at 2309 Lyndale that was approved by the commission in 1982, and a site plan review for Mad City Diner (BZZ 1258) that was approved by the commission in August 2003, but never implemented.

Status of Applications for BZZ 2273 as per the CPC Actions of June 27 and May 23, 2005:

Le Parisien Flats and Market Place (BZZ-2273, Ward 6), 2301-2309 Lyndale Avenue South (Lonnie Nichols). This item was continued from the May 23, 2005 meeting.

Conditional Use Permit: Application by Le Parisien, LLC for a conditional use permit for a shopping center for the property located at 2301-2309 Lyndale Avenue South.

Action: Notwithstanding staff recommendation, City Planning Commission **approved** **the conditional use permit for a shopping center** located at 2301-2309 Lyndale Avenue South based on the following findings:

1. The project is consistent with the previous action to change the zoning to C2;
2. The change in the plan for the second floor commercial space from wine bar to retail reduces the parking impacts;
3. The effort to provide additional landscape buffer and greening on the site reduces impacts;
4. The comprehensive plan supports this type of mixed-use project; and
5. The numbers work for the number of units allowed for the size of the property.

Conditional Use Permit: Application by Le Parisien, LLC for a conditional use permit for a multiple family dwelling with 13 units for the property located at 2301-2309 Lyndale Avenue South.

Action: Notwithstanding staff recommendation, City Planning Commission **approved** **the conditional use permit for 13 units** located at 2301-2309 Lyndale Avenue South in the C1 district based on the following findings:

1. The project is consistent with the previous action to change the zoning to C2;
2. The change in the plan for the second floor commercial space from wine bar to retail reduces the parking impacts;
3. The effort to provide additional landscape buffer and greening on the site reduces impacts;
4. The comprehensive plan supports this type of mixed-use project; and
5. The numbers work for the number of units allowed for the size of the property.

Conditional Use Permit: Application by Le Parisien, LLC, for a conditional use permit for a 5-story building 52 feet tall to midpoint of roof where a 4 story building of 56 feet height is allowed for property located at 2301-2309 Lyndale Avenue South.

Action: Notwithstanding staff recommendation, City Planning Commission **approved** **the conditional use permit for a 5 story building 55 feet tall to top of mansard roof** at 2301-2309 Lyndale Avenue South based on the following findings:

1. The project is consistent with the previous action to change the zoning to C2;
2. The change in the plan for the second floor commercial space from wine bar to retail reduces the parking impacts;

3. The effort to provide additional landscape buffer and greening on the site reduces impacts;
4. The comprehensive plan supports this type of mixed-use project; and
5. The numbers work for the number of units allowed for the size of the property.
6. The project complies with the maximum permitted height in terms of permitted feet.

Variance: Application by Le Parisien, LLC, for a setback variance from 13 to 0 feet for the rear yard for the property located at 2301-2309 Lyndale Avenue South.

Action: The City Planning Commission adopted the findings and denied the variance from 13 to 0 feet for the rear yard.

Variance: Application by Le Parisien, LLC, for a setback variance from 13 to 5 feet on the north interior lot line for the property located at 2301-2309 Lyndale Avenue South.

Action: The City Planning Commission adopted the findings and denied the variance from 13 to 7 feet on the north interior lot line.

Variance: Application by Le Parisien, LLC, for a parking variance from 36 to 26 for the property located at 2301-2309 Lyndale Avenue South.

Action: The City Planning Commission accepted the withdrawal of the application for parking variances from 47 to 25 and from 36 to 26 parking stalls for the mixed-use development at 2301-2309 Lyndale Avenue South.

Major Site Plan Review: Application by Le Parisien, LLC, for major site plan review for a mixed use development that includes a dry cleaning outlet, retail bakery serving coffee, wine bar restaurant, green roof patio, and 13 dwelling units, located at 2301-2309 Lyndale Avenue South.

Action: The City Planning Commission continued the site plan review application for the Le Parisien project located at 2301 and 2309 Lyndale Avenue South to the July 18, 2005 meeting.

CPC Actions of May 23, 2005:

Le Parisien Flats and Market Place (BZZ-2273, Ward 6), 2301-2309 Lyndale Avenue South (L.Nichols).

