

Department of Community Planning and Economic Development – Planning Division
Variance and Site Plan Review
BZZ-3548

Date: June 11, 2007

Applicant: Sherman Associates

Address of Property: 2931 and 2937 Bloomington Avenue South

Project Name: East Phillips Mixed-Use Project

Contact Person and Phone: Mark Kronbeck with Alliant Engineering, (612) 767-9338

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

Date Application Deemed Complete: May 16, 2007

End of 60-Day Decision Period: July 15, 2007

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

Ward: 9 Neighborhood Organization: East Phillips Improvement Coalition

Existing Zoning: C1, Neighborhood Commercial District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 26

Legal Description: Not applicable for this application

Proposed Use: Mixed-use building containing two dwelling units and two commercial spaces

Concurrent Review:

Variance: to reduce the required number of off-street parking spaces for a new three-story mixed-use building from the required 15 to six

Site plan review

Applicable zoning code provisions: Chapter 525, Article IX, Variances, specifically Section 525.520(7) “to reduce the applicable off-street parking requirements up to one hundred percent, provided the proposed use or building serves pedestrian or transit-oriented trade or occupancy, or is located near an off-street parking facility that is available to the customers, occupants, employees and guest of the use” and Chapter 530, Site Plan Review

Background: The property located at 2931 Bloomington Avenue South is currently owned by CPED. The applicant has a redevelopment contract with CPED to develop the site. The property located at 2937 Bloomington Avenue South is currently owned by Third Financial Corporation. The applicant has an agreement with this owner to develop the site but as part of this agreement the current owner will maintain ownership of a portion of the property which will be occupied by eight parking spaces.

Both properties are currently vacant. The applicant is proposing to construct a three-story mixed-use building containing two dwelling units and two commercial spaces. The building will be sold as two units and will be divided into two halves; north and south. The first floor of the building will be occupied by the commercial spaces and the upper two floors will be occupied by the dwellings. The commercial space on the north side of the building will be occupied by a restaurant with a 480 square foot seating area. The tenant for the commercial space on the south side of the building is unknown at this time.

In structures containing both residential and non-residential uses, customers and employees of the non-residential portion of the building cannot have unsolicited access to hallways that include doorways serving individual dwelling units. In this case the principal entrances to the commercial spaces are located on the front of the building and the principal entrances to the residential units are located on the back of the building. Also on the back of the building are secondary entrances to the commercial spaces. Both the residential and commercial uses share a common vestibule (see sheet A100). This layout does not meet the requirements of the zoning code. The Planning Division is recommending that either the residential and commercial uses not share a common vestibule on the back of the building or that additional doors be added at the top of the stairs that lead to the residential units.

The parking requirement for the development is 15 spaces: each dwelling requires one space, the restaurant requires 10 spaces and the other commercial space requires four spaces. The applicant is providing a bicycle rack on the site which reduces the parking requirement by one space. In total there will be 14 parking spaces on the site. However, because the eight parking spaces located on the eastern portion of the site will be owned by Third Financial Corporation and will not be available to this development, they are not included as fulfilling the parking requirement for the project. Therefore, the applicant is seeking a variance to reduce the parking requirement from 15 to six. Site plan review is also required as the building is a new principal mixed-use building.

VARIANCE - to reduce the required number of off-street parking spaces for a new three-story mixed-use building from the required 15 to six

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.

Parking reduction variance: The applicant is seeking a variance to reduce the required number of off-street parking spaces for a new three-story mixed-use building from the required 15 to six. The applicant has indicated that providing the additional parking spaces on the site would not be necessary given that they anticipate that most of the commercial tenants' business will come from residents that

already live in the area. It is also important to point out that this site is located near the intersection of Bloomington Avenue South and East Lake Street which are both well serviced by bus transit.

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.

Parking variance for the supportive housing facility: The zoning code authorizes a variance to reduce the applicable off-street parking requirement up to 100 percent provided the proposed use or building serves pedestrian or transit-oriented trade or occupancy, or is located near an off-street parking facility that is available to the customers, occupants, employees and guests of the use. The Planning Division believes that the circumstances are unique to warrant the granting of the variance. The site is located near the intersection of Bloomington Avenue South and East Lake Street which are both well serviced by bus transit. In addition, the site is located one block north of the Midtown Greenway. There are access points to and from the Midtown Greenway at both 13th Avenue South and 18th Avenue South. Both of these access points are located three blocks from the 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.

