

Department of Community Planning and Economic Development - Planning Division
Rezoning, Variances, Site Plan Review and Minor Subdivision
BZZ-5773 & MS 227

Date: October 15, 2012

Applicant: Tracy Singleton

Address of Property: 3311 25th Street East and 2505 33rd Avenue South

Project Name: Birchwood Café Addition

Contact Person and Phone: Tracy Singleton, (612) 722-4325

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

Date Application Deemed Complete: September 13, 2012

End of 60 Day Decision Period: November 12, 2012

End of 120 Day Decision Period: January 11, 2013 (*Staff sent the extension letter on October 4, 2012*)

Ward: 2 Neighborhood Organization: Seward Neighborhood Group

Existing Zoning: R1A Single-Family District

Proposed Zoning: C1 Neighborhood Commercial District

Zoning Plate Number: 22

Proposed Legal Description: Lot 24 except the West 80 feet thereof, Block 5, "Rearrangement Of Blocks In The Town Of Falls City" AND Lot 23 except the West 80 feet thereof and except the South 12 feet lying easterly of the West 80 feet thereof, Block 5, "Rearrangement Of Blocks In The Town Of Falls City"

Proposed Use: A 1,424 square foot addition to an existing sit-down restaurant

Concurrent Review:

- Petition to rezone 3311 25th Street East and a portion of 2505 33rd Avenue South from R1A Single-Family District to C1 Neighborhood Commercial District to allow for the expansion of an existing sit-down restaurant.
- Variance to reduce the required off-street parking from 9 spaces to 6 spaces, where 6 are grandfathered in. The expansion of the restaurant requires 3 additional parking spaces.
- Variance to reduce the minimum lot area requirement for a single-family dwelling located at 2505 33rd Avenue South from 5,000 square feet to 4,123 square feet.
- Site Plan review

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- Minor subdivision to adjust the common lot line between 3311 25th Street East and 2505 33rd Avenue South, including a subdivision variance to allow for a residential parcel with more than 5 sides.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments, Article IX Variances, Section 525.520(6) “To vary the applicable minimum...number of required off-street parking...”, Section 525.520(2) “To vary the minimum lot width or lot area requirements up to thirty (30) percent...”, Chapter 530, Site Plan Review, Chapter 541 Off-Street Parking and Loading and Chapter 598 Land Subdivision Regulations.

Background: The subject property at 3311 25th Street East is the Birchwood Café, located on a parcel of approximately 76.78 feet by 41.4 feet (3,181 square feet). The structures at the subject property and the adjacent property at 2501 33rd Avenue South were both constructed in 1926. The building permit (B 194744) issued for the two structures in 1926 was to allow for a residence and a concrete block garage for a milk station. According to the Polk Directories (1926-1993), the use of the property at 3311 25th Street East was the Birchwood Dairy Company, a wholesale and retail dealer in butter, eggs, cream, buttermilk and cottage cheese. Both the residence at 2501 33rd Avenue South and the dairy store were owned by the Bursch family until they were sold to the applicant in 1994. The Birchwood Café opened for business in 1995 and the applicant currently resides at 2501 33rd Avenue South. The applicant later purchased the adjacent property to the south at 2505 33rd Avenue South in 2002.

The sit-down restaurant is an existing, nonconforming use in the R1A Single-Family District. The existing kitchen and bathrooms in the restaurant are out of compliance and need to be expanded in order to meet the applicable health code requirements. The applicant has stated that the building cannot support an additional story or elevator and is therefore proposing to construct additions to the existing restaurant along 25th Street East, adjacent to the alley and to the rear of the café. The existing restaurant covers the majority of the lot and is built up to the front property line along 25th Street East and approximately 3 feet from the rear property line to the south. The applicant owns the property to the south at 2505 33rd Avenue South and is proposing to adjust the common lot lines between the two parcels to accommodate the additions. A nonconforming use may not be expanded beyond the boundaries of the zoning lot per section 531.50(b) of the zoning code. Therefore, the applicant is proposing to rezone the property at 3311 25th Street East and a portion of the existing property at 2505 33rd Avenue South to allow for the expansion of the existing restaurant.

