

Department of Community Planning and Economic Development – Planning Division
Variances and Site Plan Review
BZZ-4673

Date: February 22, 2010

Applicant: Clark Gassen with CAG Development

Address of Property: 3005 Emerson Avenue South

Project Name: 3005 Emerson Avenue South

Contact Person and Phone: Gretchen Camp with BKV Group, Inc., (612) 373-9122

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

Date Application Deemed Complete: January 11, 2010

End of 60-Day Decision Period: March 12, 2010

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

Ward: 10 **Neighborhood Organization:** CARAG

Existing Zoning: C2, Neighborhood Corridor Commercial District and the PO Pedestrian Oriented Overlay District

Proposed Zoning: Not applicable for this development

Zoning Plate Number: 24

Legal Description: Not applicable for this development

Proposed Use: 4,500 square foot commercial building

Concurrent Review:

Variance: to reduce the front yard setback from the required 15 feet to zero feet for the first 40 feet north of the south property line.

Variance: to reduce the south interior side yard setback from the required 7 feet to 5 feet.

Variance: to reduce the north interior side yard setback from the required 7 feet to zero feet.

Variance: to reduce the off-street parking requirement from 8 spaces to zero spaces.

Site plan review: for a new 4,500 square foot commercial building.

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”, Section 525.520(6) “to vary the applicable minimum and

maximum number of required off-street parking, stacking or loading spaces” and Chapter 530, Site Plan Review.

Background: The applicant is proposing to construct a 4,500 square foot commercial building on the property located at 3005 Emerson Avenue South. The intent of the developer is to lease the building to a restaurant operator. At this time a tenant has not been selected.

The site is currently used as a surface parking lot and can be accessed from either Emerson Avenue South or the public alley. As part of the construction the curb cut along Emerson Avenue South will be closed and a green boulevard will be installed. The building will be built up to the front property line along Emerson Avenue South with the primary entrance facing the street. The building will be two stories in height. On the first floor of the building there will be a kitchen, a bar, a dining area and restrooms. The mezzanine level of the building will be used exclusively for dining. Since the second level is only a mezzanine the front half of the building has a two-story volume. Towards the back of the building there will be a patio area for outdoor dining and an enclosed trash area.

The original design of the building included a rooftop deck and a small six-space parking area towards the back of the building. After meeting with the neighborhood organization the rooftop deck was removed and in lieu of parking the outdoor dining area was located at grade. There will be one off-street loading space located along the alley. The loading space will also allow the trash collection vehicle to pull out of the alley for operational purposes.

Travel Demand Management Plan (TDMP): The site is located in the Lake and Hennepin Pedestrian Oriented Overlay District. One of the specific requirements of this overlay district is that any development containing more than 4,000 square feet of new or additional gross floor area, or more than four new or additional parking spaces, shall include a travel demand management plan (TDM) that addresses the transportation impacts of the development on air quality, parking and roadway infrastructure.

A TDMP was submitted to the City for review in January of this year. The TDMP analyzed the transportation impacts of the proposed development on air quality, parking and roadway infrastructure and concluded that the development would not have a negative impact on the surrounding area.

VARIANCE - to reduce the front yard setback from the required 15 feet to zero feet for the first 40 feet north of the south property line

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: The applicant is seeking a variance to reduce the front yard setback from the required 15 feet to zero feet for the first 40 feet north of the south property line. The property is zoned commercial. The property to the north of the site is zoned commercial and the property to the south is zoned office residence. The property to the north contains a two-story mixed-use building which is

located up to the property line along Emerson Avenue South. The property to the south contains a two-story single-family dwelling which is located 22 feet from the property line along Emerson Avenue South.

The required front yard setback in the C2 zoning district is zero feet except where a street frontage includes property zoned as a residence or office residence district and property zoned as a commercial district, or where a street frontage includes structures used for permitted or conditional residential purposes, a front yard equal to the lesser of the front yard required by such residence or office residence district or the established front yard of such residential structure shall be provided in the commercial district for the first 40 feet from such residence or office residence district boundary or residential property. Although the adjacent dwelling is located 22 feet from the property line along Emerson Avenue South the front yard setback in the OR1 zoning district is 15 feet so the lesser of the two setbacks is 15 feet.

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: The Planning Division believes that reducing the front yard setback to zero feet is a reasonable use of the property. When looking at the cumulative effect of all three yard variances, the applicant is left with relatively little usable area compared to most commercially zoned properties. The placement of the proposed building will have no more of an impact on the remaining structures on the block since the existing building on the corner of West Lake Street and Emerson Avenue South is located up to the property line along Emerson Avenue South.

