

Department of Community Planning and Economic Development – Planning Division
Rezoning Petition, Conditional Use Permit, Variances, Site Plan Review and Alley Vacation
BZZ – 3945 and Vac-1540

Date: March 31, 2008

Applicant: Lyn-Lake Development Partners, LLC

Address of Property: 2900-2910 Lyndale Avenue South & 2901 Aldrich Avenue South

Project Name: 2900 Lyndale Mixed-Use Development

Contact Person and Phone: Gretchen Camp, (612) 373-9122

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: March 7, 2008

End of 60-Day Decision Period: May 6, 2008

End of 120-Day Decision Period: On March 17, 2008, staff sent the applicant a letter extending the decision period no later than July 5, 2008.

Ward: 10 **Neighborhood Organization:** LHENA (adjacent to Whittier)

Existing Zoning: C2 Neighborhood Corridor Commercial District and I1 Light Industrial District

Proposed Zoning: C3A Community Activity Center District

Zoning Plate Number: 24

Legal Description: Lot One (1), Block Seventeen (17), WINDOM'S ADDITION TO MINNEAPOLIS, now being a part of Auditor's Subdivision Number One Hundred Eighty-Seven (187)

and

Lot 2, Auditor's Subdivision Number One Hundred Eighty-Seven (187)

and

Lot 3, Auditor's Subdivision Number One Hundred Eighty-Seven (187)

and

Lots 10, 11 and 12, Block 17, WINDOM'S ADDITION TO MINNEAPOLIS

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Proposed Use: Mixed use building with offices, a restaurant, retail, and three dwelling units.

Concurrent Review:

Petition to rezone the properties of 2900-2910 Lyndale Ave S from C2 Neighborhood Corridor Commercial District and the property of 2901 Aldrich Ave S from I1 Light Industrial District to C3A Community Activity Center District.

Conditional use permit to increase the maximum allowed height from 4 stories to 5 stories and from 56 feet to 62 feet to the top of the roof and 65 feet to the top of the parapet.

Variance to reduce the minimum parking requirement from 189 spaces to 136 spaces.

Variance to reduce the minimum loading requirement from 2 spaces to 1 space.

Site plan review.

Alley vacation.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments; Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, Section 525.520 (6) “To reduce the applicable off-street...loading requirements...by one space...” and Section 525.520 (7) “To reduce the applicable off-street parking requirements 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”; and Chapter 530, Site Plan Review.

Background: The applicant proposes to construct a new mixed use building with offices, a restaurant, ground-floor retail tenant spaces, and 3 dwelling units at the properties of 2900-2910 Lyndale Avenue South and 2901 Aldrich Avenue South. The site has frontage on Lyndale and Aldrich Avenue and 29th Street and is divided by an alley. It is also located just south of the Midtown Greenway. The parcels of the site were previously used for commercial and industrial purposes. The buildings were demolished for the site to be used as construction staging for the Aldrich Avenue Apartments to the west. The proposed building would have four floors with the upper three floors extending over the alley and connecting the two parcels. The ground floor would be occupied with retail adjacent to Lyndale and 3 dwellings and office space adjacent to 29th Street. The applicant has indicated the dwellings are intended to accommodate home occupations (“live/work units”). A portion of the second floor would be occupied by a restaurant. The rest of the building would be occupied by offices. Most of the parking would be located in a 2-level below-grade parking garage. A loading space and 17 parking spaces would be at-grade.

The properties of 2900-2910 Lyndale Avenue South are currently zoned C2. The property of 2901 Aldrich Ave is zoned I1. The applicant is proposing a mixed use building with offices, a restaurant, retail, and 3 dwelling units. All of these uses are allowed in the C2 district; however, only offices and the restaurant are allowed in the I1 district. The applicant is petitioning to rezone the subject site to C3A, where all of the proposed uses are permitted uses.

The building would be 5 stories and 62 feet to the top of the roof and 65 feet to the top of the parapet. Although the building would have only four floors, the first floor is greater than 14 feet in height with mezzanine levels in the dwellings and therefore is considered two stories. In the C3A district, the

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maximum height is limited to 4 stories or 56 feet, whichever is less. A conditional use permit is required to increase the height. Upon approval of the conditional use permits, the actions must be recorded with Hennepin County as required by state law.

The total parking requirement for the development is 189 spaces. The applicant would provide 136 spaces in the development. A variance is required.

The total loading requirement for the development is one small space and one large space. Only one small space would be provided. A variance is required.

A site plan review is required for any new principal mixed use building.

The proposed building requires an alley vacation. The applicant proposes to vacate the air rights and subterranean rights, but maintain public through-access.

As of writing this staff report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

REZONING: Petition to rezone the properties of 2900-2910 Lyndale Ave S from C2 Neighborhood Corridor Commercial District and the property of 2901 Aldrich Ave S from I1 Light Industrial District to C3A Community Activity Center District.

Findings as required by the Minneapolis Zoning Code for the rezoning petition:

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

The site is adjacent to Lyndale Avenue, which is designated as a commercial corridor by *The Minneapolis Plan*. It is also within a designated activity center. According to the principles and policies outlined in the plan, the following apply to this proposal:

4.3 Minneapolis will support development in Commercial Corridors where it enhances the street’s character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.

Applicable Implementation Step

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

4.7 Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.

Applicable Implementation Steps

Ensure that land use regulations support diverse commercial and residential development types which generate activity all day long and into the evening.

Promote the incorporation of residential uses within the same structure as other commercial uses.

The *Lyndale Avenue: A Vision* small area plan was adopted by the City Council in March of 1997. One of the goals of the plan is to “maintain the mixed use of the avenue” in order to support “the thriving business clusters.”