The gross floor area (GFA) of the structure is 2,519 square feet. A variance (V-3797) to reduce the required parking from 16 spaces to 0 spaces was approved by the Board of Adjustment in 1994 to allow for the conversion from the dairy store to the Birchwood Café. The parking requirements in the zoning code were amended in 2009 and the existing parking requirement for the restaurant is 6 spaces. The proposed additions to the structure will increase the gross floor area to 3,943 square feet. The minimum parking requirement will be increased to 9 spaces. Therefore, the applicant is requesting a variance to reduce the required off-street parking for the 3 additional spaces to zero spaces to allow for the restaurant expansion.

The proposed lot line adjustment would transfer 2,153 square feet of lot area from 2505 33rd Avenue South to 3311 25th Street East. The property located at 2505 33rd Avenue South is a single-family

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dwelling with a detached garage in the R1A Single-Family District on a parcel of 6,276 square feet. The minimum lot area requirement for a single-family dwelling in the R1A District is 5,000 square feet. With the proposed lot line adjustment, the detached garage will be removed and the remaining lot area for 2505 33rd Avenue South will be reduced to 4,123 square feet. The applicant is requesting a variance to reduce the minimum lot area from 5,000 square feet to 4,123 square feet to allow for the transfer of land to allow for the restaurant expansion.

The proposed expansion to the restaurant will add 1,424 square feet in area. Any addition to a non-residential building that would increase its gross floor area by one-thousand (1,000) square feet or more requires that the site plan be reviewed and approved by the City Planning Commission.

The proposed project requires the adjustment of the common lot line between 3311 25th Street East (Parcel A) and 2505 33rd Avenue South (Parcel B). Parcel A would be 5,334 square feet and is the existing Birchwood Café with the proposed additions. Parcel B would be 4,123 square feet and is an existing single-family dwelling. The proposed lot line adjustment does not follow the underlying platting so a minor subdivision is required. The subdivision ordinance requires that residential parcels have no more than 5 sides. The proposed Parcel B requires a subdivision variance to allow for a residential parcel with 6 sides.

Staff has received a letter supporting the proposed project from the Seward Neighborhood Group. A copy of their letter is attached to the staff report. Staff will forward additional comments, if received, to the City Planning Commission.

REZONING: petition to rezone 3311 25th Street East and a portion of 2505 33rd Avenue South from R1A Single-Family District to C1 Neighborhood Commercial District to allow for the expansion of an existing sit-down restaurant.

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 subject property is designated as *urban neighborhood* in *The Minneapolis Plan for Sustainable Growth*. According to the principles and polices outlined in the plan, the following apply to this proposal:

Land Use 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 Promote standards that help make commercial districts and 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 to add interest at the pedestrian level.

1.4.4 Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall,

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principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.

Land Use Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.

1.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.

1.5.3 Promote the preservation of traditional commercial storefronts wherever feasible.

Land Use Policy 1.6: Recognize that market conditions and neighborhood traditions significantly influence the viability of businesses in areas of the city not designated as commercial corridors and districts.

1.6.1 Allow for retention of existing commercial uses and zoning districts in designated Urban Neighborhood areas, to the extent they are consistent with other city goals and do not adversely impact surrounding areas.

1.6.2 In parts of the city outside of designated corridors, nodes, and centers, limit territorial expansions of commercial uses and districts.

Economic Development Policy 4.2: Promote business start-ups, retention and expansion to bolster the existing economic base.

4.2.5 Encourage small business opportunities, such as appropriate home occupations and business incubators, in order to promote individual entrepreneurs and business formation.