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: 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 building will match the setback of the existing building on the corner of West Lake Street and Emerson Avenue South. In addition, since the applicant was asked to remove the rooftop deck and instead locate the outdoor dining area at ground level placing it towards the back of the building is more characteristic of the surrounding area than locating the outdoor dining area towards the front of the building.

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: The Planning Division believes that the granting of the setback 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.

VARIANCE - to reduce the south interior side yard setback from the required 7 feet to 5 feet

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.

South interior side yard setback: The applicant is seeking a variance to reduce the south interior side yard setback from the required 7 feet to 5 feet. The property to the south contains a two-story single-family dwelling which is located three-and-a-half feet from the interior property line. In total there will be almost nine feet of green space between the two structures. Currently there is a 12-foot high solid wood fence located between the two properties that will be removed as part of this development. The existing 12-foot high fence runs from the front of the property to the back of the property. In order to soften the side of the building the applicant is proposing to landscape the area in between the two properties with Whitespire Birch trees and Compact Amur Maple shrubs. In addition, Boston Ivy vines will be planted along the building wall.

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.

South interior side yard setback: The Planning Division believes that reducing the south interior side yard setback to 5 feet is a reasonable use of the property. When looking at the cumulative effect of all three yard variances, the applicant is left with relatively little usable area compared to most commercially zoned properties.

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.

South interior side yard setback: 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 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. The placement of the proposed building will provide an area for landscaping between the two properties which will provide a better buffer between the two properties than the existing 12-foot high solid wood fence.

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.

South interior side yard setback: The Planning Division believes that the granting of the setback 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 zero feet

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 zero feet. The property to the north of the site is zoned commercial and contains a two-story mixed-use building which is located at the interior side property line. The first floor of the adjacent building is occupied by a restaurant and the second floor of the adjacent building is occupied by two dwelling units. Although there are three existing windows on the south building wall of the adjacent building the property owner has no rights to keep them since the building was constructed up to the property line. An e-mail from Loren Finseth, a City of Minneapolis Plan Examiner II, verifying this information is included with the report attachments. If the dwelling units were not located within the building the setback requirement along the north property line would be zero feet. Please note that although two of the three windows are part of the residential portion of the adjacent building there are residential windows on the east and west sides of the building for egress purposes.

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 Planning Division believes that reducing the north interior side yard setback to zero feet is a reasonable use of the property. When looking at the cumulative effect of all three yard variances, the applicant is left with relatively little usable area compared to most commercially zoned properties. The fact that the property to the north is zoned commercial and has no legal rights to the existing windows that are located at the interior property line 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 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 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. It is common for commercial or mixed-use buildings to be built immediately next to one another using zero lot line construction methods.

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 setback 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 off-street parking requirement from 8 spaces to zero spaces

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: The applicant is seeking a variance to reduce the off-street parking requirement from 8 spaces to zero spaces. The applicant has indicated that given the property's location in the Pedestrian Oriented Overlay District, one lot off of West Lake Street and within walking distance of both the Midtown Greenway and the Uptown Transit Station that providing 8 parking spaces on the site would be a hardship. The applicant has also indicated that the number of public parking spaces within the Uptown area have increased since the addition to the Calhoun Square parking ramp was finished. In addition there is another publicly available parking lot located across the street from the site.

The 3000 block of Emerson Avenue South is located in Critical Parking Area (CPA) #21. A map of CPA # 21 and a general description of Critical Parking Areas are included with the report attachments. The parking restrictions in this CPA are "no parking from 9 am until 2 am, Monday through Sunday, except by permit". The business is allowed to obtain up to four permits within the CPA – two for the business, one for a visitor and one for a service vehicle. The applicant has not indicated whether or not the business will be participating in the CPA or not.

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 reduction: The fact that the site is located in close proximity to existing parking facilities that are generally available to the public, as well as the Midtown Greenway and several bus routes, is a

unique circumstance of this project. The Planning Division does encourage the applicant to consider the use of a valet parking service.

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 reduction: The Planning Division believes that 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. The parking recommendations in the Uptown Small Area Plan encourage the creation and use of shared parking facilities in order to utilize land in a more efficient way. Not providing parking on this site further supports these recommendations.