Approved by the City Council in February of 2007, the *Midtown Greenway Land Use and Development Plan* calls for commercial preferred mixed use with transit-oriented (high) intensity development east of the alley and high density housing with urban-oriented (medium) intensity development west of the alley for this site.

Staff comment: The I1 district would not allow any residential and very limited types of commercial uses. The C2 district allows auto-oriented uses and large scale retail uses that are less compatible with activity center uses. The C3A district would allow high residential density, which is appropriate on a commercial corridor within an activity center. It would also allow small-scale retail sales and services uses, but not large or auto-oriented commercial uses. The

proposed rezoning to C3A is in conformance with these goals of *The Minneapolis Plan* and the *Lyndale Avenue* plan.

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

Because of the property's location on a commercial corridor within an activity center and proximity to the Midtown Greenway with access to public transit, high density residential and small-scale retail sales and services uses would be more appropriate use of the land than industrial or auto-oriented uses allowed in the existing districts. The amendment is in the public interest and not solely in the interest of the property owner.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The uses along Lyndale Avenue are primarily nonresidential and zoned C2. The proposed zoning should be compatible with the properties fronting Lyndale Avenue. Primarily high-density residential uses exist or are under construction along Aldrich Avenue and are located in the R6 and C3A zoning districts. The C3A district allows a wide range of commercial uses, but does not allow auto-related uses. All non-residential uses are allowed to be open to the public from 6:00 a.m. to 1:00 a.m., Sunday through Saturday. Rezoning the west half of the site could create conflicts with nearby residences if high intensity commercial uses are established along Aldrich Avenue.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

Because of the properties location on a commercial corridor within an activity center and proximity to the Midtown Greenway with access to public transit, high density residential and small-scale retail sales and services uses would be more appropriate use of the land than industrial or auto-oriented uses allowed in the existing districts. The amendment is in the public interest and not solely in the interest of the property owner.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Along the greenway, several former industrial sites have been converted to high-density residential developments. Along Lyndale Avenue and Lake Street, high intensity mixed use developments have been constructed or are under construction. The adopted plan for the area and *The Minneapolis Plan* anticipate and promote the redevelopment of this site to promote mixed use development and higher residential density that is compatible with surrounding uses.

CONDITIONAL USE PERMIT: to increase the maximum allowed height from 4 stories to 5 stories and from 56 feet to 62 feet to the top of the roof and 65 feet to the top of the parapet.

Findings as required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

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

Construction of a mixed use building of five stories and 62 feet to the top of the roof and 65 feet to the top of the parapet in height on the site would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

2. **Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

To maintain alley access through the site, a clearance of 17.5 feet is required. As a result of the clearance requirement, the height of the first floor is taller. The applicant has indicated that this is the only reason the building does not comply with district height requirements. The site is located north of adjacent properties and the increase in height should have no effect on them. Where adjacent to streets, upper floors would be stepped back to minimize any adverse affects the increase in height. The building would also be set back 14 to 16 feet from 29th Street, which separates the site from the Midtown Greenway. If alley access is maintained, the building should have little effect on surrounding properties.

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

The site is served by existing infrastructure. Vehicle access would be from Aldrich Avenue and the alley. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

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

At the time this report was written, the TDMP had not been signed. The applicant is requesting a variance to reduce the minimum parking requirement from 189 spaces to 136 spaces. According to the draft TDMP, alternative forms of transportation would be supported by the development to off-set any adverse impacts as a result of the reduction in parking spaces. Information provided

shows that abundant public parking is available during the day in nearby public parking facilities. The site also has access to bus transit with frequent headways on Lyndale Avenue and Lake Street. Bike parking, including 36 spaces, and shower/locker facilities will also be provided on site. Four bike parking spaces would be provided in the Lyndale Avenue right-of-way as well. Results of the operational analyses indicate that the study area intersections operate acceptably with the establishment of the development. The development should have little effect on congestion in the streets.

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

The site is adjacent to Lyndale Avenue, which is designated as a commercial corridor by *The Minneapolis Plan*. It is also within a designated activity center. In addition to the principles and policies discussed in the rezoning section of this staff report, the following apply:

4.7 Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.

Applicable Implementation Step

Preserve traditional urban form in buildings where it currently exists, and encourage new development to relate to traditional siting and massing, where it is already established.

9.16 Minneapolis will encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs.

Applicable Implementation Step

Encourage the design of all new buildings to fulfill light, privacy and view requirements for the subject building as well as for adjacent buildings.

For this site, the *Midtown Greenway Land Use and Development Plan* calls for transit-oriented (high) intensity development east of the alley and urban-oriented (medium) intensity development west of the alley. The following guidelines pertaining to height from the plan apply to this development:

- The first few stories of taller buildings should relate to the street level by recessing the taller part of the building in relation to the first few stories, or by utilizing architectural elements and detailing to create a separation between the first few stories and the higher stories.
- Solar access to the Greenway is highly important. Any given part of the Greenway trail should have exposure to the sun for much of the day. A number of strategies may be employed to achieve this objective. These include stepping back the mass of future buildings along the south side of the Greenway, giving taller buildings a relatively narrow east-west dimension, and pivoting the orientation of buildings to a diagonal that allows morning and afternoon sunlight to pass by the northeast and northwest building faces to shine on the greenway.

Staff comment: A larger building can be appropriate on a site located on a commercial corridor within an activity center. Along Lyndale Avenue, the first floor would be built up to the street.