Staff response: Staff finds that the proposed expansion of this existing commercial use is consistent with city goals and would not adversely impact surrounding areas. The site is designated as *urban neighborhood* on the future land use map in *The Minneapolis Plan for Sustainable Growth*. The urban neighborhood designation may include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial, institutional and semi-public uses scattered throughout. While the existing property is not located on a designated commercial corridor or in a node, East 25th Street was commercially zoned from 1924 through 1963 and the property has been occupied by a commercial use since 1926. The subject property was a milk station, creamery and dairy store from 1926 through 1994. The property has been the Birchwood Café since 1994. In addition, staff has found over 70 parcels zoned C1 that are designated as urban neighborhood on the future land use map and are located off of a designated corridor and outside of a designated node.

Commercial buildings and uses provide needed amenities and services to communities. The Birchwood Café has been in business at this location for 17 years. The expansion of the existing restaurant would continue to serve the immediate and nearby community. The purpose of the expansion is to allow for the necessary improvements to their kitchen and restroom facilities and to improve functionality by providing additional food storage area and an office. The proposed project will also allow for the seating capacity to increase by four tables. The use of the property as a sit-down restaurant is nonconforming.

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Each neighborhood in the city possesses a distinct character, made up of the houses, commercial buildings and open spaces. There are several commercial and industrial buildings along East 25th Street, including the Doughnut Cooperative (2929 25th Street East), a mixed use building with a Laundromat, beauty salon, yoga studio and residential units (3330 25th Street East), a mixed use building with an art gallery and two residential units at 2504 34th Avenue South and an industrial building that is currently vacant (3414 25th Street East).

The applicant has proposed the addition in such a way to minimize negative impacts on surrounding uses, which is predominately residential. The new additions to the commercial structure are appropriate in terms of size, scale, intensity and relationship to the street, to users and to its neighbors.

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

The expansion of the existing restaurant would continue to serve the immediate and nearby community. The expansion of the restaurant is necessary to allow for their kitchen to meet all applicable codes, additional storage area, an office and adequate restroom facilities. The proposed project will also allow for the seating capacity to increase by four tables. 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 surrounding area is predominately zoned R1A Single-Family District. 25th Street East was zoned Commercial from 1924 to 1963. The Doughnut Cooperative located at 2929 East 25th Street retained its commercial zoning and is zoned C1 Neighborhood Commercial District. The properties to the east at 3433 25th Street East and 2505 35th Avenue South are zoned I1 Light Industrial District. Additionally, several properties to the south on the blocks bounded by 30th Avenue South and 33rd Avenue South, 26th Street East and the Midtown Greenway are zoned I1 Light Industrial District and I2 Medium Industrial District. The proposed zoning should be compatible with the surrounding uses and zoning classifications.

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.

The R1A district allows residential uses of low density. There are no other nonresidential uses that could be allowed on this site because of its lot size. The use of the property as a sit-down restaurant is nonconforming. A nonconforming use may not be changed to any other use other than a use permitted in the district, unless granted approval for a change of nonconforming use where the applicant must demonstrate that the proposed use is more compatible with the surrounding area and less intense than the previous use. Although some reasonable use of the

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property is allowed in the R1A District, the R1A zoning classification does not allow for the expansion of the existing non-conforming use.

- 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.**

No zoning changes to allow for commercial zoning have occurred in the area since it was placed in its present zoning classification. The property located at 3433 25th Street East was rezoned to add the IL Industrial Living Overlay District to allow for a residential dwelling within an existing building and an art gallery in 2005. The property across 25th Street East at 3330 25th Street is a nonconforming commercial/mixed use building in the R1A Single-Family District.

VARIANCE: to reduce the required off-street parking from 9 spaces to 0 spaces, where 6 are grandfathered in. The expansion of the restaurant requires 3 additional parking spaces.

