

Department of Community Planning and Economic Development – Planning Division
Variances and Site Plan Review
BZZ-4209

Date: October 20, 2008

Applicant: Julius De Roma

Address of Property: 3045 Lyndale Avenue South

Project Name: Not applicable for this development

Contact Person and Phone: Patrick Mackey, (612) 721-0489

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

Date Application Deemed Complete: September 24, 2008

End of 60-Day Decision Period: November 23, 2008

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

Ward: 10 **Neighborhood Organization:** Lyndale Neighborhood Association

Existing Zoning: C2, Neighborhood Corridor Commercial District

Proposed Zoning: Not applicable for this development

Zoning Plate Number: 24

Legal Description: Not applicable for this development

Proposed Use: Two-story mixed-use building with first floor commercial space and second floor dwelling unit

Concurrent Review:

Variance: to reduce the front yard setback along West 31st Street from the required 2 feet 8 inches to 0 feet for the first 40 feet west of the east property line for the building.

Variance: to reduce the north interior side yard setback from the required 7 feet to 3 feet for the building.

Site plan review: for a new two-story mixed-use building (one commercial space and one dwelling unit).

Applicable zoning code provisions: Chapter 525, Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations” and Chapter 530, Site Plan Review.

Background: In 1902 a single-family dwelling was constructed on the property located at 3045 Lyndale Avenue South. In 1908 the dwelling was converted to a duplex. In 1994 the City of Minneapolis issued a demolition permit for the duplex and since this time the property has remained vacant. The applicant is proposing to construct a two-story mixed-use building with first floor commercial space and a second floor dwelling unit. The parking requirement for this development is five spaces.

The applicant owns several adjacent properties. The property located at 3037 Lyndale Avenue South is a two-story building with two commercial businesses, the property located at 3039 Lyndale Avenue South is a surface parking lot and the property located at 312 West 31st Street is a duplex. The total parking requirement for all of these uses and the proposed development is 15 spaces. The duplex was built in 1909 without any parking so it has grandfathered parking rights to two spaces. The applicant is also proposing to have a bicycle rack located on the 3045 Lyndale Avenue South property which reduces the parking requirement by one space. Given all of this the number of parking spaces that need to be accommodated on the site is 12. The surface parking lot accommodates 14 parking spaces. The applicant has submitted a shared parking agreement that will be kept on file in the Zoning Office

VARIANCE - to reduce the front yard setback along West 31st Street from the required 2 feet 8 inches to 0 feet for the first 40 feet west of the east property line for the building

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Front yard setback along West 31st Street: The applicant is seeking a variance to reduce the front yard setback along West 31st Street from the required 2 feet 8 inches to 0 feet for the first 40 feet west of the east property line for the building. The site is a reverse corner lot and therefore has two front yards; Lyndale Avenue South and West 31st Street. The nearest residential property along West 31st Street is located between ten and 14 feet to the east of the site. In between the adjacent property and the proposed building will be landscaping.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Front yard setback along West 31st Street: The fact that the adjacent residential building is setback only 2 feet 8 inches from the front property line and located between ten and 14 feet to the east of the proposed building is a unique circumstance of this site.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Front yard setback along West 31st Street: The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The Planning Division believes that the granting of the variance would be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The proposed development would be located 2 feet 8 inches closer to the front property line along West 31st Street than the duplex to the east. However, the development will be located between ten and 14 feet away from the adjacent duplex which will allow adequate light, air and open space. All of the structures located on the north side of West 31st Street between Lyndale Avenue South and Garfield Avenue are located close to the front property line along West 31st Street.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Front yard setback along West 31st Street: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the setback variance be detrimental to welfare or public safety.