The upper levels adjacent to the 29th Street and Lyndale Avenue intersection would be stepped back. On the west side of the alley, the fourth floor adjacent to 29th Street would also be stepped back. The site is located north of adjacent properties and the increase in height should have no effect on them. The building is separated from all other properties by streets. It should have little effect on light, privacy and views. The building would also be set back 14 to 16 feet from 29th Street, which separates the site from the Midtown Greenway. The applicant provided shadow studies. For only a few months in the winter, the building would shadow the Greenway during midday. The height would be consistent with the comprehensive plan and the small area plan.

6. And does, in all other respects, conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

The proposed development will conform to the applicable regulations of the district in which it is located upon the approval of the rezoning, conditional use permit, variances, site plan review, and alley vacation.

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

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

The upper levels adjacent to the 29th Street and Lyndale Avenue intersection would be stepped back. On the west side of the alley, the fourth floor adjacent to 29th Street would also be stepped back. The site is located north of adjacent properties and the increase in height should have no effect on them. The building is separated from all other properties by streets. The building would also be set back 14 to 16 feet from 29th Street, which separates the site from the Midtown Greenway. The applicant provided shadow studies. For only a few months in the winter, the building would shadow the Greenway during midday. The building height should have little effect on the light and air of surrounding properties.

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

The shadow studies submitted by the applicant indicate that most of the shadowing of the Midtown Greenway would occur only a few months in the winter during midday. The applicant did not submit a shadow study indicating how the building would affect the residential development to the west. Because these properties are separated by a public street, staff believes the effects of shadowing should not be significant.

(3) The scale and character of surrounding uses.

Most of the buildings fronting Lyndale Avenue between 29th Street and Lake Street are one or two stories in height. The 2833 Lyndale Avenue mixed-use development is 6-stories and 71 feet in height adjacent to Lyndale Avenue. The Aldrich Avenue Apartments located across Aldrich Avenue from this site will have 5 floors and will be 68 feet in height when it is complete. The mixed use development located at the northeast corner of Aldrich Avenue and Lake Street is also

5 floors. In general, building bulk is increasing along the greenway, the Lyn-Lake area, and Uptown area.

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

The building would be set back between 14 and 16 feet from 29th Street. The building should not significantly block views of landmark buildings, significant open spaces, or bodies of water.

VARIANCE: to reduce the minimum parking requirement from 189 spaces to 136 spaces.

Findings Required by the Minneapolis Zoning Code for the Proposed 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.

The minimum parking requirement for the development is 189 spaces. The total number of parking spaces proposed is 136. The proposed uses would share parking. Of the uses proposed, the office use is required to provide the most spaces. Offices are primarily daytime uses. Information provided in the draft TDMP shows that abundant public parking is available during the day in nearby public parking facilities. The site also has access to bus transit with frequent headways on Lyndale Avenue and Lake Street. Bike parking, including 36 spaces, and shower/locker facilities will also be provided on site. Four bike parking spaces would be provided in the Lyndale Avenue right-of-way as well. With the availability of alternative forms of transit and public parking, the request is reasonable.

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.

The site is located within an activity center. Abundant public parking is available during the day in nearby public parking facilities. The site also has access to bus transit with frequent headways on Lyndale Avenue and Lake Street. Although these are not circumstances unique to the parcel, it is in an area with multiple transportation options that reduces the need for off-street vehicle parking.

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.

The purpose of parking regulations is to provide for the parking needs of uses and structures and to enhance the compatibility between parking areas and their surroundings. The proposed parking would be shared by the proposed uses in the development. The variance would prevent excess parking from being constructed in an area where dependence on vehicles is discouraged and mass, transit, walking and biking are encouraged. The granting of the variance should have little effect on surrounding properties.

- 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.**

Because alternate options for transportation exist, the variance should not increase congestion in the area. The Planning Department does not expect that granting the variance would affect public safety.

VARIANCE: to reduce the loading requirement from 2 spaces to 1 space.

Findings as required by the Minneapolis Zoning Code:

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

The total loading requirement for the development is one small space (10 feet wide by 25 feet deep) and one large space (12 feet wide by 50 feet deep). A 14 foot by 48 foot loading area would be provided. The applicant indicated that the proposed uses would share the use of the loading area. They expect that the restaurant will be the most loading intensive use. The zoning code does not require a loading space for the restaurant use. The request to reduce the number of spaces is reasonable.

- 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.**

The site is located in an activity center and has frontage on three streets. A loading facility adjacent to Lyndale Avenue, Aldrich Avenue or 29th Street would not be appropriate. The *Midtown Greenway Land Use and Development Plan* calls for setting the building back along 29th Street to allow for future expansion of right-of-way. For these reasons, where the loading area can be located and its size is restricted. These circumstances have not been created by the applicant.

- 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.**

Loading regulations are established to provide for the loading needs of uses and structures, to enhance the compatibility between loading areas and their surroundings, and to regulate the number, design, maintenance, use and location of required off-street loading spaces and the driveways and aisles that provide access and maneuvering space. The applicant indicated that the proposed uses would share the use of the loading area. They also expect the uses will have a low loading demand. Reducing the number of required loading spaces should have little effect on surrounding uses.

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.**

Other commercial properties also use the alley to access loading areas. The CPED Department does not expect that granting the variance would affect congestion or public safety.

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the site plan review:

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

Section A: Conformance with Chapter 530 of the 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

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of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

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

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

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

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

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

Conformance with above requirements:

The building would reinforce the street wall on Lyndale Avenue and Aldrich Avenue. It would be set back between 14 and 16 feet along 29th Avenue to allow for a future expansion of right-of-way. Windows would be provided at ground level to provide natural surveillance and visibility. A pedestrian walkway would connect the public sidewalk to the main building entrances along Lyndale Avenue. Multiple entrances with access to Lyndale Avenue and 29th Street would facilitate pedestrian access and circulation. A walkway parallel with the alley would also provide access from the surface parking area to the main building entrance facing 29th Street.