Findings Required by the Minneapolis Zoning Code:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The circumstances upon which the variance is requested are unique to the parcel of land, based on the previous use, structures covering all buildable area of the lot and the existing parking deficiency. The site is currently deficient in required parking by six spaces. The parking requirement for the café was determined to be 16 spaces and a variance was granted in 1994. The proposed 1,424 square foot addition will increase the parking requirement by 3 spaces and the applicant is requesting a variance. The Metro Transit bus #9 travels along 25th Street East and there is an existing bus stop at the northeast corner of 25th Street East and 33rd Avenue South. There is an existing NiceRide Minnesota docking station immediately adjacent to the subject property. Further, the use of a sit-down restaurant is pedestrian in nature. Staff finds that many patrons of the use will use alternative forms of transportation including walking, biking and busing. These circumstances have not been created by the applicant.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Staff finds that the applicant is proposing to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and comprehensive plan. The intent of parking and loading regulations are established to recognize the parking and loading needs of uses and structures, to enhance the compatibility between parking and loading areas and their surroundings, and to regulate the number, design, maintenance, use and location of off-street parking and loading spaces and the driveways and aisles that provide access and maneuvering

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space. The regulations promote flexibility and recognize that excessive off-street parking conflicts with the city's policies related to transportation, land use, urban design, and sustainability. The proposed addition will increase the seating capacity by four tables. The use of a sit-down restaurant is pedestrian in nature and staff concurs with the applicant that many patrons of the use will use alternative forms of transportation including walking, biking and busing.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Staff finds that the granting of this variance would not negatively alter the essential character or be injurious to the use or enjoyment of other property in the area. The applicant expects that many of the patrons will be people that live in the neighborhood and would most likely bike, walk or use transit to arrive at the restaurant. Staff finds that the proposed variance will not be detrimental to the health, safety or welfare of the general public.

VARIANCE: to reduce the minimum lot area requirement for a single-family dwelling located at 2505 33rd Avenue South from 5,000 square feet to 4,123 square feet (17.5%)

Findings as required by the Minneapolis Zoning Code:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Staff finds that unique circumstances exist in this case that contribute to a practical difficulty in complying with the ordinance. The applicant owns the three properties at the southeast corner of 25th Street East and 33rd Avenue South. The existing restaurant is a nonconforming use in the R1A Single-Family District and cannot accommodate the necessary expansions on its present zoning lot. The applicant is proposing to adjust the common lot line to transfer 2,153 square feet of lot area from 2505 33rd Avenue South to 3311 25th Street East. The existing single-family dwelling will remain in its present location and the lot arrangement would continue to allow for off-street parking, accessed via the alley.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Staff finds that the applicant has demonstrated that the proposed lot arrangement and remaining lot area will allow for reasonable use of the property that is in keeping with the spirit and intent of the ordinance. Lot area requirements are established to ensure compatibility with surrounding uses. The surrounding area contains a mix of land uses, including low- and medium-density residential, commercial and industrial uses. The existing single-family dwelling will remain in its

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present location and the lot arrangement would continue to allow for off-street parking, accessed via the alley.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Granting of the variance to reduce the lot area by 877 square feet to allow for the lot line adjustment would not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The existing single-family dwelling will remain in its present location and the lot will continue to allow for access to off-street parking via the alley. Further, granting the variance would not increase the danger of fire safety, nor would it be detrimental to the public welfare or endanger the public safety. The existing dwelling and the proposed addition to the restaurant meet or exceed the minimum yard requirements in the zoning code.

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.

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- 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 530.20 of the zoning code.
- The form and pitch of roof lines shall be similar to surrounding buildings.
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

Conformance with above requirements:

The existing restaurant is built to the front property line along 25th Street East. The proposed addition at the front of the building would be located along the front property line to reinforce the street wall.

There is an existing sidewalk café area immediately adjacent to the building wall. The applicant is seeking an encroachment permit to allow for new trellises that would support vegetation above the seating area.

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The applicant is proposing a new vestibule, located in the public right-of-way. An encroachment permit was previously approved by the city council to allow for a new vestibule.

There are no existing or proposed off-street parking areas for the restaurant.

The existing building and proposed additions provide windows, architectural detail and recesses to avoid blank, uninterrupted walls, not exceeding twenty-five (25) feet in length.