VARIANCE - to reduce the north interior side yard setback from the required 7 feet to 3 feet for the building

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

North interior side yard setback: The applicant is seeking a variance to reduce the north interior side yard setback from the required 7 feet to 3 feet for the building. The setback requirement of seven feet is triggered because the second floor dwelling unit has windows facing the north interior side yard setback. If the dwelling unit had no windows facing the north interior property line the setback requirement would be zero feet. The applicant has indicated that if the second floor of the building had a different setback than the first floor of the building that it would be structurally more complicated to build. In addition, the applicant has indicated that the north interior property line is adjacent to the parking lot that he owns and is used to satisfy the parking requirement for the proposed building.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

North interior side yard setback: The fact that the applicant owns the property to the north of the proposed site is a unique circumstance of this project.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

North interior side yard setback: The intent of the ordinance is to provide a setback for residential buildings with windows facing an interior side or rear yard where a building could be built along the property line on an adjacent parcel. This is to meet building code requirements for fire protection and to prevent a situation where a building would be built on an adjacent parcel blocking the windows. The Planning Division believes that the granting of the variance would be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The building will be setback three feet from the north interior property line which will provide access to light and air for the second floor dwelling unit.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

North interior side yard setback: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the setback variance be detrimental to welfare or public safety.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- The area between the building and the lot line shall include amenities.**
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.**

- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.**
- **In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.**
- **Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.**
- **Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.**
- **Entrances and windows:**
 - **Residential uses:**
 - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
 - a. **Windows shall be vertical in proportion.**
 - b. **Windows shall be distributed in a more or less even manner.**
 - **Nonresidential uses:**
 - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
 - a. **Windows shall be vertical in proportion.**
 - b. **Windows shall be distributed in a more or less even manner.**
 - c. **The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.**
 - d. **First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.**
 - e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**

- **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
- **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

PLANNING DEPARTMENT RESPONSE:

- The building reinforces the street wall, facilitates pedestrian access and maximizes natural surveillance. The building is located up to the front property line along Lyndale Avenue South and West 31st Street, the commercial and residential uses within the building have an entrance facing the street and there are windows along all sides of the building where people can see in and out.
- The first floor of the building is required to be located within eight feet of the front property line except where a greater yard is required by the zoning ordinance. In this particular development the lot is a reverse corner so West 31st Street is also a front yard. The required front yard setback in the C2 zoning district is zero feet or the established setback of the adjacent residential property. In this case the front yard setback along Lyndale Avenue South is zero feet and the front yard setback along West 31st Street is two feet eight inches. The building will be located at the property line along Lyndale Avenue South and the applicant is seeking a variance to locate the building at the property line along West 31st Street.
- The first floor commercial space has its principal entrance facing Lyndale Avenue South and the second floor dwelling unit has its principal entrance facing West 31st Street.
- All of the required parking for the proposed development will be provided in the adjacent surface parking lot that is owned by the applicant.
- The exterior materials of the building include brick, cement board siding and rock-face block. All four sides of the building will be similar to and compatible with the front of the building.
- Along the south building wall the area between the commercial windows and the residential entrance is over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. The applicant is proposing two options for the area of the wall that is blank. One option is to locate another window along the building wall and the second option is to incorporate a trellis along the wall which vines would grow up. The Planning Division is recommending that one of these two options be incorporated into the final design.
- At least 30 percent of the first floor and at least 10 percent of the upper floor of the building that face a public street or an on-site parking area are required to be windows. Window area at the first floor or ground level is measured between two and ten feet above the adjacent grade. The analysis of the project's compliance with these requirements is as follows:
 - Lyndale Avenue South: the percentage of windows on the first floor of the building is 54 percent and the percentage of windows on the second floor of the building is 21 percent.
 - West 31st Street: the percentage of windows on the first floor of the building is 35 percent and the percentage of windows on the second floor of the building is 12 percent.

- The majority of the windows in the building are vertical in nature and the windows are evenly distributed along the building walls.
- For non-residential uses, the zoning code requires that at least 30 percent of the windows allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views. The Planning Division is recommending that at least 30 percent of the window area allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views so as to comply with the regulations of the zoning code.
- The principal roof line of the building will be flat. In the area both pitched roofs and flat roofed buildings can be found. The commercial buildings in the area primarily have flat roofs and the residential buildings in the area primarily have pitched roofs.