Along Lyndale Avenue and Aldrich Avenue, the first floor building walls would be located within 8 feet of the lot line. Along 29th Street, the first floor building walls would be set back between 14 and 16 feet from the lot line. The Midtown Greenway Land Use and Development small area plan calls for setting development back along 29th Street to allow the right-of-way to be expanded in the future. The existing right-of-way width is 40 feet. The plan proposes to increase the width to 56 feet. Staff is recommending that alternative compliance be granted to allow the set back of 16 feet.

The area between the building and 29th Street would contain landscaping and bicycle parking.

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The entrances for the retail spaces would face Lyndale Avenue. The main building entrance and entrances for the dwellings and an office tenant space would face 29th Street.

Most of the parking would be enclosed. A loading space and surface parking area would be located at the interior of the site.

The building design includes recesses and projections and windows on all levels to divide the building into smaller identifiable sections.

There would be several blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length:

- South elevation adjacent to the property of 2916 Lyndale Avenue South: The primary exterior material of this elevation is cement board. Although reveals in the cement board are proposed, this feature does not meet the intent of this provision. An area in the middle of the elevation is recessed for balconies breaking up the wall somewhat; however, blank walls extending from the second to the fourth floor would 35 feet wide to the left of the balconies and almost 40 feet wide to the right of the balconies. It would project above the adjacent structure and would be visible from Lyndale Avenue. While the adjacent site could be redeveloped in the future with a building built up to the south elevation, a large blank wall would likely detract from the Lyndale Avenue elevation in the meantime. Additional architectural elements could be provided or the balconies could be divided into smaller recessed balconies that are spaced further apart to make alternative compliance unnecessary. Staff is recommending that alternative compliance not be granted for this elevation.
- South elevation above the alley: Like the wall adjacent to the property of 2916 Lyndale Avenue, the primary material on the second through fourth floors is cement board. The width of the blank wall is 25.5 feet. Corridors leading to offices are located on the other side of the walls. A window or other architectural element could be added to comply with this provision. Staff is recommending that alternative compliance not be granted for this elevation.
- West elevation adjacent to the alley: The first floor wall between the lobby and the loading area is blank for 31 feet. The primary material of this wall is brick. The elevator shaft and a storage room are located on the other side of the wall. A large amount of windows are proposed in the lobby area on the same wall. For these reasons, staff is recommending that alternative compliance be granted.
- West elevation adjacent to Aldrich Avenue: The first floor of the Aldrich Avenue elevation would contain a blank wall 54 feet in width. The primary material is brick with several horizontal bands of header courses containing different colored brick. The parking garage down-ramp would be located on the other side of the wall. A multiple family dwelling is located across the street. The proposed amount of windows on the first floor wall does not comply with the minimum window requirements as well. If windows were added to the blank area of the wall, both the blank wall and window issues

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would be addressed making alternative compliance unnecessary. Staff is recommending that alternative compliance not be granted for this elevation.

The primary exterior materials would include stone, brick, metal panels, concrete board panels, and glass. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.

Plain face concrete block would not be used as a primary exterior building material.

The sides of the building that face a street would be compatible with each other and similar in appearance. The sides of the building that would face the interior of the site, the alley, and other properties would have a difference in appearance from the street sides because the primary materials are not the same and less architectural elements would be provided. However, the materials of the street facades would wrap corners. The interior and alley walls would also continue the window patterns from the street facades. For these reasons, staff is recommending that alternative compliance be granted.

Each dwelling would have an individual entrance fronting 29th Avenue. The entrances are recessed and sheltered by the floor above. Windows are required where the residences front 29th Street and the surface parking area. Twenty percent of the wall area on the first level is required to be windows. Ten percent of the mezzanine level must be windows. On the 29th Street elevation, each level would contain over 40 percent windows. The walls facing the surface parking area would contain just over 30 percent windows.

The main entrances for the retail spaces would face Lyndale Avenue. The main building entrance would face 29th Street. All nonresidential entrances would be sheltered by an awning and surrounded by windows to emphasize their importance.

The walls facing Lyndale Avenue, 29th Street, Aldrich Avenue, and the surface parking area are subject to the minimum window requirements. For nonresidential uses, 30 percent of the first floor walls and 10 percent of the walls above the first floor are required to be windows. The amount of windows on all walls of all levels would greatly exceed the minimum requirements and would be vertical in proportion and distributed in an even manner, except the first floor wall facing the parking lot and the first floor wall facing Aldrich Avenue. The first floor wall facing the parking area contains windows for the dwellings, the parking garage entrance, and a stairwell entrance. Thirty percent windows are required on the area of the wall to the left of the residential windows. That area of the wall is occupied by service doors. Windows for the dwellings look out to the parking area. A large amount of windows are proposed on the upper floors. For these reasons, staff is recommending that alternative compliance be granted. Thirty percent windows, or 196.8 square feet, are also required on the first floor wall facing Aldrich Avenue. Approximately 25.5 percent, or 168 square feet, are proposed. All of the windows provided would be grouped on the left side of the wall and would not be more or less evenly distributed. The wall is adjacent to an office space and the parking garage down-ramp. This wall is also a blank wall exceeding 25 feet in width. If windows were added to the blank area of the wall, both the blank wall and window issues could be addressed making alternative compliance unnecessary. Staff is recommending that alternative compliance not be granted. With the

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addition of windows looking into the down-ramp, interior lights should be shielded to prevent glare at the adjacent sidewalk.

The applicant has indicated that the windows would be clear with a visible light transmittance ratio of 0.8.

A flat roof is proposed. Most of the buildings in the area also have flat roofs.

