

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit and Site Plan Review
BZZ-5064

Date: January 24, 2011

Applicant: Kamal Omar

Addresses of Property: 3017-25 5th Avenue S

Project Name: Kamals Restaurant and Food

Contact Person and Phone: Abdirahim Omar (612) 501-8299

Planning Staff and Phone: Kimberly Holien, (612) 673-2402

Date Application Deemed Complete: December 27, 2010

End of 60-Day Decision Period: February 25, 2011

Ward: 8 **Neighborhood Organization:** Central Area Neighborhood Organization

Existing Zoning: C2 Neighborhood Corridor Commercial District

Zoning Plate Number: 25

Proposed Use: Mixed use building with a restaurant and 6 dwelling units.

Concurrent Review:

- Conditional use permit to allow six dwelling units in the C2 District.
- Site plan review.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 530 Site Plan Review and Chapter 548 Commercial Districts.

Background: Abdirahim Omar has submitted land use applications to allow six dwelling units in an existing commercial building at 3021 5th Avenue S. The proposed project includes the lots at 3017 5th Avenue S, 3021 5th Avenue S and 3025 5th Avenue S. The property at 3017 5th Avenue S contains an accessory parking lot for the use. The first floor of the building contains a restaurant use and the second floor was most recently a wholesaling, warehousing and distribution use. The applicant is proposing six dwelling units; one on the first floor and five on the second floor. The unit mix includes two 2-bedroom units, one 1-bedroom and three studios. The applicant received approvals in April 2010 to establish a second accessory parking lot for the building on the property to the south, at 3025 5th Avenue S. These approvals included several variances, a conditional use permit and rezoning to apply the Transitional Parking Overlay District.

Multiple-family dwellings with five units or more are conditional uses in the C2 District. A conditional use permit has been applied for accordingly. Any building or use containing five or more new or additional dwelling units or rooming units also requires site plan review. The applicant is establishing six dwelling units in the existing building as part of this project. Thus, site plan review is required.

Staff received an e-mail from the CANDO Neighborhood Development Organization with the actions from their October 28, 2010 meeting. At that meeting, CANDO voted to support the conditional use permit allowing 6 apartments above the restaurant, conditioned on approval from the immediate neighborhood residents. The minutes from the neighborhood organization's meeting have been attached for reference.

CONDITIONAL USE PERMIT: to allow six dwelling units in an existing building in the C2 Neighborhood Corridor Commercial district.

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.**

The applicant is proposing a mix of dwelling units that range in size from 495 square feet for a studio unit to 845 square feet for a 2-bedroom unit. The site has enough lot area to allow for up to 15 dwelling units. Establishing six dwelling units within the confines of the existing building should 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.**

The surrounding area is fully developed with a mix of uses. The subject site is bordered by a major auto repair use to the north and residential uses to the south. It is bordered by a residential triplex and a single family home to the east, across the alley. Across the street to the west is a shopping center with a large surface parking lot. Allowing six dwelling units to be established within the confines of an existing building will not impede the normal or orderly development of the area or improvement of surrounding property. The project will diversify the housing options available in the area and create a mixed-use building.

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

The site is served by existing infrastructure. Access into the site is from two existing curb cuts onto 5th Avenue S; one for each parking lot.

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

The addition of six dwelling units is not expected to contribute to traffic congestion in the public streets. The parking requirement for the residential units is six spaces. The restaurant use on the first floor requires eight parking spaces. There are 19 parking stalls located on the site. The parking provided exceeds the minimum requirement, which will help to minimize traffic congestion. The site is also one-half block south of Lake Street, which is served by transit at regular intervals.

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

The site is designated as mixed use on the future land use map in *The Minneapolis Plan for Sustainable Growth*. It is one-half block south of Lake Street, which is a commercial corridor in this location. The mixed use designation allows for mixed use development, including mixed use with residential. Mixed use may include either a mix of retail, office or residential uses within a building or within a district. Applicable policies of the Comprehensive Plan are as follows:

Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

Policy 3.1: Grow by increasing the supply of housing.

- 3.1.1 Support the development of new medium- and high-density housing in appropriate locations throughout the city.