The existing building is stucco. The applicants are proposing to add horizontal folding glass doors to the front façade and add new slate siding to the front of the structure. The addition will also be slate siding, wood siding and stucco to match the existing building.

The principal entrance is accessed via a new, two-story vestibule, emphasized by a new externally illuminated sign.

Thirty percent (30%) of the first floor and ten percent (10%) of the second floor walls on the front addition shall be windows. The applicant is showing that 42% of each floor will be windows.

The existing roof is flat. This is a consistent roof style with the other non-residential and mixed use buildings in the immediate area.

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 restaurant has direct access to the public sidewalk via the proposed vestibule. The applicant is proposing to add lighting above the entry.

There are no transit shelters adjacent to the site.

The alley is currently being utilized for loading and trash/recycling pick-up. The proposed site plan shows that the alley will continue to be used for loading and trash/recycling pick-up.

The proposed project would remove an existing 313 square foot detached garage and bituminous driveway to allow for a 1,300 square foot rear addition to the restaurant and parking area for the dwelling.

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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 lot area is proposed to be 5,334 square feet. The building footprint is proposed to be 3,943 square feet. 20 percent of the net site, not including the building, or 278 square feet, is required to be landscaped. The applicant is proposing a landscaped area of 843 square feet, or 60 percent of the total site area.

The zoning code requires at least one canopy tree for each 500 square feet of required landscaping and at least one shrub for each 100 square feet of required landscaping. The tree and shrub requirement for this site is 1 and 3 respectively. The applicants are seeking alternative compliance to meeting the minimum tree and shrub requirements by showing an exceptional site plan design, including edible landscaping on food demonstration walls of the proposed addition and a new rain garden. Further, the proposed landscaping will be more consistent with other landscaped yards of the adjacent residential uses. Staff is recommending that the City Planning Commission grant alternative compliance.

A landscaped yard of at least 7 feet wide shall be located along the west interior side and rear property lines. The applicant is providing a 7-foot wide landscaped area along the west interior side property line and a 9-foot 8-inch landscaped yard along the rear.

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Screening is not required for this project.

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.

Conformance with above requirements:

There is no off-street parking area for the proposed project.

The proposed additions will not shadow public spaces or adjacent properties, block views, or generate wind currents at ground level.

The plan meets the CPED guidelines. The site is well lit and designed with opportunities for people to observe adjacent spaces and public sidewalks.

There are no historic landmarks or districts on the property or in the immediate area.

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 applicant has proposed to rezone the property from the R1A Single-Family District to the C1 Neighborhood Commercial District to allow for the restaurant expansion. A sit-down restaurant is a permitted use in the C1 District.

Parking and Loading:

Minimum automobile parking requirement: The gross floor area (GFA) of the structure is 2,519 square feet. A variance to reduce the required parking from 16 spaces to 0 spaces was approved by the Board of Adjustment in 1994 to allow for the conversion from the dairy store to the Birchwood Café. The parking requirements in the zoning code were amended in 2004 and the existing parking

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requirement for the restaurant is 6 spaces. The proposed additions to the structure will increase the gross floor area to 3,943 square feet. The minimum parking requirement will be increased to 9 spaces. Therefore, the applicant is requesting a variance to reduce the required off-street parking for the 3 additional spaces to zero spaces to allow for the restaurant expansion.

Maximum automobile parking requirement: The maximum automobile parking requirement is one-space per 75 square feet of gross floor area or 53 stalls.

Bicycle parking requirement: The minimum bicycle requirement for a sit-down restaurant is 3 spaces that meet the short-term parking standards. The applicant is currently providing 18 bicycle spaces and will be adding 2 more. In addition, there is a NiceRide Minnesota docking station with 15 bicycles immediately adjacent to the property.

Loading: The size of the proposed restaurant does not require an additional off-street loading space. However, the use shall provide adequate shipping and receiving facilities, accessible by motor vehicle off any adjacent alley, service drive or open space on the same zoning lot, per section 541.490 of the zoning code. The applicant is proposing to continue to use the alley for loading purposes.