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 reduction: The Planning Division believes that the granting of the parking 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, windows, and active functions:**
 - **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.**
- g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.**

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

- Ground floor active functions: Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing 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. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.**

PLANNING DIVISION RESPONSE:

- The building reinforces the street wall, facilitates pedestrian access and maximizes natural surveillance. The building is set close to the property line, the principal entrance to the building is oriented towards Emerson Avenue South and there are large windows on the front of the building that maximize opportunities for people to observe the public sidewalk.
- The required front yard setback in the C2 zoning district is zero feet except where a street frontage includes property zoned as a residence or office residence district and property zoned as a commercial district, or where a street frontage includes structures used for permitted or conditional residential purposes, a front yard equal to the lesser of the front yard required by such residence or office residence district or the established front yard of such residential structure shall be provided in the commercial district for the first 40 feet from such residence or office residence district boundary or residential property. Although the adjacent dwelling is located 22 feet from the property line along Emerson Avenue South the front yard setback in the OR1 zoning district is 15 feet so the lesser of the two setbacks is 15 feet. The applicant is proposing to locate the building at the front property line along Emerson Avenue South.
- The building is located up to the front property line.
- The principal entrance to the building is oriented towards Emerson Avenue South.
- There is no on-site parking associated with this development.
- The exterior materials of the building will include metal panels, cement board panels and split-faced concrete block. The sides and rear of the building are similar to and compatible with the front of the building.

- The north and south sides of the building are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. Both of the building walls will be designed the same. They each incorporate two primary wall colors and one accent color. The different colored materials run in a horizontal pattern so although the wall is not broken up every 25 feet vertically, the building is broken up horizontally. On the south side of the building there will be landscaping located between the building and the property line and on the north side of the building it is anticipated that the primarily underdeveloped lot would someday be redeveloped. Given these reasons the Planning Division is recommending that the City Planning Commission grant alternative compliance to allow both the north and south walls of the building to be 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 and at least 10 percent of the second floor of the building walls that face a public street, public sidewalk, public pathway, or on-site parking lot are required to be windows. Sites located within the PO Pedestrian Oriented Overlay District are required to provide at least 40 percent windows or doors on the first floor of the building that faces a public street or public sidewalk. This window requirement pertains to Emerson Avenue South side of the building. The bottom of any window used to satisfy the ground floor window requirement may not be more than four feet above the adjacent grade. The analysis of the project's compliance with these requirements follows:
 - Emerson Avenue South: the percentage of windows on the first floor is 59 percent and the percentage of windows on the second floor of the building is 23 percent.
- The windows are vertical in nature and are evenly distributed along the building walls.
- The entire building frontage along Emerson Avenue South contains active functions.
- The principal roof line of the building will be flat. Both flat roofed buildings and pitched roofed buildings can be found throughout the neighborhood.

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 DIVISION RESPONSE:

- There is no on-site parking associated with this development.
- No transit shelters are proposed as part of this development.
- There is no on-site parking associated with this development. There will be one off-street loading space located along the alley. The loading space will also allow the trash collection vehicle to pull out of the alley for operational purposes.
- There is no maximum impervious surface requirement in the C2 zoning district. According to the materials submitted by the applicant 83 percent of the site will be impervious.

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 DIVISION 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 5,932 square feet. The footprint of the building is 3,000 square feet. When you subtract the footprint from the lot size the resulting number is 2,932 square feet. Twenty percent of this number is 586 square feet. According to the applicant's landscaping plan there is 1,006 square feet of landscaping on the site or approximately 34 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 two and six respectfully. The applicant is providing a total of six canopy trees and 59 shrubs on the site. In addition, the applicant is proposing to plant ornamental grasses and vines on the site.**

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 DIVISION RESPONSE:

- There is no on-site parking associated with this development.
- This building should not impede any views of important elements of the city.
- This building should not significantly shadow public spaces and adjacent properties.
- This building should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as the building is set close to the property line along Emerson Avenue South, the principal entrance to the building is oriented towards the street, there are large windows on the front of the building that maximize opportunities for people to observe the public sidewalk, the patio area located towards the back of the building is defined with fencing and dense landscaping around its perimeter and there are lights located near all of the entrances and on the patio. In order to provide a secure patio area the Planning Division is recommending that the patio gate be locked from the inside so the only entrance to the restaurant is from Emerson Avenue South. The gate may be used by employees and for emergency exiting only.
- 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:** Restaurants are a permitted use in the C2 zoning district.

- **Off-Street Parking and Loading:**

Minimum automobile parking requirement: The minimum parking requirement for a sit down restaurant with limited entertainment is one space per 500 square feet of gross floor area up to 2,000 square feet plus one space per 300 square feet of gross floor area in excess of 2,000 square feet. The restaurant is 4,500 square feet in size. The minimum parking requirement for this size of a restaurant is 12 spaces.