Rezoning: Application by Le Parisien, LLC, to rezone two adjacent parcels from C1 (Neighborhood Commercial) to C2 (Neighborhood Corridor Commercial), for the property located at 2301-2309 Lyndale Avenue South.

Action: Notwithstanding staff recommendation, the City Planning Commission recommended that the City Council **approve the rezoning** of 2301 and 2309 Lyndale Avenue South from the C1 to the C2 district based on the following findings:

1. The rezoning fosters mixed use development at the end of a commercial area on a commercial corridor; and
2. The rezoning is consistent with other development taking place on Lyndale Avenue.

Variance: Application by Le Parisien, LLC, for a setback variance from 13 to 0 feet for a drive aisle on the south interior lot line for the property located at 2301-2309 Lyndale Avenue South.

Action: The City Planning Commission **returned the variance from 13 to 0 feet for a drive aisle on the south interior lot line** located at 2301-2309 Lyndale Avenue South to the applicant.

SITE PLAN REIVEW

Required Findings for Major 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 FAÇADE:

- 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 531.20 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.

The placement of the building is located up to the front lot line on Lyndale Avenue, reinforces the street wall, maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation. The building is oriented so that the principal entrance faces Lyndale Avenue. The applicant has proposed bicycle racks and planters in front of the building as amenities and public works staff has indicated encroachment permits would be needed for these items. The on-site parking facilities for the retail uses are located to the side of the site, and the residential parking area is located within the principal building served.

The building walls provide architectural detail and 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. The applicant has estimated that the glazing area at the ground (1st) story front of the building along Lyndale Avenue is 51.5 %. A similar pattern of glazing wraps around the North and South facades of the West (front) corners of the building covering an estimated 35% of the 1st and 2nd story commercial-retail façades. The ground floor windows for the retail space are designed to allow views into and out of the building at eye level, and the applicant is hereby reminded 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.

The 2nd, 3rd, and 4th floor facades fronting Lyndale exceed the 10% glazing requirement. Architectural elements, including recesses and projections, windows and entries, are provided and divide the building into smaller identifiable sections. The applicant complies (at 23 feet) but may want to add windows or other architectural elements to the Northern quarter of the Eastern façade (facing residential located across the alley) to distribute the glazing more evenly and/or make this section of wall more pedestrian friendly.

Windows have been added to the South facing wall of the enclosed parking area to comply with the requirement that, "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". However, as per the code, twenty percent (20%) windows would be required for the Southern façade of the residential parking garage. The applicant has provided three (3), evenly spaced and vertical in proportion, 3 x 5 foot windows along this 54 foot length of the structure to provide six percent (6%) glazing, (Calculation: $3 \times 5 = 15 \times 3 = 45$; $54 \times 13.5 = 729$; $45/729 = .0617$). Alternative compliance would need to be granted for this lack of window percentage, as well as for the 32 foot length, ground story, southern facade at the west corner of the building which encloses the garbage and recycling containers for the building. Staff is supportive of alternative compliance for this item.

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. The exterior materials for the building will be stucco, arccus stone, wood (or a synthetic wood-grained product with the same aesthetic value). The applicant has ruled out the use of EIFS (External Insulation Finish Systems) or vinyl.

The form and pitch of the proposed (and approved) mansard roof does not match, but also does not clash with the surrounding buildings. While Lyndale House Antiques is a gable roof with a fairly steep pitch, most of the other commercial and residential buildings immediately surrounding the site have flat roofs. The surrounding area has buildings with flat, gable, and mansard roofs. The applicant revised the plans from a 12/15 roof pitch to a mansard roof for the June 27, 2005, CPC meeting. Although his preference was the pitched roof, the applicant has indicated the mansard roof also reflects a residential structure and retains the desired French architectural style.

