

**Department of Community Planning and Economic Development – Planning
Division**

Variance and Site Plan Review

BZZ 4006

Date: May 12, 2008

Applicant: Pope Architects

Addresses of Property: 2650 Hennepin Avenue

Project Name: The Thai Restaurant

Contact Person and Phone: Cher Peterson, (651) 642-9200

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: April 18, 2008

End of 60-Day Decision Period: June 17, 2008

Ward: 10 **Neighborhood Organization:** East Isles, adjacent to Lowry Hill East

Existing Zoning: C2 Neighborhood Corridor Commercial District and SH Shoreland Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 24

Proposed Use: Restaurant remodel

Concurrent Review:

- Variance to reduce the minimum off-street parking requirement for an expansion of an existing restaurant from 52 parking stalls to 43 parking stalls
- Site plan review

Applicable zoning code provisions: Chapter 548, Article I, Commercial Districts, Chapter 525, Article IX, Variances and Chapter 530 Site Plan Review

Development Plan: The survey shows the existing and proposed development.

Background: The existing building was constructed in 1984 as a 1-story, fast food restaurant with 140 seats and a drive thru. The use was converted from a fast food

restaurant to a sit-down restaurant, Szechuan Express, in 1992. The applicant is now applying for the above mentioned land use applications in order to allow for a 1,097 square foot expansion to the existing restaurant. This project includes the removal of the drive thru in order to allow for additional outdoor seating area between the existing building and 27th Street West. The property received approvals in 1984 for site plan review at this time and the site is in compliance with the previously approved plan (PR 52).

The applicant is proposing to expand the customer seating and lobby area from 1,650 square feet to 2,635 square feet. The previous parking requirement was 33 spaces. There are approximately 43 spaces located on the property. The remodeling and addition of the restaurant will now require 53 parking spaces. The applicants are providing bicycle racks that meet 541.440; therefore the applicants need a parking variance to reduce the required parking from 52 spaces to 43 spaces.

Any addition to a non-residential building that increases the gross floor area by 1,000 square feet or more that requires additional land use applications or faces a public street sidewalk or pathway requires site plan review.

City Council member Remington in Ward 10, East Isles Residents Association and Lowry Hill East Neighborhood Association were notified the proposal under consideration by the commission. Staff has not yet received any correspondence from the above mentioned entities at the time of writing this staff report.

VARIANCE – to reduce the required parking for one restaurant and the commercial uses at the site from 52 to 43 parking stalls.

Findings Required by the Minneapolis Zoning Code:

- 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 applicant is proposing to expand the existing customer seating and lobby area from 1,650 square feet to 2,635 square feet. The previous parking requirement was 33 spaces. There are approximately 43 spaces located on the property. The remodeling and addition of the restaurant will now require 53 parking spaces. The applicants are providing bicycle racks that meet 541.440; therefore the applicants need a parking variance to reduce the required parking from 52 spaces to 43 spaces. Strict adherence to the regulations of this zoning ordinance could cause undue hardship, by not allowing the proposed addition and remodeling of the building. There is a Metro Transit stop located adjacent to the building at the corner of Hennepin Avenue and 27th Street West. The previous property owners acquired additional land along 27th Street West in order to provide 11 additional

parking spaces along the southwesterly parking area in 1984. Based on the existing transit options including walking, busing, bicycling and existing parking for vehicles and the lack of sufficient area to allow for additional parking area, the proposed expansion of the restaurant is a reasonable use of the property.

- 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 circumstances for which the variance is sought are unique to the parcel of land and have not been created by the applicant. The proposed site plan of the restaurant includes a 4,755 sq. ft. building and 43 parking spaces. The subject site is located on a commercial corridor as defined by the Minneapolis Plan. Hennepin Avenue has frequent bus service and the area also experiences consistently high-levels of pedestrian traffic. The subject site does not permit any area sufficient enough in size to allow for additional off-street parking area. The applicant would need to acquire additional property to provide the required 9 spaces. The constraints of the site have been created by the existing building location and the size of the lot and are not circumstances 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.**

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. Hennepin Avenue has frequent bus service and the area also experiences consistently high-levels of pedestrian traffic. No fewer than 8 bicycle parking spaces shall be provided on the site. Bicycle racks shall allow for the locking of bicycles in a stable upright position in a location that allows for visual monitoring within 10 feet of a building entrance.