ACCESS AND CIRCULATION:

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

Conformance with above requirements:

The building entrances would be connected to the public sidewalks and parking lot with walkways that would be four feet in width or greater.

A transit shelter is not proposed or adjacent to the site.

The site would have vehicle access from one curb cut on Aldrich Avenue and the alley. The applicant has provided turning movements that indicate the Aldrich Avenue access should not increase conflicts with pedestrians. The site does not share a lot line with any residential properties. A mixed use development including dwellings is located at the south end of the block and has vehicle access from Aldrich Avenue. A residential development is currently being constructed on the other side of Aldrich Avenue and would also have access from Aldrich Avenue. The street and alley access should have minimal impacts on surrounding residential properties.

The building, including the below-grade parking garage, would occupy the entire site except where the building is set back from 29th Street. Landscaping, walkways, and bicycle parking would be provided in the area between the building and 29th Street. The amount of impervious surface proposed is not excessive.

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.**

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- Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year.
- Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.
- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.
- All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

Conformance with above requirements:

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 32,476 square feet. The building, including the below-grade parking area, would be approximately 28,921 square feet. The lot area minus the building footprints therefore consists of approximately 3,555 square feet. At least 20 percent of the net site area (711 square feet) must be landscaped. Approximately 2,287 square feet of the site would be landscaped. That is equal to approximately 64 percent of the net lot area.

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. The tree and shrub requirement for this site is 2 and 7 respectfully. The applicant would provide one tree and 145 shrubs on-site. The remainder of the landscaped area would be covered with plants such as turf grass, native grasses, or other perennial flowering plants. Alternative compliance is requested for the tree requirement. The one tree is proposed in the parking area. Adding another tree in the parking area would eliminate a parking space. Below-grade stormwater retention tanks are proposed in the area between the building and 29th Street. The soil depth above the tanks would not be deep enough to support trees. A large number of shrubs would be provided in lieu of the second required tree. Staff is recommending that the planning commission grant alternative compliance for the tree requirement.

A 7-foot wide landscaped yard with at least one tree and screening that is 3 feet in height and not less than 60 percent opaque are required between the parking area and Aldrich Avenue. Landscaping would be provided to meet these requirements.

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The areas of the surface lot unavailable for parking would be landscaped.

Seven parking spaces would not be within 50 feet of an on-site deciduous tree. Adding another tree in the parking area would eliminate a parking space. A large number of shrubs would be provided in lieu of a second tree. Staff is recommending that the planning commission grant alternative compliance for the tree requirement.

ADDITIONAL STANDARDS:

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

Conformance with above requirements:

The surface parking area would be defined by 6-inch by 6-inch concrete curbing. The surface parking is located over the below-grade parking. On-site filtration of stormwater is not practical.

The building should not impede any views of important elements of the city.

The building should not significantly shadow the adjacent streets or properties. See above analysis of the conditional use permit to increase the allowed height.

Wind currents should not be major concern.

The site design provides natural surveillance and visibility, controls and guides to movement on the site, and distinguishes between public and non-public spaces. An abundant amount of windows would provide natural surveillance on all sides of the building. Narrower walkways and recessed entrances are proposed for the dwellings to indicate they are more private.

No structures exist on the site.

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

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ZONING CODE: The properties of 2900-2910 Lyndale Avenue South are currently zoned C2. The property of 2901 Aldrich Ave is zoned I1. The applicant is proposing a mixed use building with offices, a restaurant, retail, and 3 dwelling units. All of these uses are allowed in the C2 district; however, only offices and the restaurant are allowed in the I1 district. The applicant is petitioning to rezone the subject site to C3A, where all of the proposed uses are permitted uses.

Parking and Loading: The minimum parking requirement for uses in the development are as follows:

- Restaurants are required to provide parking equal to 30 percent of the capacity of persons (each person is assumed to occupy 15 square feet). The restaurant would occupy 4,213 square feet of floor area. Of that floor area, 2,715 square feet is expected to be open to the public. Therefore the total parking requirement for the restaurant is 54 spaces.
- Offices are required to provide one space per 300 square feet in excess of 4,000 square feet. The total amount of floor area proposed for offices would be 47,581 square feet. Therefore the parking requirement for the offices is 145 spaces.
- General retail sales and services uses are required to provide one space per 300 square feet in excess of 4,000 square feet or a minimum of 4 spaces, whichever is greater. Two retail spaces less than or equal to 5,062 square feet each are proposed. Therefore a total of 8 spaces are required for the retail spaces.
- Dwellings are required to provide one space per unit. Therefore 3 spaces are required.

Through section 541.190 of the zoning code, the applicant applied to reduce the parking requirement by utilizing shared parking. A reduction in the total number of required parking spaces is authorized when two or more uses jointly provide off-street parking when their respective hours of peak operation do not overlap. Shared parking reduces the requirement by 17 spaces. The parking requirement for each use can also be reduced by providing four bike parking spaces in lieu of one vehicle space. Forty bike spaces are proposed. Twelve would be located at-grade (8 on-site and 4 in the Lyndale Avenue right-of-way) and 28 would be located in the below-grade parking garage. Therefore, the bike parking further reduces the parking requirement by four spaces. After the parking reductions are applied, the minimum parking requirement for the development is 189 spaces. The applicant is proposing to provide 136 spaces. The applicant is requesting a variance to reduce the parking requirement.

The minimum loading requirements for uses in the development are as follows:

- Approximately 4,213 square feet of floor area would be occupied by a restaurant. The zoning code assigns a low rating to determine the loading requirement. For the amount of floor area proposed, adequate shipping and receiving facilities, accessible by motor vehicle off any adjacent alley, service drive or open space are required on the same zoning lot.