The building includes a second story flat roof courtyard as a landscaped amenity. The applicant has not updated staff regarding the future addition of solar panels to the building. During preliminary site plan review, planning staff expressed concerns as to whether the elevator design and rooftop garden plan meet the intent of section 548.170 of the code, separate access required for commercial and residential uses. The zoning administrator did not approve the design and indicated that the separation between the commercial and residential uses did not meet the intent of the code. The applicant has responded that the design does meet the letter of the code and the elevator will be key card accessed and the gate on the roof top garden will be an alarmed emergency exit only, therefore assuring separation and safety. Security cameras may help mitigate these concerns. The design of the second story commercial, residential, and garden roof top has not changed from the plans reviewed by the CPC on May 23, 2005.

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.**

Clear and well-lighted walkways of at least four (4) feet in width are provided to connect the building entrances (retail and residential) to the adjacent public sidewalk. A clear and well-lighted walkway of at least four (4) feet in width has been provided to connect the HC parking stall to the front door, but not the rest of the commercial (retail) parking facilities located on the site. The applicant has indicated that it would be a hardship to provide a sidewalk (4) feet in width the entire length of the building for 13 parking stalls, when he was asked at PSPR to remove the one way drive aisle (20 feet in width versus 22 feet width for two-way) that led to the alley and could be allowed. The applicant believes a good faith effort was made to meet the middle ground by providing a two-way drive aisle that allows an option for an outlet into the alley, but encourages customers to exit back onto Lyndale Avenue to minimize impact on residential properties located east of the alley. The applicant has provided a strip of landscaping along the south edge of the building in lieu of a sidewalk. The applicant has separated residential and commercial parking by enclosing the residential stalls and would be providing streetscape amenities in the public right of way along Lyndale Avenue to enhance the pedestrian environment. Vehicular access and circulation has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses, with the exception of locating a sidewalk between the south façade of the building and the parking stalls for retail use.

There are three bus stops, including one transit shelter located near the property, but none on or in the public right of way adjacent to the property. While the preliminary site plan review notes indicate that alley access should be closed, the nonresidential uses proposed for the site are not captured by the code and the total non-residential floor space in the building is below 4000 sf and therefore not subject to section 530.150 (b) related to alley access. The applicant has not dedicated a space in the parking area for a loading zone, and is not required to by section 541.490 of the code, that allows adequate shipping and receiving facilities accessible by motor vehicle off any adjacent alley, service drive or open space on the same zoning lot for commercial developments below 5000 sf and multiple-family dwellings below 50 units. In response to a citizen concern about traffic at the intersection of Lyndale and 24th Street, staff found that 23 accidents had been reported at the intersection from May 1, 2004, through May 12, 2005. The City's Crime Prevention Through Environmental Design (CPTED) Officer indicated that it would be nice to see less accidents, but that an average of two accidents per month at a busy intersection does not normally warrant a traffic study. The applicant added additional landscaping area in the parking lot for the June 27, 2005, CPC review in an attempt to minimize the use of impervious surfaces at ground level, and does provide a second story rooftop garden as alternative compliance. For additional information on required parking, see the parking narrative in the "Section B: Conformance with applicable zoning code provisions..." part of this report.

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.

The proposed landscaping plan was increased for the June 27, 2005, CPC meeting, but would still require alternative compliance. Based on new information provided by the applicant's architectural firm on June 21, 2005, the total lot area is 13,035 sf (118.5 x 110) and the building footprint is 7170 sf (118.5 x 60.5). Section 530.160 of the zoning code requires that not less than twenty (20) percent of the site not occupied by buildings (or in this application 1173 sf) shall be landscaped, (calculation: lot area – building footprint x 20% = 13,035 sf – 7170 = 5865 x .20 = 1173). The applicant has proposed 1115 sf or nineteen percent (19%) landscaping (calculation: 1115/5865 = .1901) to the site area not occupied by the building at grade. The applicant has proposed an additional 378 sf or six percent (6%) landscaping (calculation: 378/5865 = .06445) as a

rooftop garden amenity to the building, and noted that there would be 490 sf of landscaping (between the exterior boulevard and proposed planters) in the public right of way along Lyndale Avenue. Section 530.160 of the code also requires not less than one (1) canopy tree for each five hundred (500) sf and not less than one (1) shrub per each one-hundred (100) sf of the required landscaped area. In order to be in full compliance, the required plant count for this site is two (2) trees and twelve (12) shrubs to meet the landscaped yard requirements. The applicant has proposed six (6) trees (2 Maple and 4 Blue Beech), forty-four (44) shrubs, and miscellaneous native plants, grasses and flowers. Forty-two (42) additional shrubs, both short (2-3 ft. height) and tall (6-8 ft. height) are proposed for the garden roof top as alternative compliance. The four (4) trees located in the exterior boulevard would need to be approved by the Minneapolis Park Board-Forestry division, and nine (9) shrubs in planters in the interior boulevard would need to be approved through encroachment permit by the Public Works department.