- 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.**

Hennepin Avenue has frequent bus service and the area also experiences consistently high-levels of pedestrian traffic. Therefore, the proposed parking variance should 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.

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 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 proposed addition to the building along Hennepin Avenue will be located 10” away from the property and further reinforce the street. The building was originally constructed with a drive thru along 27th Street West, which will be removed. The applicant is proposing to bump the building out with additions on all four sides, which will bring the structure closer to the corner. In addition, the applicant is proposing to increase the outdoor seating area, thereby providing additional amenity between the building and the property line along 27th Street West.

The existing principal entrance faces Hennepin Avenue; however it is setback approximately 55 feet. The applicant is proposing to change the orientation of the door to face northwesterly towards the parking area, in order to allow for accessibility into the restaurant from the handicapped parking area adjacent to a sloped sidewalk. In addition, there are doors along 27th Street West for occupants of the building to access the outdoor seating area. The applicants have requested alternative compliance to providing a principal entrance along Hennepin Avenue, by providing a greater public amenity of public seating at the corner. There is a sidewalk and landscaped area connecting the entrance to the public sidewalk, as well. Staff is recommending that the planning commission grant alternative compliance given the orientation of the site, considerations for handicapped accessibility and public seating at the corner of the site.

The parking area is located to the rear and interior of the site.

The proposed building facades do include blank walls, exceeding twenty five (25) feet in length along the (1) West elevation, first and second floors, (2) North elevation, first and second floor, (3) East elevation, second floor and (4) South elevation, second floor. The applicant is requesting alternative compliance. Staff is recommending that the applicant can further break up the blank walls with material change, projections, recessions, and/or windows along the West, East and South elevations. Staff believes it would be impractical to require the North elevation, where the coolers are located, to meet the requirement.

The building is faced with stucco, stone and metal paneling. There will be no plain faced concrete used on the exterior.

All windows are vertical in proportion and evenly distributed. The proposed building additions are located on four sides and are required to provide a minimum of thirty (30) percent glazing of the walls on the first floor that face a public street, public sidewalk, public pathway, or on-site parking lot. This includes all four elevations. The applicant has provided sufficient glazing (72.7%) on the front elevation along Hennepin Avenue. However, the applicant is not meeting the minimum window requirement along the remaining facades. The south façade, along 27th Street West, has approximately 22.8% glazing. The North façade, which faces the parking area, has approximately 19.5% glazing. The rear elevation, which faces the parking area to the West, is not proposed to have windows, due to the location of the coolers, where it would be impractical. Staff is recommending that the applicant meet the required 30% glazing along 27th Street West (South) and Hennepin Avenue (East). Further, staff is recommending alternative compliance to meeting the 30% glazing requirement on the north and rear (west) elevations due to the location of the bathrooms and coolers.

A flat roof is proposed. Many 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 applicant has provided a clear and well-lit walkway connecting the building entrance to the public sidewalk, of at least 4 feet in width.

There is a transit shelters immediately adjacent to the site on the corner of Hennepin Avenue and 27th Street West.

Public Works has reviewed the site plan and did not find conflicts with the commercial traffic and pedestrians and residential traffic. The access and curb cuts exist and should not increase traffic impacts upon the residential properties.

There are no public alleys adjacent to the site.

The site plan shows a reduction in the amount of impervious surface.

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.**

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 is 26,601 square feet and the proposed building footprint is 4,342 square feet. The lot area minus the building footprints therefore consists of approximately 22,259 square feet. At least 20 percent of the net site area (4,452 square feet) must be landscaped and the applicant is providing 5230 square feet, which equals 23.5 percent of the net site 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. In addition, not less than one (1) tree shall be provided for each twenty-five linear feet or fraction thereof of parking lot frontage. The tree and shrub requirement for this site is 9 and 45 respectfully. The applicant has shown 13 canopy trees and 71 shrubs.

A seven-foot landscaped yard is required on three of four sides of the property due to adjacency to a public street and pathway and residential uses and zoning classifications. In addition, there is a rear yard and interior side yard required for the first 40 feet from the west property line due to the adjacent single family dwelling. At the time the previous site plan was approved (PR 52), a minimum five-foot landscaped yard was required. The applicant is requesting alternative compliance to providing a five-foot landscaped yard, in lieu of a seven-foot landscaped yard, due to the existing condition, previous approvals and the potential loss of additional parking area. Staff is recommending that the planning commission grant alternative compliance.