ACCESS AND CIRCULATION:

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

PLANNING DEPARTMENT RESPONSE:

- The principal entrances leading into and out of the building are connected to one of the adjacent public sidewalks via a walkway.
- No transit shelters are proposed as part of this development.
- There are no curb cuts leading to this site.
- There is a public alley on this block but the site is not adjacent to it.
- The building footprint occupies 88 percent of the site. Of the remaining lot area, 81 percent of the will be landscaped.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**

- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

PLANNING DEPARTMENT RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 4,180 square feet. The footprint of the building is 3,672 square feet. When you subtract the footprint from the lot size the resulting number is 508 square feet. Twenty percent of this number is 102 square feet. According to the applicant's landscaping plan there is 409 square feet of landscaping on the site or approximately 81 percent of the site not occupied by the building.
- The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement for this site is one and five respectively. The applicant is not proposing to have any canopy trees on the site but the applicant is proposing to have five shrubs and an area planted with native grasses on the site. Given the size of the planting area on the north and east sides of the building the Planning Division is recommending that alternative compliance be granted to allow there to be no trees planted on the site. Since the applicant owns the residential structure to the east of the site, the Planning Division is recommending that as an alternative the applicant plant a canopy tree in the yard between the proposed building and the residential structure to the east.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**

- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
 - **Natural surveillance and visibility**
 - **Lighting levels**
 - **Territorial reinforcement and space delineation**
 - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

PLANNING DEPARTMENT RESPONSE:

- Stormwater runoff from the building roof will be directed to the green spaces on the site.
- This building should not block views of important elements in the city.
- This building should have minimal shadowing effects on the surrounding area.
- This building should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as the building entrances are accessible directly from the public sidewalk, there are windows where people can see in and out along all levels of the building and there are lights located near all of the pedestrian entrances.
- This site is neither historically designated nor located in a historic district.

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

ZONING CODE:

- **Use:** General retail sales and services uses and one to four dwelling units located in a mixed-use building are both permitted uses in the C2 zoning district.
- **Off-Street Parking and Loading:** The applicant owns several adjacent properties. The property located at 3037 Lyndale Avenue South is a two-story building with two commercial businesses, the property located at 3039 Lyndale Avenue South is a surface parking lot and the property located at 312 West 31st Street is a duplex. The total parking requirement for all of these uses and the proposed development is 15 spaces. The duplex was built in 1909 without any parking so it has grandfathered parking rights to two spaces. The applicant is also proposing to have a bicycle rack located on the 3045 Lyndale Avenue South property which reduces the parking requirement by one space. Given all of this the number of parking spaces that need to be accommodated on the site is 12. The surface parking lot accommodates 14 parking spaces. The applicant has submitted a shared parking agreement that will be kept on file in the Zoning Office.

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- **Maximum Floor Area:** The maximum FAR in the C2 zoning district is 1.7. The lot in question is 4,180 square feet in area. The applicant proposes a total of 5,672 square feet of gross floor area, an FAR of 1.36.
- **Building Height:** Building height in the C2 zoning district is limited to four stories or 56 feet. The applicant is proposing to construct a building that is two stories or 24 feet in height.
- **Minimum Lot Area:** The minimum lot area per dwelling unit in the C2 zoning district is 900 square feet. With one proposed dwelling unit on a lot of 4,180 square feet, the applicant proposes 4,180 square feet of lot area per dwelling unit.
- **Dwelling Units per Acre:** The site is .095 acres in size. There are 10.53 dwelling units per acre proposed on the site.
- **Yard Requirements:** The required front yard setback in the C2 zoning district is zero feet or the established setback of the adjacent residential property. In this particular development the lot is a reverse corner so there are two front yards. The front yard setback along Lyndale Avenue South is zero feet and the front yard setback along West 31st Street is two feet eight inches. The building will be located at the property line along Lyndale Avenue South and the applicant is seeking a variance to locate the building at the property line along West 31st Street.
- **Specific Development Standards:** There are no specific development standards for general retail sales and services uses or residential uses.
- **Hours of Operation:** Residential uses are not subject to hours of operation. The hours of operation in the C2 zoning district are Sunday through Thursday 6 am to 10 pm and Friday and Saturday 6 am to 11 pm.
- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the C2 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall. However, if there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 180 square feet in size. Projecting signs are limited to 16 square feet in size. The height limitation for both wall signs and projecting signs is 24 feet and neither are permitted to extend above the roofline of the building. Freestanding signs are limited to 80 square feet and can be no taller than 25 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one.