Establishing dwelling units in this existing commercial building will result in a mixed-use development that is consistent with the above policies of *The Minneapolis for Sustainable Growth*. Allowing six dwelling units in an area designated for mixed-use will increase the supply of housing and the diversity of housing options available, also consistent with the Comprehensive 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 dwelling units comply with the applicable regulations of the C2 District. The building is existing and modifications are being made to bring it generally closer into compliance with the site plan review standards in Chapter 530. Those standards are evaluated in detail below.

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 Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other

architectural elements, shall not exceed twenty five (25) feet in length.

- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances, windows, and active functions:
 - Residential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

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

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

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

Minimum window area shall be measured as indicated in section 530.20 of the zoning code.
- Ground floor active functions:

Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- The form and pitch of roof lines shall be similar to surrounding buildings.
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

Conformance with above requirements:

The existing building is in the center of the site and located directly up to the front lot line adjacent to 5th Avenue S. The placement of the existing building allows for natural surveillance and visibility. The principal entrance is on the west side of the existing building, facing the public street. This entrance vestibule also has a door facing the on-site parking lot on the north side of the building. The entrance vestibule provides access to the restaurant space and the stairs leading to the second floor dwelling units. The one dwelling unit located on the first floor will be accessible via a door on the south side of the building. Several secondary entrances are located on the north side of the building and one additional entrance is located in the rear.

The off-street parking is located on the north and south sides of the building. No parking spaces will be located between the building and the public street.

The front of the building is clad with brick that wraps around to both sides of the building. The north and south building walls are constructed of CMU for the first floor and brick on the second floor. The CMU and brick are both painted on these walls. On the north elevation, the paint is not uniform. As a condition of approval, all painted portions of the building shall be painted uniformly. The first floor of the north elevation will have one blank, uninterrupted wall that exceeds 25 feet. However, this is an existing condition and not subject to the requirements of this chapter.

The window requirements of the site plan chapter call for 30 percent window coverage on the first floors facing the street, public pathway or on-site parking lot and ten percent on the upper floors. The building is existing and therefore not subject to the window requirements of this chapter. However, the applicant is adding windows to the second floor of the north elevation and both floors of the south elevation. These modifications will result in windows for 9 percent of the second floor on the north elevation, 14.29 percent on the first floor of the south elevation and 19.86 percent on the second floor of the south elevation. Four windows are being filled in on the second floor of the north elevation. These windows are being replaced elsewhere on this same floor and the overall amount of glazing is being increased. The applicant is also removing an opening on the first floor of the north elevation. This opening currently contains glass block, which is not typically counted toward the minimum window requirement. As such, removing this opening will not require alternative compliance. The windows on the east and west elevations will be replaced, but the current window configurations will be retained.

Existing first floor or ground floor windows shall be required to have clear or lightly tinted glass and 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.

The entire west building wall facing the public street contains active functions.

The structure has a flat roof similar to other structures in the area. No modifications are proposed to the roof as part of this application.

No parking garages are proposed for the site.

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 primary building entrance opens on to the public sidewalk adjacent to 5th Avenue S. The public sidewalk is 14 feet wide in this location. The north-facing door in this entrance vestibule opens into the parking lot. A sidewalk with a minimum width of four feet shall be required to connect this second entrance to the public sidewalk. Said sidewalk connection will more clearly guide pedestrian movements and make the site more pedestrian friendly.

There are no transit shelters adjacent to the site.

Access into the site is currently provided via curb cuts from 5th Avenue S. The curb cut on the north portion of the lot will be modified slightly to reduce its width. The curb cut and parking lot on the south part of the site were approved as part of the April 2010 approvals. No other changes are proposed to the access or traffic circulation as part of this application. The access and circulation pattern is designed to minimize conflicts with pedestrian traffic and adjacent uses.

There is a public alley to the east of the site. The site does not utilize the public alley for access under the current configuration and alley access is not proposed as part of the project. A landscaped yard with a minimum width of seven feet will separate the parking areas from the alley and a fence will further restrict alley access.