Parking variance for the supportive housing facility: The Planning Division believes that the granting of the variance would be in keeping with the spirit and intent of the ordinance. The zoning code authorizes a variance up to 100 percent where the applicant can demonstrate that parking will not be an issue for the particular use. Neither of the commercial spaces are very large. The restaurant will have a 480 square foot seating area and the other commercial space is 825 square feet.

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.

Parking variance for the supportive housing facility: 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 proposed 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 set close to the front property line, the commercial entrances are oriented towards Bloomington Avenue South and both the commercial spaces and the residential units have windows along the front of the building where people can see in and out. In addition, there is a patio located between the building and the front property line that will be utilized for outdoor dining for the restaurant.**
- The first floor of the building is required to be located within eight feet of the front property line. The building is setback nine feet from the property line. See Alternative Compliance section below.**
- The area in between the building and the front property line will be occupied by an accessible ramp which will provide access from the public sidewalk to the two commercial entrances and a patio that will be utilized by restaurant patrons for outdoor dining.**
- Both of the commercial spaces have their principal entrances facing Bloomington Avenue South. The entrances to the residential units are located on the back side of the building closest to where the residents will park.**
- All of the on-site parking associated with this development is located towards the back of the site.**
- The exterior materials of the building include hardi panel siding and rock face concrete block. In addition, there will be fabric awnings located over the four windows that are associated with the commercial spaces. All four sides of the building are similar to and compatible with one another in terms of materials, colors and architectural style.**

- There are no areas of the building that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements.
- At least 30 percent of the first floor of the building is required to be windows and at least 10 percent of the upper floors of the building are required to be windows on the sides of the building facing Bloomington Avenue South and the on-site parking area. The analysis of the project's compliance with these requirements follows:
 - Bloomington Avenue South: the percentage of windows on the first floor of the building is 34 percent and the percentage of windows on the second and third floors of the building is 25 percent.
 - Parking area: the percentage of windows on the first floor of the building is 23 percent, the percentage of windows on the second floor of the building is 10 percent and the percentage of windows on the third floor of the building is 20 percent. See Alternative Compliance section below.
- The windows in the building are vertical in nature and are evenly distributed along the building walls.
- The principal roof line of the building will have a 12:12 pitch. In the area both pitched roofs and flat roofed buildings can be found.

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 entrances on the front of the building are directly connected to the public sidewalk via a staircase and an accessible ramp. To access the front entrances from the parking area on the back side of the building people will have to walk in the driveway in order to get to the public sidewalk. See Alternative Compliance section below.
- No transit shelters are proposed as part of this development.
- The on-site parking area has been designed with one vehicular access point along Bloomington Avenue South. Setting the building back from the front property line will provide for good sightlines up and down the block which will help to minimize conflicts between vehicles entering and exiting the site and pedestrians.
- Vehicle access will not be provided between the site and the public alley on the block.
- There is no maximum impervious surface requirement in the C1 zoning district. Twenty percent of the site, minus the building, is required to be green space. According to the applicant's landscaping plan 21 percent of the site not occupied by the building is green space.

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 10,134 square feet. The footprint of the building is 1,890 square feet. When you subtract the footprint from the lot size the resulting number is 8,244 square feet. Twenty percent of this number is 1,649 square feet. According to the applicant's landscaping plan there is 1,758 square feet of landscaping on the site or approximately 21 percent of the site not occupied by the building.
- The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement for this site is four and 17 respectfully. The applicant is proposing to have four ornamental trees and 26 shrubs located on the site. The applicant is also proposing to have perennials located around the site. The planting areas where the trees are being located are at least five feet in width. Given this the Planning Division believes that all four of the required trees should be canopy trees.

- A seven-foot wide landscaped yard is required along the east side of the parking area. A five-foot wide landscaped yard is being provided along the east side of the parking area. See Alternative Compliance section below.
- Screening equal to 95 percent opacity along both the east and south sides of the parking area is required in order to screen the parking area from the adjacent uses. The required screening is not being provided. The Planning Division is recommending that screening equal to 95 percent opacity be installed along these two sides of the parking area.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. Since none of the proposed trees are canopy trees this provision is not being met. However, all of the parking spaces are located within 50 feet of one of the four proposed ornamental trees.
- Tree islands in parking lots must have a minimum width of seven feet in any direction. No tree islands are proposed in this parking area.
- The refuse storage area will be located in the southeast corner of the site. The applicant is proposing to enclose the dumpsters with a six-foot high wood fence. In addition, the patio areas underneath the two rear decks will be enclosed by a three-foot high decorative fence in order to define the space.