The main landscaping issues identified by staff are an estimated one (1%) percent shortage of landscaping at grade, no landscaping at the base of the proposed freestanding sign, and lack of the required seven (7)-foot-wide landscaped strip along the public alley and street. The landscaping strip provided along the alley is two-and-a-half (2½)-feet-wide and the landscaping strip for the public street (four (4)-feet-wide) is setback from the property line along Lyndale Avenue by the Handicapped accessible parking stall. The applicant has proposed to screen the parking lot along Lyndale Avenue with planters in the public right of way. As a consequence of designing the landscaping strip sixteen (16) feet back from the front property line, the commercial parking area would be in compliance with the requirement that no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree.

The applicant has proposed a landscaping strip along the south wall of the building that is primarily two (2) feet in width with a section that is four (4) feet in width in the area of the proposed compact parking stalls. The applicant has also proposed a landscaping strip along the southern property line that is one (1) foot or less in width. Staff is concerned that the narrow landscaping strips (2 feet or less in width) would not be able to adequately sustain landscaping plants. The landscaping strip on the North side of the building is seven (7) feet wide and three (3) feet in width where sidewalks are provided.

The city planning commission would have to approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80 (alternative compliance), as provided in section 530.220 (exceptions to landscaping and screening requirements). Staff is recommending that decorative fencing to match the existing fencing and railings that are proposed for the project be added to the south lot line, even though it would not be required by code, and extended the full length of a parking stall (18 feet) along the east property line, if alternative compliance is granted. The freestanding sign proposed for the Southwest corner of the property along Lyndale Avenue would also need alternative compliance to meet the year round screening requirement (provision of evergreen

shrubs at the base) as per section 543.240 (d) of the code. The applicant has proposed ornamentation on the sign in lieu of landscaping.

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.
- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- 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.

The commercial parking and loading area abuts the south façade of the building, directing headlights toward the building, but vehicles entering the parking lot and exiting to the alley will have their headlights shining toward the rear yards of residential properties. The applicant has proposed curbing and wheel stops for the parking stalls facing the building and curbing along the South property line. The applicant has proposed a 1,000 gallon underground grey water storage tank for the rooftop garden. The applicant believes the rooftop garden area will be a crime prevention design element by putting more eyes on the street.

Lighting shall comply with the requirements of Chapter 535 and Chapter 541 of the zoning code. The proposed site plan does not block views of important elements of the city and should not generate wind currents at ground level, but may shadow public spaces and the adjacent property to the North.

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: A shopping center is a conditional use in both the C1 and C2 district with specific development standards. A bakery and dry cleaning pick up station are permitted in both the C1 and C2 district. A restaurant, sit down, including the serving of alcoholic beverages with limited entertainment is permitted in both the C1 and C2 district with specific development standards (if a restaurant, sit down, becomes a future tenant of the building). The second floor commercial-retail space is not yet determined, but would need to be reviewed for compliance at a future date. A multiple family dwelling of 5 or more units is a conditional use in both the C1 and C2 district.

Off-Street Parking and Loading: The applicant submitted a revised floor plan for the June 27, 2005, CPC meeting that changed the required parking for the proposed commercial occupants to 11 stalls (12 required – 1 stall for bike parking transit incentive) and maintains the residential parking requirement at 12 stalls (13 required – 1 stall for transit incentives for proximity to bus stops). Parking Calculation: retail dry cleaner (4) + retail bakery (4) + general commercial space (4) + 13 dwelling units (13) = 25 – 2 stalls for transit incentives = 23 parking stalls required. The applicant has proposed 26 parking stalls, including two van accessible handi-capped stalls and a one stall equivalent for bicycle parking.