The site plan has been designed to reduce the amount of impervious surface from the existing. The site is nearly 100 percent impervious in its current configuration. The applicant is proposing to remove areas of bituminous and replace them with landscaping. With the proposed modifications, 517 square feet of landscaping will be added to the north parking lot. A significant amount of landscaping, approximately 1,800 square feet, was approved for the south parking lot in April 2010. This landscaping has not yet been installed. The total amount of landscaping proposed is equivalent to 22 percent of the site not occupied by buildings. All areas not occupied by buildings, parking areas, drive aisles, loading areas and the like will be landscaped.

LANDSCAPING AND SCREENING:

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
 - Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.

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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 lot area is approximately 15,693 square feet and the footprint of the building is approximately 5,192 square feet. Therefore, the net lot area is 10,501 square feet, of which 20 percent (2,100 square feet) is required to be landscaped. The site requires four canopy trees and 21 shrubs to satisfy the minimum planting requirement.

The applicant is proposing a landscaped area of 2,317 square feet, or 22 percent of the total site area not occupied by buildings. The amount of landscaping provided satisfies the minimum requirement. The landscape plan proposes four on-site canopy trees, satisfying the minimum requirement. However, two of the proposed trees are Sunburst Honeylocust that are identified as being 2.0 caliper inches in size. The minimum size for canopy trees is 2.5 caliper inches. The proposed trees shall be a minimum of 2.5 caliper inches in size at the time of planting as a condition of approval. There are also more than 40 shrubs proposed for the site. Landscaped areas are shown between the building and the north parking lot, and at the east and west ends of this parking lot. There are two large landscaped areas on the east and west ends of the parking lot to the south.

A landscaped yard a minimum of 7 feet in width is required between the north parking lot and 5th Avenue S and a 7-foot landscaped yard is required between the north parking lot and the alley. The landscaped yard between the parking lot and 5th Avenue S requires screening that is a minimum of three feet in height and 60 percent opaque. The site plan shows one canopy tree and a fence in this location. As a condition of approval, the proposed fence shall be decorative in compliance with Section 530.160. The landscaped yard between the parking area and the alley requires screening that is a minimum of 95 percent opaque. The site plan shows one canopy tree and a fence in this location as well. These materials are not sufficient to achieve the 95 percent opacity required for screening and alternative

compliance is requested. Staff does not recommend granting alternative compliance. The applicant shall be required to provide additional plantings in this location to achieve a screening opacity of 95 percent. The fence in this location shall also be decorative and match the fence proposed on the west side of the parking lot.

Similarly, the south parking lot requires a 7-foot landscaped yard between the parking lot and 5th Avenue S and between the parking lot and the alley. Landscaped yards of the required opacity are provided in both locations. The landscaped yard between the parking lot and the street is 24 feet in width, and the landscaped yard between the parking lot and the alley is 25 feet in width. A 7-foot landscaped yard is also required between the parking stalls and the south property line because it is adjacent to a residential use. The applicant has provided a 7-foot landscaped yard for the first five parking stalls. The three parking stalls on the east side of the lot will require alternative compliance for this requirement. Staff recommends granting alternative compliance for this situation. The landscaped yard provided was deemed adequate in April 2010 when the City Planning Commission approved a variance to allow the parking stalls within the required side yard setback. A wood fence with opacity of 95 percent will be provided in this location to mitigate any impact the parking stalls may have on the neighboring residential use.

All areas not occupied by buildings, parking and loading facilities and driveways are landscaped. All parking stalls are located within 50 feet of the center of an on-site canopy tree.

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:

Due to the size of the site, on-site retention and filtration of stormwater is not practical. The parking lot is defined with continuous curbing accordingly.

The existing building is two stories and does not significantly shadow public spaces or adjacent properties.

The building does not generate wind currents at ground level or block views of important elements of

the City.

Staff has made a recommendation above to connect the north-facing front building entrance to the public sidewalk to more clearly direct pedestrian movements. Additional windows are being added to the building to increase opportunities for natural surveillance and visibility. The site is designed to reinforce public and private spaces and to promote natural access control.

The existing building on the site is not historic, and the property does not lie within an historic district.