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 the parking lot shall have a minimum width of seven (7) feet in any direction. The proposed plan shows all of the parking spaces located within fifty feet from the center of an on-site deciduous tree.

Screening of the parking area is required along the Westerly property line (6 feet, 95% opaque), due to the adjacent residential uses and along 27th Street West and

Hennepin Avenue (3 feet, 60% opaque). There is an existing 9-foot, solid wood fence, which was previously approved under site plan review (PR 52). The applicant has not proposed any additional screening of the parking area along 27th Street West or Hennepin Avenue and is therefore requesting alternative compliance. Staff is recommending that the applicant provide screening consisting of either a masonry wall, fence, berm or hedge, three feet in height and not less than 60% opaque.

Turf, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees shall cover all areas that are not paved or landscaped.

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.**

Curbing is currently provided along the parking areas and drive aisles, where required.

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

The building should not significantly shadow the adjacent streets or properties.

Wind currents should not be major concern.

The site design provides natural surveillance and visibility to allow views into the area. The proposal controls and guides to movement on the site with clearly defined walkways and distinguishes between public and non-public spaces.

The existing structures are neither historic nor eligible for historic designation.

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: The site is zoned C2 and SH. Sit-down restaurants are permitted uses in the C2 District.

Parking: The applicant is proposing to expand an existing sit-down restaurant with a customer seating and lobby area of 1,650 square feet to 2635 square feet. The previous parking requirement was 33 spaces. There are approximately 43 spaces located on the property. The remodeling and addition of the restaurant will now require 53 parking spaces. The applicants are providing bicycle racks that meet 541.440; therefore the applicants need a parking variance to reduce the required parking from 52 spaces to 43 spaces. Planning staff is supportive of a variance from the required 52 parking stalls to 43 parking stalls.

Maximum Floor Area: The lot area is 26,620 square feet. The maximum FAR allowed in the C2 District is 1.7. The building has a total of 4,755 square feet, which is an FAR of .179. Additionally, in the C2 District, all commercial uses, including shopping centers, shall be limited to a maximum gross floor area of thirty thousand (30,000) square feet per use, except for planned unit developments.

Height: Building height in the C2 district is limited to four stories or 56 feet, whichever is less. The building is considered two stories, based on the height in feet, which is approximately 21 feet.

Minimum Lot Area: There is not a minimum lot area requirement for sit-down restaurants in the C2 District.

Dwelling Units per Acre: There are no existing or proposed dwelling units.

Yard Requirements: The subject site is zoned C2 and there are adjacent residential structures and properties zoned Residential to the west of the property. Therefore, there are yard requirements along the west property lines of five feet. The proposed parking areas and structure are located outside of the required yards.

Specific Development Standards: Section 536, Specific Development Standards for a sit-down restaurant require: (a) 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 and (b) 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:

Hours of operation allowed under the C2 zoning are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday. However, the hours open to the public for uses licensed to sell alcoholic beverages shall be those permitted by the liquor, wine or beer license and any special late hours entrainment license approved for the facility.

Signs: The applicants have proposed to remove the existing freestanding identification signage on the property. Instead they have proposed two sign locations on the building walls, which appear to meet the size, height and location requirements identified in Chapter 543 of the zoning code. All new signage is required to meet the requirements of the code.

Refuse screening: The existing trash enclosure is located within the parking area along the north property line, adjacent to the neighboring commercial structure. The applicants have proposed to relocate the trash enclosure to the northwest corner of the property. Immediately adjacent to the proposed location of the trash enclosures is a residential carriage house. In addition, this property was identified in the Uptown Small Area Plan as a potential location for shared parking along the rear of this commercial property and the others along this block on Hennepin. Relocating the trash enclosure to this location will hamper this potential in the future. Therefore, staff is recommending that the trash enclosure remain in its present location.

Lighting: Lighting proposed for the development 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.

MINNEAPOLIS PLAN:

MINNEAPOLIS PLAN: *The Minneapolis Plan* designates Hennepin as a commercial corridor. Commercial Corridors are streets that are available for development including more intensive commercial and high traffic activities. However, commercial corridors must also balance both pedestrian and automobile orientation in their design and development. The use of the site for commercial purposes is generally consistent with the following policies and implementation steps of the comprehensive plan. These policies were selected because the site is located on a commercial corridor and the development proposal consists primarily of existing buildings and parking spaces.