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:

- There is six-inch by six-inch curbing around the perimeter of the parking lot. The front half of the building and the drive lane accessing the parking area will drain to Bloomington Avenue. The back half of the building and the parking area will drain towards the trash enclosure, where the applicant is proposing to provide two small infiltration areas. In addition, the pavement in the refuse storage area will be pervious pavers.

- This building should not block views of important elements in the city.
- This building should cast minimal shadows on surrounding properties.
- This building should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as there are walkways that direct people to the building entrances, 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 and in the parking lot.
- 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:** One to four dwelling units, as part of a mixed-use building, and restaurants are permitted uses in the C1 zoning district.
- **Off-Street Parking and Loading:** The parking requirement for the development is 15 spaces: each dwelling requires one space, the restaurant requires 10 spaces and the other commercial space requires four spaces. The applicant is providing a bicycle rack on the site which reduces the parking requirement by one space. In total there will be 14 parking spaces on the site. However, because the eight parking spaces located on the eastern portion of the site will be owned by Third Financial Corporation and will not be available to this development, they are not included as fulfilling the parking requirement for the project. Therefore, the applicant is seeking a variance to reduce the parking requirement from 15 to six.
- **Maximum Floor Area:** The maximum FAR in the C1 zoning district is 1.7. The lot in question is 10,134 square feet in area. The applicant proposes a total of 5,562 square feet of gross floor area, an FAR of .548.
- **Building Height:** Building height in the C1 zoning district is limited to 2.5 stories/35 feet. Height of buildings can be increased to three stories/42 feet when residential uses are located above the first floor in which at least 50 percent of the first floor is devoted to commercial uses. The applicant is proposing to construct a building that is three stories/35 feet in height.
- **Minimum Lot Area:** The minimum lot area per dwelling unit in the C1 zoning district is 900 square feet. With two proposed dwelling units on a lot of 10,134 square feet, the applicant proposes 5,067 square feet of lot area per dwelling unit.
- **Dwelling Units per Acre:** The site is .23 acres in size. There are 8.70 dwelling units per acre proposed on the site.
- **Yard Requirements:** The properties to the north and south of the site are both zoned commercial. The property to the north is an office and the property to the south is a mixed-use building containing a dwelling unit. Typically, the C1 zoning district requires a zero foot front yard setback.

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However, because the building to the south contains a residential use the setback is equal to the established setback of the structure for the first 40 feet north of the south property line. In this case the adjacent residential structure is located at the front property line so the front yard setback is zero feet.

Again, because the building to the south contains a residential use, the south interior side yard setback is equal to the minimum side yard that would be required for a conditional use on the abutting lot. The calculation used in this case is $5+2x$, where x equals the number of stories above the first floor. The resulting setback along the south property line is nine feet.

Along the north interior and rear property lines a setback of $5+2x$, where x equals the number of stories above the first floor, is required as the residential portion of the building contains windows facing the north interior and rear property lines. The resulting setback along these two property lines is nine feet. The building is meeting all of the required setbacks.

The required setbacks for the parking area are zero feet from the north interior property line and five feet from the south interior and rear property lines. The parking lot is meeting all of the required setbacks.

- **Specific Development Standards:** Restaurants, sit down, are subject to specific development standards:
 - (1) Where alcoholic beverages are served, not less than sixty (60) percent of total gross sales revenue shall be from the sale of food and beverages not containing alcohol, and the use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.
 - (2) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- **Hours of Operation:** Residential uses are not subject to hours of operation. The hours of operation for the commercial uses within the building are 6 am to 10 pm Sunday through Thursday and 6 am to 11 pm Friday and Saturday.
- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the C1 zoning district there can be 1.5 square feet of signage for every one foot of primary building wall unless there is a freestanding sign on the zoning lot. If there is a freestanding sign on the lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 45 square feet in size. Projecting signs are limited to 12 square feet in size. The maximum height of any sign is 14 feet. Freestanding signs are limited to 54 square feet and can be no taller than 20 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one.

The applicant is not proposing to have any freestanding signs on the site. Given this there can be up to 72 square feet of signage on the building. The applicant is proposing to have four wall signs on

the building. All of the signs are lower than 14 feet and smaller than 45 square feet. Combined however they total 76.5 square feet. The applicant will have to reduce the overall amount of signage on the building by 4.5 square feet.