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- Offices would occupy 47,581 square feet of floor area. The zoning code assigns a medium rating to determine the loading requirement. For the amount of floor area proposed, one large loading space (12 feet wide by 50 feet deep) is required.
- Retail tenant spaces would occupy approximately 8,450 square feet of floor area. The zoning code assigns a medium rating to determine the loading requirement. For the amount of floor area proposed, one small loading space (10 feet wide by 50 feet deep) is required.

Loading space is not required for the dwellings. The total loading requirement for the development is one small space and one large space. A 14 foot by 48 foot loading area would be provided where at most one small loading space could be accommodated to meet the code requirement. The applicant is requesting a variance to reduce the loading requirement.

Maneuvering for the loading area would occur in the alley. Public Works has required that all maneuvering to occur on-site. The zoning code requires that, to the extent practical, all maneuvering occurs in the off-street loading area. Therefore, the proposal complies with the zoning code requirement.

Maximum Floor Area: The lot area is 32,476 square feet. The maximum FAR allowed in the C3A District is 2.7. The building would have a total of 76,129 square feet, which is an FAR of 2.34.

The maximum floor area of retail sales and services uses in the C3A district is 8,000 square feet if no parking is located between the principal structure and the street and the structure is at least two-stories. The applicant is proposing two retail tenant spaces that are equal to or less than 5,100 square feet.

Minimum Lot Area: The minimum lot area requirement in the C3A district is 400 square feet per dwelling unit, or 2,700 square feet for 3 units. The proposed lot size is 32,476 square feet, which complies with the minimum requirement.

Dwelling Units per Acre: The proposed density would be approximately 4 dwelling units per acre.

Building Height: The building would be 5 stories and 62 feet to the top of the roof and 65 feet to the top of the parapet. The building would have 4 floors. The first floor is greater than 14 feet in height and the dwellings would have mezzanine levels, therefore it is considered two stories. In the C3A district, the maximum height is limited to 4 stories or 56 feet, whichever is less. A conditional use permit is required to increase the height.

Yard Requirements: Not applicable for this development.

Specific Development Standards: The restaurant must comply with the following development standards:

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- (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.

Home Occupations: The “live/work units” must comply with the home occupation standards found in Chapter 535, Article VII Home Occupations of the zoning code.

Hours of Operation: The hours of operation for the commercial tenant(s) must comply with the district requirements. In the C3A District, nonresidential uses may be open to the public during the following hours: Sunday through Saturday from 6:00 a.m. to 1:00 a.m. unless otherwise allowed by a liquor license.

Separate Access: Both the residential and nonresidential uses would have access to the rear entrance accessed from the surface parking area. Access to residential and nonresidential uses must be separate as required by Chapter 535 of the zoning code, specifically:

535.85. Separate access required for commercial and residential uses. Structures containing both nonresidential and residential uses shall be designed so that customers and employees of nonresidential uses do not have unsolicited access to hallways that include doorways serving individual dwelling units.

To comply with this requirement, the entrances to the residential hallway must be secure.

Refuse screening: Refuse storage containers would be contained in the building.

Screening of mechanical equipment: All mechanical equipment is required to be arranged so as to minimize visual impact by using screening and must comply with Chapter 535 and district requirements including:

535.70. Screening of mechanical equipment. (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

- (1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
 - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
 - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.

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- c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

Lighting: Existing and proposed lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

535.590. Lighting. (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

Signs: The applicant has indicated that no signage is proposed at this time. Any new signage will require Zoning Office review, approval, and permits.

MINNEAPOLIS PLAN: In addition to the principles and policies discussed in the rezoning and conditional use permit sections of this staff report, the following apply:

4.3 Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.

Applicable Implementation Steps

Develop parking facilities and management strategies that balance the following goals: improved customer access, protection of sidewalk traffic; reduced visual impacts and shared use of parking facilities.

Require that street design for Commercial Corridor streets provide automobile access and parking in keeping with traditional urban form.

4.7 Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.

Applicable Implementation Steps

Develop parking facilities and management strategies that accommodate high customer demand, promote shared facilities and minimize visual impact and adverse effects on pedestrian and sidewalk traffic.

Require that buildings in Activity Center districts incorporate a pedestrian orientation at the street edge.

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

Applicable Implementation Steps

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

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

Require storefront transparency to assure both natural surveillance and an inviting pedestrian experience.

9.12 Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.

Applicable Implementation Steps

Require the landscaping of parking lots.

Locate parking lots behind buildings or in the interior of a block to reduce the visual impact of the automobile in mixed-use areas.

9.15 Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses.

Applicable Implementation Steps

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Promote quality design and building orientation of commercial and industrial development that is appropriate with the surrounding neighborhoods.

The *Lyndale Avenue: A Vision* small area plan was adopted by the City Council in March of 1997. One of the goals of the plan is to “maintain the mixed use of the avenue” in order to support “the thriving business clusters.” The plan also calls for maintaining the urban edge of buildings throughout the commercial districts, specifically zero setbacks for new structures.