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

Implementation Steps

Develop standards based on a recognition of the qualities that make urban corridors desirable, viable and distinctly urban, including; diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety

of uses to encourage walking, and architectural elements which add interest at the scale of the pedestrian.

Designate certain streets as commercial corridors with the adoption of this Plan.

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.

Implementation Steps

Designate a network of Commercial Corridors.

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.

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

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

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.

Develop economic development incentives for the rehabilitation, re-use and revitalization of older or historic commercial buildings and districts.

Ensure that parking structures and surface lots conform with identified design principles.

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

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

Require that street designs provide high quality access to Commercial Corridors for pedestrians and cyclists, as well as facilitate transit service and through passage of traffic.

4.4 Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

Implementation Steps

Provide for a range of commercial districts that provide the services required by the residents and businesses.

Plan, implement and monitor projects and programs that encourage and support the city’s neighborhood commercial areas.

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

Maximize the effectiveness of city support services and continue to build successful partnerships with the business community, neighborhood groups and other interested parties.

Maintain and strengthen the character and marketability of small-scale commercial areas throughout the city through technical and financial assistance to qualified neighborhood businesses, neighborhood based business associations and local development corporations.

Continue to promote the creation of neighborhood based business associations and local development corporations where they will be most effective in promoting local business interests.

Encourage coordination and communication between business associations and neighboring residents groups.

UPTOWN SMALL AREA PLAN:

The subject property is identified as part of the Hennepin Avenue Commercial Corridor in the Uptown Small Area Plan. This area is primarily the retail/service that lines both sides of Hennepin. A healthy mix of neighborhood and commercial serving uses includes established favorites and new emerging businesses. Various building types and parking conditions, including on-street parking, exist in this area. Recent development has been incremental on smaller sites. The recommended uses in this category are primarily mixed-use or commercial. The preferred heights of buildings are identified to be 2-4 stories with occasional buildings up to 84 feet on larger blocks. The structure is proposed to be one-story, 21 feet in height; which the zoning code defines as two stories.

Design Goal #4 in the Uptown Small Area Plan is to improve Hennepin Avenue for pedestrians, bicycles and transit, which further supports the parking variance due to the existing and future goals to improve alternative measures for transportation.

The Uptown Small Area Plan also identifies the subject property as an area for a unique parking strategy. Properties that extend from Hennepin Avenue to a parallel neighborhood street should be redeveloped with residential uses on the neighborhood street and mixed-use on Hennepin Avenue (see following page). Private parking for all new developments should be either underground, at the rear of the property, or in a surface lot in the interior of the block. On-street parking will remain critical to the existing businesses as it represents the accessible and visible parking. Reducing curb cuts will maximize on-street parking, improve pedestrian safety, improve traffic flow, and create opportunities for new infill development. Parking and circulation should be improved on many blocks on the west side of Hennepin Avenue by combining rear parking lots

wherever possible and connecting them to side streets. This will allow vehicles to access parking areas by side streets, not mid block; thereby increasing on-street parking, reducing or eliminating the need for mid-block left turns, and, in places, creating new development parcels. If the trash enclosure remains in its present location or at least 30 feet from the residential property, there may be the possibility to combine the parking area with others on the block, in the interest of the property owner, in the future.

According to the Uptown Small Area Plan, a building's physical impact and contribution (positive and negative) to the public realm is determined largely by the type and quality of its frontage. The frontage is the manner in which a building interacts with the sidewalk, how the building feels when one walks next to it, and how it contributes to the public realm. A building's frontage can also be thought of as "the first 15 feet and the first couple of floors." The design of the "first fifteen feet" should:

- Reflect the uses at ground level.
- Provide opportunity for personalization (by resident or shopkeeper).
- Perform the transition between public and private realms.
- Be inviting and comfortable to pedestrians and passersby.

Alternative Compliance. The Planning Commission 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, 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.**

- Principal entrance facing Hennepin Avenue

The existing principal entrance faces Hennepin Avenue; however it is setback approximately 55 feet. The applicant is proposing to change the orientation of the door to face northwesterly towards the parking area, in order to allow for accessibility into the restaurant from the handicapped parking area adjacent to a sloped sidewalk. In addition, there are doors along 27th Street West for occupants of the building to access the outdoor seating area. The applicants have requested alternative compliance to providing a principal entrance along Hennepin Avenue, by providing a greater public amenity of public seating at the corner. There is a sidewalk and landscaped area connecting the entrance to the public sidewalk, as well. Staff is recommending that the planning commission grant alternative compliance given the orientation of the site, considerations for handicapped accessibility and public seating at the corner of the site.