Maximum Floor Area: The maximum FAR in both the C1 and C2 District is 1.7. The lot in question is 13,046 square feet in area. The plan proposes 21,462 square feet of gross floor area, a FAR of 1.645.

Minimum Lot Area: See analysis below for the C1 and C2 Districts. With 13 proposed dwelling units on a lot of 13,046 square feet, the applicant proposes 1003 square feet (13046/13) of lot area per dwelling unit without bonuses. With the bonuses taken into account, the applicant proposes 2388 square feet (31049/13) of lot area per dwelling

unit with bonuses. On June 27, 2005, the CPC approved a conditional use permit for 13 dwelling units.

The property is currently zoned C1. The zoning code allows dwelling units as part of a mixed-use building at 1500 square feet per dwelling unit in the C1 district and a Floor Area Ratio of 1.7. Eight (8) dwelling units (calculation: $13,046/1500 = 8.697$) and 22,178 square feet of floor area (calculation: $13,046 \times 1.7 = 22,178.2$) would be allowed at this site in the C1 district. Twelve (12) dwelling units (calculation: $8.697 \times 0.20 = 1.739 \times 2 = 3.478 + 8.697 = 12.175$) and 31,049 square feet of floor area (calculation: $22,178.2 \times 0.20 = 4435.64 \times 2 = 8871.28 + 22,178.2 = 31,049.48$) would be allowed when the density bonuses are included.

If the property is rezoned to C2, the zoning code allows dwelling units as part of a mixed-use building at 900 square feet per dwelling unit in the C2 district. 14 dwelling units (calculation: $13046/900 = 14.495$) and 22,178 square feet of floor area (calculation: $13,046 \times 1.7 = 22,178.2$) would be allowed at this site in C2 district. Twenty (20) dwelling units (calculation $14.495 \times 0.20 = 2.899 \times 2 = 5.798 + 14.495 = 20.293$) and 31,049 square feet of floor area (calculation: $22,178.2 \times 0.20 = 4435.64 \times 2 = 8871.28 + 22,178.2 = 31,049.48$) would be allowed when the density bonuses are included.

Building Height: Building height in the C1 District is limited to 2½ stories or 35 feet, whichever is less. However, as per section 548.130 (b) of the code, the mixed use commercial-residential building proposed by the applicant qualifies for a density bonus to increase the building height to 3 stories or 42 feet, whichever is less. Building height in the C2 District is limited to 4 stories or 56 feet, whichever is less. The applicant revised the plans for the June 27, 2005, CPC meeting and the CPC approved a building with a mansard roof of 55 feet in height.

Yard Requirements: The rear and interior side yards have setback requirements of 13 feet ($5 + 2x$) for a five story building.

Specific Development Standards:

Compliance with specific development standards from Chapter 536 of the zoning code for a shopping center and any of the uses in the shopping center would be required.

Hours of Operation:

In the C1 or C2 District, uses may be open to the public during the following hours: Sunday through Thursday from 6:00 a.m. to 10:00 p.m.; Friday and Saturday from 6:00 a.m. to 11:00 p.m. If at some future date, the applicant is granted a wine and beer license by the City, the liquor license hours would determine the closing time, if a wine bar restaurant becomes a future tenant.

Signs: Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code. The applicant proposes to comply with the requirements of the zoning code for signage. The applicant is working with Sign-A-Rama to

ensure compliance with zoning code requirements. The applicant has proposed a free standing sign in the Southwest corner of the lot that will need to be moved completely onto the applicant's property. The pole is located on private property, and the Public Works department has not indicated they will approve an encroachment permit for the portion of sign panel that overhangs into the public right of way. This sign would also need alternative compliance for lack of landscaping at the base as per section 543.240 (d) of the code. The applicant has proposed ornamentation to the sign as alternative compliance.

Refuse storage: The applicant has proposed indoor storage of commercial and residential refuse and recyclables that is accessed from the alley. The applicant has indicated pick up will be scheduled as frequently as needed and an email of support has been submitted by the waste management company.