The *Midtown Greenway Land Use and Development Plan* calls for commercial preferred mixed use with transit-oriented (high) intensity development east of the alley and high density housing with urban-oriented (medium) intensity development west of the alley for this site. A future transit station could potentially be located where Lyndale Avenue and the Midtown Greenway cross. The station would be located at the Greenway level. The plan proposes standards for a reconfigured 29th Street right-of-way. The 29th Street right of way along the south side of the Greenway is 40 feet wide with very little landscaping or pedestrian-friendly amenities, and no sidewalk or walkway along the north side of 29th Street adjacent to the Greenway. The desired width of 29th Street is 56 feet right of way that would eventually include a sidewalk and planted boulevard along the north side of 29th Street, providing a walkway for pedestrians to overlook the Greenway. The improvements generally require the acquisition of an additional 16 feet of right-of-way from properties on the south side of 29th Street, which should be phased along with street improvements as new development occurs or as property is obtained to expand the street. The following guidelines also apply to this site:

- New commercial development should be located in existing commercial nodes and along existing commercial corridors in and near the Greenway to complement and not compete with the vibrant commercial activities already present along Lake Street, and Lagoon and Hennepin avenues.
- In most locations guided commercial, new developments are encouraged to integrate residential and/or office uses in order to strengthen the commercial district and build the city at an appropriate level of density. This is the case at Lake Street and Excelsior Boulevard, in Uptown (centered on Hennepin Avenue), along Lyndale, Nicollet and Chicago Avenues, and limited ground-floor commercial at Bloomington Avenue and Lake Street.
- A primary face and main entrances of buildings should address the public street while not excluding the possibility that additional “front doors” may at times also front the greenway.
- Balconies, windows and additional entries oriented toward the Greenway are strongly encouraged.
- Parking is discouraged between the primary building façade and the street; surface parking should be adjacent to or in the rear of buildings. Underground parking is encouraged for new residential developments.
- Alleyways are a typical, functional element of the street system that can tie future development to the surrounding neighborhood. They should generally be utilized and reconnected.

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Staff comment: The proposed mix of commercial uses is appropriate adjacent to Lyndale Avenue. Although the commercial uses would extend to Aldrich Avenue, the development is designed to minimize any adverse effects on surrounding residences. West of the alley, dwellings and a small office would be located on the first level facing 29th Street. Offices on the upper levels would act as a transitional use from the higher intensity commercial uses adjacent to Lyndale Avenue to the residential uses located on Aldrich Avenue. The first floor of the building would be built up to the lot lines on Lyndale and Aldrich Avenue. Entrances and an abundant amount of windows for the first floor retail would contribute to an inviting pedestrian experience on Lyndale Avenue. The main building entrance would face 29th Street. With the potential for a future transit station just north of the site and the presence of retail entrances on Lyndale Avenue, staff believes the location of the entrance would not detract from the commercial vibrancy of Lyndale Avenue.

Adjacent to 29th Street, the building would be set back 14 to 16 feet to allow for future expansion of the street. Although the building would be set back, below-grade stormwater retention tanks are proposed in this area. If the street is expanded, the stormwater tanks may need to be removed. Managing the stormwater from this site will likely become an issue if the right-of-way is expanded. These issues apply to the Aldrich Avenue Apartments (approved in 2007) to the west of the site.

Most of the parking would be located below-grade. The surface parking area would be located to the interior of the site. Landscaping would be provided between the parking area and Aldrich Avenue. The parking would be shared among the uses proposed.

To maintain public access to the alley, the upper levels of the building would extend over it. At the time this staff report was written, Public Works had not yet verified the structural integrity of the development over and under the alley.

With the approval of the staff recommendation, the proposed development would be consistent with the comprehensive plan and the small area plans.

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.**

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

- Building placement within 8 feet of the lot line adjacent to a street

Along 29th Street, the first floor building walls would be set back between 14 and 16 feet from the lot line. The Midtown Greenway Land Use and Development small area plan calls for setting development back along 29th Street to allow the right-of-way to be expanded in the future. The existing right-of-way width is 40 feet. The plan proposes to increase the width to 56 feet. Staff is recommending that alternative compliance be granted to allow the set back of 16 feet.

- Blank wall requirement

There would be several blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length:

- South elevation adjacent to the property of 2916 Lyndale Avenue South: The primary exterior material of this elevation is cement board. Although reveals in the cement board are proposed, this feature does not meet the intent of this provision. An area in the middle of the elevation is recessed for balconies breaking up the wall somewhat; however, blank walls extending from the second to the fourth floor would 35 feet wide to the left of the balconies and almost 40 feet wide to the right of the balconies. It would project above the adjacent structure and would be visible from Lyndale Avenue. While the adjacent site could be redeveloped in the future with a building built up to the south elevation, a large blank wall would likely detract from the Lyndale Avenue elevation in the meantime. Additional architectural elements could be provided or the balconies could be divided into smaller recessed balconies that are spaced further apart to make alternative compliance unnecessary. Staff is recommending that alternative compliance not be granted for this elevation.
- South elevation above the alley: Like the wall adjacent to the property of 2916 Lyndale Avenue, the primary material on the second through fourth floors is cement board. The width of the blank wall is 25.5 feet. Corridors leading to offices are located on the other side of the walls. A window or other architectural element could be added to comply with this provision. Staff is recommending that alternative compliance not be granted for this elevation.
- West elevation adjacent to the alley: The first floor wall between the lobby and the loading area is blank for 31 feet. The primary material of this wall is brick. The elevator shaft and a storage room are located on the other side of the wall. A large amount of windows are proposed in the lobby area on the same wall. For these reasons, staff is recommending that alternative compliance be granted.
- West elevation adjacent to Aldrich Avenue: The first floor of the Aldrich Avenue elevation would contain a blank wall 54 feet in width. The primary material is brick with several horizontal bands of header courses containing different colored brick. The parking garage down-ramp would be located on the other side of the wall. A multiple family dwelling is located across the street. The proposed amount of windows on the first floor wall does not comply with the minimum window requirements as well. If

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windows were added to the blank area of the wall, both the blank wall and window issues would be addressed making alternative compliance unnecessary. Staff is recommending that alternative compliance not be granted for this elevation.