- Blank walls exceeding twenty-five (25) feet

The proposed building facades do include blank walls, exceeding twenty five (25) feet in length along the (1) West elevation, first and second floors, (2) North elevation, first and second floor, (3) East elevation, second floor and (4) South elevation, second floor. The applicant is requesting alternative compliance. Staff is recommending that the applicant can further break up the blank walls with material change, projections, recessions, and/or windows along the West, East and South elevations. Staff believes it would be impractical to require the North elevation, where the coolers are located, to meet the requirement.

- Seven-foot landscaped yards

A seven-foot landscaped yard is required on three of four sides of the property due to adjacency to a public street and pathway and residential uses and zoning classifications. In addition, there is a rear yard and interior side yard required for the first 40 feet from the west property line due to the adjacent single family dwelling. At the time the previous site plan was approved (PR 52), a minimum five-foot landscaped yard was required. The applicant is requesting alternative compliance to providing a five-foot landscaped yard, in lieu of a seven-foot landscaped yard, due to the existing condition, previous approvals and the potential loss of additional parking area. Staff is recommending that the planning commission grant alternative compliance.

- Parking area screening

Screening of the parking area is required along the Westerly property line (6 feet, 95% opaque), due to the adjacent residential uses and along 27th Street West and Hennepin Avenue (3 feet, 60% opaque). There is an existing 9-foot, solid wood fence, which was previously approved under site plan review (PR 52). The applicant has not proposed any additional screening of the parking area along 27th Street West or Hennepin Avenue and is therefore requesting alternative compliance. Staff is recommending that the applicant provide screening

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consisting of either a masonry wall, fence, berm or hedge, three feet in height and not less than 60% opaque.

- Thirty (30) percent window requirements

The proposed building additions are located on four sides and are required to provide a minimum of thirty (30) percent glazing of the walls on the first floor that face a public street, public sidewalk, public pathway, or on-site parking lot. This includes all four elevations. The applicant has provided sufficient glazing (72.7%) on the front elevation along Hennepin Avenue. However, the applicant is not meeting the minimum window requirement along the remaining facades. The south façade, along 27th Street West, has approximately 22.8% glazing. The North façade, which faces the parking area, has approximately 19.5% glazing. The rear elevation, which faces the parking area to the West, is not proposed to have windows, due to the location of the coolers, where it would be impractical. Staff is recommending that the applicant meet the required 30% glazing along 27th Street West (South) and Hennepin Avenue (East). Further, staff is recommending alternative compliance to meeting the 30% glazing requirement on the north and rear (west) elevations due to the location of the bathrooms and coolers.

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 to reduce the minimum off-street parking requirement for an existing restaurant from 52 parking stalls to 43 parking stalls in the C2 Neighborhood Corridor Commercial District, subject to the following condition:

1. Bicycle racks shall be provided to accommodate no fewer than eight (8) bicycles on the property. The bicycle parking may be located in the public right-of-way with permission of the city engineer.

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

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan

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review application for an existing restaurant in the C2 Neighborhood Corridor Commercial District; subject to the following conditions:

1. 1 CPED Planning staff review and approval of the final site, elevations and landscaping plans.
2. All site improvements shall be completed by May 12, 2009, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.
3. 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 along the West, East and South elevations, as required by section 530.120 of the zoning code.
4. The site plan shall provide screening consisting of either a masonry wall, fence, berm or hedge, three feet in height and not less than 60% opaque, to effectively screen the parking area along 27th Street West and Hennepin Avenue as required by section 530.170(c) of the zoning code.
5. Not less than thirty (30) percent of the walls on the first floor that face 27th Street West (South) and Hennepin Avenue (East) shall be windows as required by section 530.120(b) of the zoning code.
6. The trash enclosure remains in its present location or at least thirty feet from the adjacent residentially zoned property.

Attachments:

1. Statement of use
2. Required findings
3. April 11, 2008, letters to CM Remington, EIRA and LHENA
4. Zoning map
5. Site plan, floor plans, elevations and landscaping plan
6. Photos of the site and surrounding

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