Maximum Floor Area: The site is subject to a maximum floor area ratio of 1.7 in the C1 District. The proposed F.A.R. is .74.

Height and Bulk: The maximum height for structures in the C1 district is 2.5 stories or 35 feet, whichever is less. The proposed additions are 1 story, 18 feet at the front and one story, 14 feet at the rear.

Minimum Lot Area: The minimum lot area requirement for a sit-down restaurant is 5,000 square feet. The applicant has requested a variance to reduce the minimum lot area requirement to 4,450 square feet.

Dwelling Units per Acre: There are no dwelling units proposed as part of the project.

Yard Requirements: The subject site is zoned C1 and there are yard requirements along the three of the four property lines due to adjacent residential zoning and uses. The proposed additions to the structure are not located in any of the required setbacks.

Signs: Signs are subject to the requirements of Chapter 543, On-premise Signs. In the C1 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall. However, if there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 45 square feet in size. Projecting signs are limited to 16 square feet in size. The height limitation for both wall signs and projecting signs is 14 feet. Freestanding signs are limited to 54 square feet and can be no taller than eight feet. The zoning code also limits the number of freestanding signs on a zoning lot to one. The applicant is proposing two new externally illuminated wall signs on the front of the building; one above the front door and the other at the northwest corner of the building. The sign above the door is 27 square feet in area and 14 feet in height. The second sign at the northwest

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corner of the building is 21 square feet in area and 14 feet in height. Both signs meet the requirements found in Chapter 543 On-premise Signs.

Refuse screening: Refuse storage containers shall 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 uses. The dumpster area is currently out of conformance with the zoning code. The proposed trash area will be enclosed with a sliding wood screen, 8 feet in height.

Lighting: Lighting proposed for the development shall 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) 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.
- (3) 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.
- (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.

MINNEAPOLIS PLAN AND RELEVANT SMALL AREA PLANS:

The subject property is designated as *urban neighborhood* in *The Minneapolis Plan for Sustainable Growth*. According to the principles and policies outlined in the plan, the following apply to this proposal:

Urban Design Policy 10.8: Strengthen the character and desirability of the city's urban neighborhood residential areas while accommodating reinvestment through infill development.

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10.8.2 Infill development shall incorporate the traditional layout of residential development that includes a standard front and side yard setbacks, open space in the back yard, and detached garage along the alley or at back of lot.

10.8.8 Appropriate non-residential land uses, such as institutional, public and suitable commercial uses, should be integrated into low density residential areas through proper building location and design, landscaping, and other site improvements.

Urban Design Policy 10.10: Support urban design standards that emphasize a traditional urban form in commercial areas.

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

10.10.2 Identify commercial areas in the city that reflect, or used to reflect, traditional urban form and develop appropriate standards and preservation or restoration objectives for these areas.

10.10.3 Enhance pedestrian and transit-oriented commercial districts with street furniture, street plantings, plazas, water features, public art and improved transit and pedestrian and bicycle amenities.

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

10.10.7 Encourage the renovation of existing commercial buildings.

Staff response: Staff finds that the proposed expansion of this existing commercial use is consistent with city goals and would not adversely impact surrounding areas.

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.**

Alternative compliance is requested by the applicant for the following standards:

- The zoning code requires at least one canopy tree for each 500 square feet of required landscaping and at least one shrub for each 100 square feet of required landscaping. The tree and shrub requirement for this site is 1 and 3 respectively. The applicants are seeking alternative compliance to meeting the minimum tree and shrub requirements by showing an exceptional site plan design, including edible landscaping on food demonstration walls of the proposed addition and a new rain garden. Further, the proposed landscaping will be more consistent with other landscaped yards of the adjacent residential uses. Staff is recommending that the City Planning Commission grant alternative compliance.