- Compatibility and similarity of exterior materials and appearance of side and rear walls to front building walls

The sides of the building that face a street would be compatible to each other and similar in appearance. The sides of the building that would face the interior of the site, the alley, and other properties would have a difference in appearance from the street sides because the primary materials are not the same and less architectural elements would be provided. However, the materials of the street facades would wrap corners. The interior and alley walls would also continue the window patterns from the street facades. For these reasons, staff is recommending that alternative compliance be granted.

- Thirty percent window requirement

The first floor wall facing the parking lot and the first floor wall facing Aldrich Avenue do not comply with the minimum window requirements. The first floor wall facing the parking area contains windows for the dwellings, the parking garage entrance, and a stairwell entrance. Thirty percent, or 91.2 square feet, of windows are required on the area of the wall to the left of the residential windows. That area of the wall is occupied by service doors. Windows for the dwellings look out to the parking area. A large amount of windows are proposed on the upper floors. For these reasons, staff is recommending that alternative compliance be granted. Thirty percent windows, or 196.8 square feet, are also required on the first floor wall facing Aldrich Avenue. Approximately 25.5 percent, or 168 square feet, are proposed. All of the windows provided would be grouped on the left side of the wall and would not be more or less evenly distributed. The wall is adjacent to an office space and the parking garage down-ramp. This wall is also a blank wall exceeding 25 feet in width. If windows were added to the blank area of the wall, both the blank wall and window issues could be addressed making alternative compliance unnecessary. Staff is recommending that alternative compliance not be granted. With the addition of windows looking into the down-ramp, interior lights should be shielded to prevent glare at the adjacent sidewalk.

- Minimum tree requirement

The zoning code requires at least one canopy tree for each 500 square feet of required green space. The tree requirement for this site is 2. The applicant would provide one tree and 145 shrubs on-site. The remainder of the landscaped area would be covered with plants such as turf grass, native grasses, or other perennial flowering plants. Alternative compliance is requested for the tree requirement. The one tree is proposed in the parking area. Adding another tree in the parking area would eliminate a parking space. Below-grade stormwater retention tanks are proposed in the area between the building and 29th Street. The soil depth above the tanks would not be deep enough to support trees. A large number of shrubs would be provided in lieu of the second required tree. Staff is recommending that the planning commission grant alternative compliance for the tree requirement.

- Location of all parking spaces within 50 feet of an on-site deciduous tree

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Seven parking spaces would not be within 50 feet of an on-site deciduous tree. Adding another tree in the parking area would eliminate a parking space. A large number of shrubs would be provided in lieu of a second tree. Staff is recommending that the planning commission grant alternative compliance for the tree requirement.

ALLEY VACATION (Vac-1540)

Development Plan: The applicant proposes to vacate the air rights and subterranean rights, but maintain public through-access.

Responses from Utilities and Affected Property Owners: An easement was requested by Xcel Energy and Qwest. The utilities have requested that an easement be reserved for All that part of the North-South alley lying South of 29th Street West and running parallel to and between Lyndale Avenue South and Aldrich Avenue South, and lying North of a line extended West from the South line of Lot 3, Auditor's Subdivision No.187 to the South line of Lot 10, Block 17, Windom's Addition to Minneapolis.

At the time this staff report was written, Public Works had not provided a formal written recommendation. Before they will provide a recommendation, they must verify the structural integrity of the development over and under the alley based on the information the applicant has provided. Planning staff understands this issue to be the only concern.

Findings: The proposed building would encroach on the requested easements. The applicant will need to work with Xcel and Qwest to have the easement released before building permits are issued. The CPED Planning Division finds that the area proposed for vacation is not needed for any public purpose, and it is not part of a public transportation corridor, and that it can be vacated if an easement is reserved for Xcel Energy and Qwest and the structural integrity of the development over and under the alley is sufficient.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the petition to rezone the properties of 2900-2910 Lyndale Ave S and 2901 Aldrich Ave S from the C2 District and the I1 District to the C3A District.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to increase the maximum allowed height of a building from 4 stories to 5 stories and from 56 feet to 62 feet to the top of the roof and 65 feet to the top of the parapet for the properties located at 2900-2910 Lyndale Ave S and 2901 Aldrich Ave S, subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. Adoption of the alley vacation by the City Council.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the minimum parking requirement from 189 spaces to 136 spaces for the properties located at 2900-2910 Lyndale Ave S and 2901 Aldrich Ave S, subject to the following condition:

1. At least 36 bicycle parking spaces shall be provided on-site.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the minimum loading requirement from 2 spaces to 1 space for the properties located at 2900-2910 Lyndale Ave S and 2901 Aldrich Ave S.

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

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The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review to allow a mixed use building for the properties located at 2900-2910 Lyndale Ave S and 2901 Aldrich Ave S, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by May 2, 2009, or the permit may be revoked for non-compliance.
3. Blank walls shall not exceed 25 feet in width as required by section 530.120 of the zoning code unless otherwise allowed by the Planning Commission.
4. At least 30 percent of the first floor wall adjacent to Aldrich Avenue shall be windows as required by section 530.120 of the zoning code. Interior lights in the parking garage shall be shielded to prevent glare at the adjacent sidewalk.
5. The dwelling units shall comply with the home occupation standards found in Chapter 535, Article VII Home Occupations of the zoning code.
6. Adoption of the alley vacation by the City Council.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application for the alley vacation for the properties located at 2900-2910 Lyndale Ave S and 2901 Aldrich Ave S, subject to the following conditions:

1. An easement shall be reserved for Xcel Energy and Qwest.
2. The applicant shall provide sufficient information for Public Works to verify the structural integrity of the development over and under the alley.

Attachments:

1. PDR report
2. Statement of use
3. Findings
4. Correspondence
5. Zoning map and alley vacation maps
6. Plans
7. Photos