MINNEAPOLIS PLAN:

MINNEAPOLIS PLAN: *The Minneapolis Plan* designates Lyndale Avenue South from Franklin to Lake Street as a commercial corridor. Commercial Corridors are streets that are available for development including more intensive commercial and high traffic activities. However, commercial corridors must also balance both pedestrian and automobile orientation in their design and development. The plan has the following policies and relevant implementation steps related to this application.

4.1 Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods.

Relevant Implementation Step

Develop standards based on a recognition of the qualities that make urban corridors desirable, viable and distinctly urban, including; diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements which add interest at the scale of the pedestrian.

4.3 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.

Relevant Implementation Steps

Ensure that commercial uses do not negatively impact nearby residential areas.

Regulate impacts of commercial uses, and in some cases prevent some uses from locating on designated Commercial Corridors, due to their adverse impacts on the viability of nearby residential areas.

Reduce the impact of non-residential uses on neighboring residential areas by considering appropriate access, buffering between incompatible uses and regulating hours of operation.

4.11 Minneapolis will improve the availability of housing options for its residents.

Relevant Implementation Steps

Increase the variety of housing styles and affordability levels available to prospective buyers and renters.

Provide and maintain moderate and high-density residential areas.

Promote the development of housing suitable for people and households in all life stages, and that can be adapted to accommodate changing housing needs over time.

Promote accessible housing designs to support persons with disabilities.

9.6 Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.

Relevant Implementation Steps:

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.

Expand the understanding of the role that urban density plays in improving business markets, increasing the feasibility of urban transit systems and encouraging the development of pedestrian-oriented services and open spaces.

Advance the understanding of urban housing and urban retailing among all members of the design and development community.

9.11 Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.

Relevant Implementation Steps:

Enhance unique characteristics of the city's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality public spaces and infrastructure.

Orient new buildings to the street to foster safe and successful commercial nodes and corridors.

9.22 Minneapolis will promote increased housing production in designated areas of the City in order to accommodate population growth.

Relevant Implementation Steps:

Use both infill development and new development opportunities to increase housing in the city.

Consistent with the City of Minneapolis adopted Housing Principles, develop strategies so that the variety of housing types throughout the city and its communities shall be increased, giving prospective buyers and renters greater choice in where they live.

Community Planning Division Comment:

As a designated Commercial Corridor, Minneapolis has identified Lyndale Avenue as a corridor that can take additional housing growth due to its existing transit and commercial amenities.

9.24 Minneapolis will support continued growth in designated commercial areas, while allowing for market conditions to significantly influence the viability of a commercial presence in undesignated areas of the city.

Relevant Implementation Steps:

Encourage the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.

Facilitate the redevelopment of underutilized commercial areas by evaluating possible land use changes against potential impacts on neighborhood compatibility.

The small area plan, Lyndale Avenue: A Vision, would also support the redevelopment of the site, but the plan does not provide enough detail to make a recommendation on the subject proposal.

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

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

While staff is supportive of alternative compliance for lack of glazing for the southern façade of the enclosed residential parking garage and refuse and recycling room, staff is not recommending the approval of alternative compliance for the proposed site plan. The city planning commission would have to approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80 (alternative compliance), as provided in section 530.220 (exceptions to landscaping and screening requirements). The main landscaping issues identified by staff are an estimated one (1%) percent shortage of landscaping at grade, no landscaping at the base of the proposed freestanding sign,

and lack of the required seven (7)-foot-wide landscaped strip along the public alley and street. In addition, staff is concerned that the narrow landscaping strips (2 feet or less in width) would not be able to adequately sustain landscaping plants.

Although it would not be a code requirement for the south lot line, staff is recommending that decorative fencing to match the existing fencing and railings proposed for the project be added to on the top of curbing along the south lot line and be extended the full length of a parking stall (18 feet) along the east property line, if alternative compliance is granted. The freestanding sign proposed for the Southwest corner of the property along Lyndale Avenue would also need alternative compliance to meet the year round screening requirement (provision of evergreen shrubs at the base) as per section 543.240 (d) of the code. Additional items to be considered for alternative compliance include the lack of a walkway four (4) feet in width connecting the commercial parking spaces to the public sidewalk and building entrance, and lack of compliance with the required window percentage along the 1st story, south facing wall. Staff believes the mansard roof could be considered to be compatible with structures in the surrounding area.