- **Refuse storage:** The refuse storage area is proposed to be located in the southeast corner of the site. The applicant is proposing to enclose the dumpsters with a six-foot high wood fence.
- **Lighting:** A lighting plan showing footcandles was not submitted as part of the application.

MINNEAPOLIS PLAN:

The property is located along Bloomington Avenue South which is a designated Community Corridor. The site is also located a few parcels from East Lake Street which is a designated Commercial Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form (Policy 4.12).
- Minneapolis will 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 natural surveillance and an inviting pedestrian experience (Implementation Step for Policy 9.11).
- Coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets (Policy 9.27).
- Support the continued presence of small-scale retail sales and commercial services along Community Corridors (Implementation Step for Policy 9.27).
- 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 (Policy 9.28).

The Planning Division believes that the proposed development is in conformance with the policies of *The Minneapolis Plan*. The applicant is proposing to construct a mixed-use building which includes two 825 square foot commercial spaces and two dwelling units. The on-site parking area will be located towards the back of the site and will be screened with landscaping. The building has been sited close to the street, incorporates large windows along the front of the building and provides a patio between the front property line and the building that will be utilized by restaurant patrons for outdoor dining.

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:

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

- **The first floor of the building shall be located not more than eight feet from the front lot line:**
The building is setback nine feet from the front property line along Bloomington Avenue South. In order to provide for an adequate accessible ramp it has been designed in a switch-back fashion with each half being 4.5 feet in width. Also in between the building and the front property line is a patio that will be utilized by the patrons of the restaurant for outdoor dining. The Planning Division is recommending that alternative compliance be granted to allow the building to be setback nine feet.
- **Thirty percent of the walls on the first floor and ten percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows:**
The applicant is providing a total of 23 percent windows along the first floor of the building facing the parking area. The window requirement along the upper two floors of the building is 10 percent. The applicant is providing ten percent on the second floor and 20 percent on the third floor. Given that the applicant is providing additional windows on the third floor of the building the Planning Division is recommending that alternative compliance be granted to allow only 23 percent windows on the first floor of the building facing the parking area.
- **Clear and well-lighted walkways of at least four feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site:**
To access the front entrances from the parking area on the back side of the building people will have to walk in the driveway in order to get to the public sidewalk as there is no walkway being provided. In order to provide a pathway from the parking area to the front of the building landscaping would need to be removed in order to accommodate it. Since there are entrances that access the commercial spaces on the back side of the building the Planning Division believes that alternative compliance should be granted to not require such a walkway.
- **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:**

A seven-foot wide landscaped yard is required along the rear property line as it is located across an alley from a residence district. The applicant is proposing to have a five-foot wide landscaped yard. In order to accommodate a seven-foot wide landscaped yard the width of the drive aisle would need to be reduced. Because the setback that is required by the zoning district is being met and because of the size of the site the Planning Division is recommending that alternative compliance be granted to allow a five-foot wide landscaped yard instead of the required seven-foot wide landscaped yard.

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 required number of off-street parking spaces for a new three-story mixed-use building from the required 15 to six for the properties located at 2931 and 2937 Bloomington Avenue South subject to the following conditions:

1. No fewer than four bicycle parking spaces shall be provided on the site.

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 for the properties located at 2931 and 2937 Bloomington Avenue South subject to the following conditions:

1. The residential and commercial uses shall not share a common vestibule on the back of the building or additional doors shall be added at the top of the stairs that lead to the residential units.
2. Screening shall be installed along the east and south sides of the parking area as required by section 530.170 of the zoning code.
3. All four of the required trees shall be canopy trees as required by section 530.160 of the zoning code.
4. There shall be no more than 72 square feet of signage on the building.
5. Approval of the final site, landscaping and elevation plans by the Community Planning and Economic Development Department – Planning Division.
6. All site improvements shall be completed by June 11, 2008, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Statement of proposed use
2. Variance findings
3. Preliminary Development Review report from the May 16, 2007, meeting
4. April 25, 2007, and May 15, 2007, letters to Council Member Schiff, the East Philips Improvement Coalition and Midtown Phillips
5. May 22, 2007, support letter from the East Philips Improvement Coalition
6. Zoning Map
7. Civil plans, site plan, landscaping plans, floor plans and elevations
8. Photographs of the site and surrounding area