The applicant is not proposing to have a freestanding sign on the site. The Lyndale Avenue South and West 31st Street sides of the building are primary building walls. Along the Lyndale Avenue South side of the building the maximum amount of signage that would be allowed is 69 square feet. The applicant is proposing to have 45 square feet of signage on this side of the building. Along the West 31st Street side of the building the maximum amount of signage that would be allowed is 120 square feet. The applicant is proposing to have 45 square feet of signage on this side of the building.

- **Refuse storage:** There is a trash and recycling area located within the building.

- **Lighting:** A lighting plan showing footcandles was not submitted as part of the application materials.

MINNEAPOLIS PLAN:

This site is located on the northeast corner of the intersection of Lyndale Avenue South and West 31st Street. Lyndale Avenue South, north of Lake Street, is a designated Commercial Corridor and Lyndale Avenue South, south of Lake Street, is a designated Community Corridor. The site is located one block south of Lake Street which is a designated Commercial Corridor. The site is also located in the designated Lyn-Lake Activity Center. The land use features in the update to *The Minneapolis Plan* are the same except that Lyndale Avenue South will be a designated Commercial Corridor to West 31st Street. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment (Policy 9.6).
- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods (Implementation Step for Policy 9.6).
- Support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character (Policy 9.10).
- Support urban design standards that emphasize a traditional urban form in commercial areas (Policy 9.11).
- Orient new buildings to the street to foster safe and successful commercial nodes and corridors (Implementation Step for Policy 9.11).
- Require storefront transparency to assure both a natural surveillance and an inviting pedestrian experience (Implementation Step for Policy 9.11).
- Protect residential areas from the negative impact of non-residential uses by providing appropriate transitions (Policy 9.15).
- Require screening and buffering for new developments next to residential areas (Implementation Step for Policy 9.15).
- Encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs (policy 9.16).
- Build on recent initiatives to use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land (Policy 9.17).

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

ALTERNATIVE COMPLIANCE:

- **The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:**
- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof,**

decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.

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

PLANNING DEPARTMENT RESPONSE:

- **The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site:** The tree and shrub requirement for this site is one and five respectively. The applicant is not proposing to have any canopy trees on the site but the applicant is proposing to have five shrubs and an area planted with native grasses on the site. Given the size of the planting area on the north and east sides of the building the Planning Division is recommending that alternative compliance be granted to allow there to be no trees planted on the site. Since the applicant owns the residential structure to the east of the site, the Planning Division is recommending that as an alternative the applicant plant a canopy tree in the yard between the two proposed building and the residential structure to the east.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the front yard setback along West 31st Street from the required 2 feet 8 inches to 0 feet for the first 40 feet west of the east property line for the building located at 3045 Lyndale Avenue South.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the north interior side yard setback from the required 7 feet to 3 feet for the building located at 3045 Lyndale Avenue South.

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 site plan review application for the property located at 3045 Lyndale Avenue South subject to the following conditions:

1. In order to not have a blank wall over 25 feet in length and blank along the south building wall the applicant shall either install another window or incorporate a trellis for vines.
2. At least 30 percent of the window area in the commercial portions of the building facing the public streets shall allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views so as to comply with the regulations of Section 530.120 of the zoning code.
3. A canopy tree shall be planted in the yard between the proposed building and the residential structure to the east.
4. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
5. All site improvements shall be completed by October 20, 2009, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Lyndale Avenue South Statement of proposed use and description of the project
2. Variance findings
3. September 3, 2007, letter to Council Member Remington, the Lyndale Neighborhood Association and CARAG
4. Zoning Maps
5. Survey, site plan, landscape plan, floor plans and elevations
6. Photographs of the site and the surrounding area