CPED PLANNING DIVISION RECOMMENDATIONS:

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

The Community Planning and Economic Development - Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the site plan review application for the Le Parisien project located at 2301 and 2309 Lyndale Avenue South.

Attachments:

1. Post CPC hearing of May 23, 2005, Correspondence Updates
2. Project overview and building summary
3. Authorization letter and Adjacent neighbor letter
4. Applicant's statements on encroachment requests and exterior building materials
5. Green Roof Design Certificate and Building Biology Report
6. Letters on building drainage, waste management, signage
7. Correspondence on elevators, alley encroachment, and van accessible HC parking
8. Preliminary Site Plan Review notes
9. Correspondence from Council Member's office and Whittier neighborhood organization
10. Zoning maps and ortho photo
11. Current Project Plans and Elevations
12. Photos of project site

**Excerpt from the
CITY PLANNING COMMISSION
MINUTES**

**Minneapolis Community Planning & Economic Development (CPED)
Planning Division**

350 South Fifth Street, Room 210
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MEMORANDUM

DATE: July 19, 2005

TO: Steve Poor, Manager, Community Planning & Economic Development - Planning Division; Phil Schliesman, Licenses

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of July 18, 2005

The following actions were taken by the Planning Commission on July 18, 2005. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners Present: President Martin, Krause, Krueger, Kummer, LaShomb, Motzenbecker, Schiff and Tucker – 8

Absent: El-Hindi (excused) and Henry-Blythe.

2. Le Parisien Flats and Market Place (BZZ-2273, Ward 6), 2301-2309 Lyndale Avenue South (Lonnie Nichols). This item was continued from the May 23, 2005 and June 27, 2005, meetings.

A. Major Site Plan Review: Application by Le Parisien, LLC, for major site plan review for a mixed use development that includes a dry cleaning outlet, retail bakery serving coffee, wine bar restaurant, green roof patio, and 13 dwelling units, located at 2301-2309 Lyndale Avenue South.

Action: The City Planning Commission adopted the findings and **denied** the site plan review application for the Le Parisien project located at 2301 and 2309 Lyndale Avenue South.

Staff Lonnie Nichols presented the staff report. He noted that he had not received any new information from the applicants for the site plan.

Commissioner Krause: Were the denials of the setbacks appealed?

Staff Nichols: Yes, Commissioner Krause. The denials were appealed and they have been scheduled for the 18th of July for the Zoning and Planning Committee, at least tentatively.

President Martin: OK, we already had the public hearing on this. Mr. Gates, the applicant is here. Do you want to tell us what's going on with this, why we're not seeing anything?

Paul Gates (4917 Garfield Avenue): We do have several things to tell you about tonight, although I think, if it's OK with you, we'd like to ask that Council Member Zimmermann be able to speak first on behalf of the project. He's asked to do that, as I understand and I know he's on a short time schedule tonight, so if that's OK with the Chair...

President Martin: Well, just so you understand, we're not reopening the public hearing, but I'd be happy to let Council Member Zimmermann speak. It's specifically about the site plan? Because that's what's before us. OK.

Council Member Zimmermann (City Council Member, 6th Ward): I really want to say to you that this is just such a fabulous project in my idea of finally, somebody is coming along and presenting a creative project that is not just one more big rectangle, but rather brings forth some creative design that includes a mixed use project which is going to have both a mixture of housing and retail. We have heard some objections of this, like one objection brought to my attention is that there was some reluctance to approve this because it has second floor retail, and yet if you go along Lyndale in this whole area, you will find any number of businesses that have second floor retail including restaurants down in the 2200 block, in the It's Greek To Me building, and up and down the Avenue. So, it isn't quite clear to me why that should be an objection. This is an area that is being built in conjunction with the business next door who actually sold him the property. They want to bring something that is somewhat matching of the design. This is the antique store next door and they will be in the area just to the right of that. The owner of this antique store sold this property to them and one of the setback recommendations that is being asked for is against this property and the two of them have a joint proposal in mind in how they're going to develop that green space in between their buildings. So it isn't as if they're asking to be intruded on a neighbor who isn't very willing. Another thing I have heard objection to is the massing of the building and I think it should be pointed out that it would be possible to build a building here