In the Pedestrian Oriented Overlay District the minimum parking requirement is 75 percent of what is required in Chapter 541, Off-Street Parking and Loading. After the reduction the parking requirement for the proposed restaurant is nine spaces.

The automobile parking requirement can be reduced by ten percent or one space, whichever is greater, when there is a total of four bicycle parking spaces provided on a site. The applicant is providing a total of eight bicycle parking spaces on the site so the parking requirement for the restaurant is eight spaces. The applicant is proposing to vary the parking requirement to zero on the site.

Maximum automobile parking requirement: The maximum parking requirement for a sit down restaurant with limited entertainment is one space per 75 square feet of gross floor area. The restaurant is 4,500 square feet in size. The maximum parking requirement for this size of a restaurant is 60 spaces.

In the Pedestrian Oriented Overlay District the maximum parking requirement is 75 percent of what is required in Chapter 541, Off-Street Parking and Loading. After the reduction the parking requirement for the proposed restaurant is 45 spaces. The applicant is proposing to vary the parking requirement to zero on the site.

Bicycle Parking: The bicycle parking requirement for a sit down restaurant is three spaces. Not less than 50 percent of the required bicycle parking spaces shall meet the standards for short-term bicycle parking. Required short-term bicycle parking spaces shall be located in a convenient and visible area within 50 feet of a principal entrance and shall permit the locking of the bicycle frame and one wheel to the rack and shall support a bicycle in a stable position without damage to the wheels, frame or components.

There will be a total of eight bicycle parking spaces provided on site. The plans indicate that four will be located in the boulevard near the principal entrance to the building and the other four will be located near the alley.

Loading: There is no loading requirement for a sit down restaurant that is smaller than 20,000 square feet. However, for uses that do not meet the minimum size requirement for loading requirement purposes they shall provide an adequate shipping and receiving facility that is accessible by motor vehicle and located off of an adjacent alley, service drive or open space on the same zoning lot. There will be one off-street loading space located along the alley. The loading space will also allow the trash collection vehicle to pull out of the alley for operational purposes.

- **Maximum Floor Area:** The maximum FAR in the C2 zoning district is 1.7. The lot in question is 5,932 square feet in area. The applicant proposes a total of 4,500 square feet of gross floor area, an FAR of .76.
- **Building Height:** Building height in the C2 zoning district is limited to four stories or 56 feet. The building will be two stories or 20 feet in height.
- **Minimum Lot Area:** There is no minimum lot area for a sit down restaurant in the C2 zoning district.
- **Dwelling Units per Acre:** Not applicable for this development.
- **Yard Requirements:** The required front yard setback in the C2 zoning district is zero feet except where a street frontage includes property zoned as a residence or office residence district and property zoned as a commercial district, or where a street frontage includes structures used for permitted or conditional residential purposes, a front yard equal to the lesser of the front yard required by such residence or office residence district or the established front yard of such residential structure shall be provided in the commercial district for the first 40 feet from such residence or office residence district boundary or residential property. Although the adjacent dwelling is located 22 feet from the property line along Emerson Avenue South the front yard setback in the OR1 zoning district is 15 feet so the lesser of the two setbacks is 15 feet. The interior side yard and rear yard setbacks in the C2 zoning district are 5+2x, where x equals the number of stories above the first floor. The resulting setback along the interior side and rear yards is seven feet. The applicant has applied for a variance to reduce the front and interior side yard setbacks.

Outdoor dining in a commercial district that is adjacent to a residence or office residence district or an adjacent ground floor permitted of conditional residential use is required to be located 20 feet from the district boundary. The outdoor dining area is located 18 feet from the south property line. The Planning Division is recommending that the structured planting area adjacent to the patio be increased to a width of five feet so the outdoor dining area is located at least 20 feet from the south property line.

- **Specific Development Standards:** Sit down restaurants are subject to specific development standards:

Restaurant, sit down:

(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:** 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, On-premise Signs. 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 20 square feet in size. The height limitation for both wall signs and projecting signs is 28 feet. Freestanding signs are limited to 80 square feet and can be no taller than eight feet. The zoning code also limits the number of freestanding signs on a zoning lot to one. The applicant is not proposing any signs at this time.
- **Refuse storage:** The trash and recycling area will be located in an enclosure that will extend straight back from the building. The enclosure will be directly accessible from the alley for pick-up purposes. The enclosure will be primarily made out of masonry and will have a metal and wood gate. The height of the enclosure will be six feet eight inches.
- **Lighting:** A lighting plan showing footcandles was not submitted as part of the application materials. The lighting plan will need to comply with the standards of Chapter 535, Regulations of General Applicability.