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

ZONING CODE: The restaurant use and proposed dwelling units are permitted in the C2 district.

Off-Street Parking and Loading:

Minimum automobile parking requirement:

The minimum vehicle parking requirement for the restaurant use and dwelling units is as follows:

Use	Requirement	Size	Spaces required
Restaurant	1 space per 500 sq. ft. of GFA up to 2,000 sq. ft. + 1 space per 300 sq. ft. of GFA in excess of 2,000 sq. ft.	3,340 square feet	8 spaces
Residential units	1 space per dwelling unit	6 units	6 spaces
Total			14 spaces

The site has 19 on-site parking stalls and 14 are required. The amount of parking available exceeds the minimum requirement.

Maximum vehicle parking requirement:

The maximum vehicle parking requirement for the proposed uses is as follows:

Use	Requirement	Size	Maximum allowed
Restaurant	1 space per 75 sq. ft. of GFA	3,340 square feet	45
Residential units	No maximum	6 units	N/A

While there is no parking maximum for the site due to the residential units proposed, Section 541.450 limits residential uses to two surface parking stalls per unit. In this case, up to 12 surface parking stalls could be provided for the residential units. The amount of parking provided is within the parameters allowed.

Minimum bicycle parking requirement:

The dwelling units require one parking space for every two units or three spaces in this case. These

bicycle parking spaces must meet the requirements for long-term bike parking. Long-term bicycle parking shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users but not located within the dwelling units. The applicant has not illustrated the intended location for the bicycle parking on the floor plans. However, there is a large storage area on the first floor that could include bike parking. As a condition of approval, a minimum of three long-term bicycle parking spaces shall be provided. The restaurant use requires three bicycle parking spaces and three are provided on-site.

Loading

The restaurant use requires one small loading space with minimum dimensions of 10'x 25'. The loading will occur in the northeast corner of the site.

Minimum and Maximum Floor Area: The site is located in the C2 District, which has a maximum floor area ratio of 1.7. The existing building is 10,804 square feet and the lot is 15,693, for a floor area ratio of .69.

Building Height: The maximum height for structures in the C2 District is 4 stories or 56 feet, whichever is less. The existing building is two stories in height.

Minimum Lot Area: The minimum lot area requirement for residential units in the C2 district is 700 square feet of lot area per dwelling unit. The portion of the site that is located in the TP overlay district does not count toward the minimum lot area. Therefore, for purposes of calculating the lot area per dwelling unit, the site is 10,457 square feet. This amount of lot area would allow for up to 15 dwelling units. The applicant is proposing six dwelling units, which equates to approximately 1,743 square feet of lot area per dwelling unit.

Dwelling Units per Acre: There are six residential units proposed on the .36 acre site. This equates to a density of 17 dwelling units per acre. This is considered low density development and is consistent with the mixed use designation in *The Minneapolis Plan for Sustainable Growth* and the intent of the C2 District.

Yard Requirements: For residential uses in the C2 district, there is a minimum side yard setback requirement of 5+2x, where x is equivalent to the number of stories above the first story. In this case, a side yard setback of 7 feet would be required. However, the building is existing and no changes are proposed to the existing setbacks.

Specific Development Standards: The specific development standards for the restaurant use are as follows:

- (1) Where alcoholic beverages are served, not less than sixty (60) percent of total gross sales revenue shall be from the sale of food and beverages not containing alcohol, and the use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.

- (2) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

Hours of Open to the Public: In the C2 District, uses may be open to the public during the following hours: Sunday through Thursday from 6:00 a.m. to 10:00 p.m. and Friday and Saturday from 6:00 a.m. to 11:00 p.m. These hours do not apply to residential uses.

Signs: Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. No signage has been shown on the plans as part of this application.

Refuse storage: Section 535.80. Refuse storage containers are required to be enclosed on all four (4) sides by screening compatible with the principal structure, not less than two (2) feet higher than the refuse container, or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The refuse storage is proposed on the east side of the site, directly adjacent to the building.