which has significant[ly] more mass, but because the design is hollowed out, that there is actually less mass than can actually be required. They could build this other square box, which of course would be a bit of a monstrosity there, and be totally within the all of the guidelines and what they are proposing has significant[ly] less mass. And I think we should point out this has a number of amenities including the roof that they're proposing in this hollowed out area be a first floor green roof which will be something which will be visible from the street and as well as from the apartments up above. This brings a unique design of having housing which does not have any hallways. So I think all in all we've got a great project here and I think the setbacks that they are asking for are very reasonable when you consider just down the street there at 2600, we put up a building that had 30 variances at 26th and Nicollet. Why there would be objections to these very minor setbacks, I'm finding it hard to understand. I would hope that we could get some early approval on this so that they can get into the ground and get this project done before the construction season is over. Thank you very much for your consideration. I would stand for any question if you have any.

President Martin: I don't see any. Thank you.

Paul Gates: Let me say briefly that we recognize that the Commission essentially sent us away at the last meeting and said revisit your site plan, see what you can come back to us with – something that would be perhaps less requiring of variances. We have certainly tried to do that. We have worked very hard over the past couple weeks. Myself and the design architects, Ankeny Kell. In each of the three or perhaps four different alternatives that we presented to the developer, after their analysis, they concluded that there was some harm done to the project that made their economic numbers not work. The units became too small, the retail space became too small, there wasn't enough parking, this or that... They always concluded that we just weren't able to proceed with a project that didn't have the variances that this project is requesting. So, we are coming back to you again tonight with the same site plan. We recognize that you've already acted upon the request for variances. We would hope that the Commission might be able to see its way towards an approval of the site plan subject to a successful appeal of the variances before the Zoning and Planning Commission. Based upon our understanding in talking with staff, there's some question as to whether or not you can revisit the previous denial. So if that is in fact the case, then we would ask that you again approve the site plan subject to the successful appeal.

President Martin: OK, thank you. Anybody have any questions?

Commissioner LaShomb: Are we done with the public hearing?

President Martin: Yes, we closed the public hearing.

Commissioner LaShomb: I'm going to move denial of the site plan (Tucker seconded). I moved to approve the rezoning of this. I thought it was a good use on Lyndale. I think it was my colleague, Commissioner Krause, moved the conditional use permit a couple

weeks ago. We've had this here three times. I can't remember many projects we've had at the Planning Commission three times. And if these are such minor changes on the variance, then I guess my reaction is I would have thought that the developer and the staff could reach an agreement. I don't think the staff is at fault here. I think the developer just has this conception of how this is going to look and it's not consistent with what the City code allows. So I guess my kind of reaction to this is if they're going to appeal the variances to the Zoning and Planning Committee, they might as well appeal the site plan review as well because they ought to get it all in one place. And frankly, given the fact we've heard this three times, for us to now say - oh, well it really didn't matter, well approve it now - is wrong-headed. So that's why I'm pushing denial. Let it all go to Zoning and Planning. If Zoning and Planning wants to make major concessions on the code to allow this property to exist, fine.

Commissioner Krause: Madame Chair, I don't think procedurally there's any way we could approve the site plan. I mean, we've already denied the variances.

President Martin: We don't have a site plan.

Commissioner Krause: There isn't a site plan that reflects that. So I don't think procedurally there's any way for us to even do this, especially when the dials [sic] are pending an appeal before the council committee. I wouldn't necessarily agree that the variances here are minor. I mean, we have allowed a lot of density here. We've allowed a big building on this lot. And the variance on the rear yard is from 13 feet to zero. So I think what we were saying before is that the building is large and because it is so large, try to come closer to meeting some of those setbacks from the adjacent properties.

President Martin: OK. I don't see any others. So the motion is to approve the staff recommendation to deny. All those in favor, please signify by saying aye.

The motion carried 7 – 0.