MINNEAPOLIS PLAN:

The site is located one lot off of West Lake Street on Emerson Avenue South. West Lake Street is designated as a Commercial Corridor in *The Minneapolis Plan for Sustainable Growth*. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates this site as mixed use. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Ensure appropriate transitions between uses with different size, scale and intensity (Land Use Policy 1.2).
- Ensure that lighting and signage associated with non-residential uses do not create negative impacts for residential properties (Implementation Step for Land Use Policy 1.2).
- Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts (Land Use Policy 1.5).
- Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic (Land Use Policy 1.10).
- Encourage a height of at least two stories for new buildings along Commercial Corridors, in keeping with neighborhood character (Implementation Step for Land Use Policy 1.10).
- Support urban design standards that emphasize a traditional urban form in commercial areas (Urban Design Policy 10.10).
- Enhance the city's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality four season public spaces and infrastructure (Implementation Step for Urban Design Policy 10.10).
- Seek new commercial development that is attractive, functional and adds value to the physical environment (Urban Design Policy 10.11).

- Design streets and sidewalks to ensure safety, pedestrian comfort and aesthetic appeal (Urban Design Policy 10.16).
- Provide streetscape amenities, including street furniture, trees, and landscaping, that buffer pedestrians from auto traffic, parking areas and winter elements (Implementation Step for Urban Design Policy 10.16).
- Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces, buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits (Urban Design Policy 10.19).
- Boulevard landscaping and improvements, in accordance with applicable city policies, are encouraged (Implementation Step for Urban Design Policy 10.19).

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

The site is located within the boundaries of the *Uptown Small Area Plan* which was adopted by the Minneapolis City Council in February of 2009. In the *Uptown Small Area Plan* the site is located in the area designated as the Urban Village, South Sub-Area. In the Urban Village mixed-use residential development is recommended with building heights between three and five stories. The plan calls for the continuation of community-oriented retail uses but in new, more dense, urban buildings. Buildings should be designed with a continuous street wall but sidewalks should be widened and be active. The Planning Division believes that the proposed project is in conformance with the above policies of the *Uptown Small Area 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:

- **Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed 25 feet in length:** The north and south sides of the

building are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. Both of the building walls will be designed the same. They each incorporate two primary wall colors and one accent color. The different colored materials run in a horizontal pattern so although the wall is not broken up every 25 feet vertically, the building is broken up horizontally. On the south side of the building there will be landscaping located between the building and the property line and on the north side of the building it is anticipated that the primarily underdeveloped lot would someday be redeveloped. Given these reasons the Planning Division is recommending that the City Planning Commission grant alternative compliance to allow both the north and south walls of the building to be over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. The Planning Division does encourage the applicant to consider wrapping the metal and cement board panel building motif that is located on the Emerson Avenue South side of the building around to the south side of the building to the point where the windows on the second floor end.

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 from the required 15 feet to zero feet for the first 40 feet north of the south property line located at 3005 Emerson 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 south interior side yard setback from the required 7 feet to 5 feet located at 3005 Emerson 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 zero feet located at 3005 Emerson 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 off-street parking requirement from 8 spaces to zero spaces located at 3005 Emerson Avenue South subject to the following conditions:

1. There shall be a total of eight bicycle parking spaces provided on site.
2. The applicant is encouraged to consider the use of a valet parking service.

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 a new 4,500 square foot commercial building located at 3005 Emerson Avenue South subject to the following conditions:

1. The patio gate shall be locked from the inside so the only entrance to the restaurant is from Emerson Avenue South. The gate may be used by employees and for emergency exiting only.
2. The structured planting area adjacent to the patio shall be increased to a width of five feet so the outdoor dining area is located at least 20 feet from the south property line.
3. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
4. All site improvements shall be completed by February 22, 2011, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Preliminary Development Review report from January 13, 2010
2. Project narrative
3. Variance findings and e-mail from Loren Finseth, Plan Examiner II for the City of Minneapolis
4. Travel Demand Management Plan
5. Critical Parking Area information
6. January 25, 2010 and January 7, 2010, e-mails to Council Member Tuthill and CARAG
7. Public comments
8. Zoning Map
9. Civil drawings, site plan, landscaping plan, floor plans and elevations

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10. Fence photos
11. Architectural rendering of the building
12. Photographs of the site and surrounding area