Lighting: The applicant has not submitted a lighting plan. All lighting shall be required to comply with Chapters 535 and 541 including the following standards:

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 to not directly or indirectly cause illumination or glare in excess of one-half footcandle measured at the closest property line of any permitted or conditional residential use, and five footcandles measured at the street curb line or nonresidential property line nearest the light source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of 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 to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH:

The site is designated as mixed use on the future land use map in *The Minneapolis Plan for Sustainable Growth*. It is one-half block south of Lake Street, which is a commercial corridor in this location. The mixed use designation allows for mixed use development, including mixed use with residential. Mixed use may include either a mix of retail, office or residential uses within a building or within a district. Applicable policies of the Comprehensive Plan are as follows:

Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

1.4.2 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

1.8.2 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

Policy 3.1: Grow by increasing the supply of housing.

3.1.1 Support the development of new medium- and high-density housing in appropriate locations throughout the city.

Establishing dwelling units in this existing commercial building will result in a mixed-use development that is consistent with the above policies of *The Minneapolis Plan for Sustainable Growth*. Allowing six dwelling units in an area designated for mixed-use will increase the supply of housing and the diversity of housing options available, also consistent with the Comprehensive Plan.

SMALL AREA PLANS ADOPTED BY COUNCIL:

The site is also within boundaries of the Phillips, Central, Powderhorn Park Small Area Plan. This plan was adopted in 1997. Per the plan, the site is in Zone 3, which is identified as a transition zone from Lake Street to the residential neighborhoods. This zone is considered a bridge between the commercial

uses on Lake Street and the residential areas to the south. Allowing six dwelling units in this existing building would be consistent with the intent of the Small Area Plan, by providing a transition from higher intensity commercial uses to the residential neighborhood.

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, 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.**

A 7-foot landscaped yard is required between the parking stalls and the south property line because it is adjacent to a residential use. The applicant has provided a 7-foot landscaped yard for the first five parking stalls. The three parking stalls on the east side of the lot will require alternative compliance for this requirement. Staff recommends granting alternative compliance for this situation. The landscaped yard provided was deemed adequate in April 2010 when the City Planning Commission approved a variance to allow the parking stalls within the required side yard setback. A wood fence with an opacity of 95 percent will be provided in this location to mitigate any impact the parking stalls may have on the neighboring residential use.

The landscaped yard between the north parking area and the alley requires screening that is a minimum of 95 percent opaque. The site plan shows one canopy tree and a fence in this location as well. These materials are not sufficient to achieve the 95 percent opacity required for screening and alternative compliance is requested. Staff does not recommend granting alternative compliance. The applicant shall be required to provide additional plantings in this location to achieve a screening opacity of 95 percent.

RECOMMENDATIONS:

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

Department of Community Planning and Economic Development – Planning Division
BZZ-5064

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 allow six dwelling units for the property located at 3017-21 5th Avenue South, subject to the following condition:

- 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.

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

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 for the property located at 3017-21 5th Avenue South, subject to the following conditions:

- 1) CPED planning staff review and approval of the final site plan, lighting plan, landscaping plan, and elevations before permits may be issued.
- 2) All site improvements shall be completed by January 24, 2012 (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 3) All painted portions of the building shall be painted uniformly.
- 4) A sidewalk with a minimum width of four feet shall connect the north building entrance to the public sidewalk, in compliance with Section 530.130 of the zoning code.
- 5) The proposed canopy trees shall be a minimum of 2.5 caliper inches in size at the time of planting, in compliance with Section 530.200 of the zoning code.
- 6) The proposed fencing in the north parking lot shall be decorative, in compliance with Section 530.160 of the zoning code.
- 7) The applicant shall be required to provide additional plantings on the east side of the north parking lot to achieve a screening opacity of 95 percent, in compliance with Section 535.170 of the zoning code.
- 8) A minimum of three long-term bicycle parking spaces shall be provided, in compliance with Section 541.180 of the zoning code.

Attachments:

Department of Community Planning and Economic Development – Planning Division
BZZ-5064

1. Statement of use and findings
2. E-mail from the CANDO neighborhood dated October 28, 2010
3. Zoning map
4. Site plan, floor plans and elevations
5. Photos.