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MINOR SUBDIVISION

Required Findings:

- 1. The subdivision is in conformance with the land subdivision regulations and the applicable regulations of the zoning ordinance and policies of the comprehensive plan.**

The proposed project requires the adjustment of the common lot line between 3311 25th Street East (Parcel A) and 2505 33rd Avenue South (Parcel B). Parcel A would be 5,334 square feet and is the existing Birchwood Café with the proposed addition. Parcel B would be 4,123 square feet and is an existing single-family dwelling. The proposed lot line adjustment does not follow the underlying platting so a minor subdivision is required. The subdivision ordinance requires that residential parcels have no more than 5 sides. The proposed Parcel B requires a subdivision variance to allow for a residential parcel with 6 sides.

Zoning code:

The applicant has requested a variance to reduce the minimum lot area for Parcel B from 5,000 square feet to 4,123 square feet.

Subdivision regulations:

The proposed Parcel B has six sides, where the subdivision ordinance requires no more than five sides.

Section 598.240(2)[a] of the subdivision regulations requires that no lot shall be created which has more than five (5) sides. The common lot line adjustment would transfer 2,153 square feet from Parcel B to Parcel A. Parcel B would result in having 6 sides to allow for the lot to have sufficient area and access for off-street parking.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.**
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.**

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The purpose of regulating the number of sides of a parcel is to ensure the lot arrangement does not present difficulties in meeting required yards and off-street parking. The applicant owns the three properties at the southeast corner of 25th Street East and 33rd Avenue South. The existing restaurant is a nonconforming use in the R1A Single-Family District and cannot accommodate the necessary expansions on its present zoning lot. The applicant is proposing to adjust the common lot line to transfer 2,153 square feet of lot area from 2505 33rd Avenue South to 3311 25th Street East. Staff finds that the applicant has demonstrated that the proposed lot arrangement will allow for reasonable use of the property that is in keeping with the spirit and intent of the ordinance. Lot area requirements are established to ensure compatibility with surrounding uses. The surrounding area contains a mix of land uses, including low- and medium-density residential, commercial and industrial uses. The existing single-family dwelling will remain in its present location and the lot arrangement would continue to allow for off-street parking, accessed via the alley.

Comprehensive plan

See staff finding #1 for the rezoning.

- 2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

The proposed lot line adjustment will allow for the expansion of the existing restaurant. The existing detached garage and driveway at 2505 33rd Avenue South will be removed and a new driveway and parking pad will be provided. The applicant has proposed the addition in such a way to minimize negative impacts on surrounding uses, which is predominately residential. The new additions to the commercial structure are appropriate in terms of size, scale, intensity and relationship to the street, to users and to its neighbors.

- 3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision and the surrounding area because of flooding, erosion, high water table, severe soil conditions, improper drainage, steep slopes, rock formations, utility easements, or other hazard.**

None of these hazards exist on either property.

- 4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

The proposed minor subdivision was done in such a way to allow for off-street parking for the existing single-family dwelling at 2505 33rd Avenue South. The property at 3311 25th Street East is proposing to construct an addition and rain garden on the portion of the land that would be transferred from 2505 33rd Avenue South.

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- 5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.**

The applicant is proposing to have a rain garden along the rear property line of 3311 25th Street East to handle the stormwater. Public Works has reviewed the site plan and have made comments that are available in the attached PDR report.

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 rezoning petition to change the zoning classification for the property located at 3311 25th Street East and a portion of 2505 33rd Avenue South from R1A Single-Family District to C1 Neighborhood Commercial District to allow for the expansion of an existing sit-down restaurant.

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 required off-street parking from 9 spaces to 6 spaces, where 6 are grandfathered in, to allow for the expansion of an existing sit-down restaurant located at 3311 25th Street East in the C1 Neighborhood Commercial District, subject to the following conditions of approval:

1. Bicycle racks shall be provided to accommodate no fewer than three (3) bicycles on the property and shall meet the minimum requirements for short term bicycle parking. 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 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 lot area requirement for a single-family dwelling located at 2505 33rd Avenue South from 5,000 square feet to 4,123 square feet in the R1A Single-Family District.

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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 site plan review to allow for the expansion of an existing sit-down restaurant located at 3311 25th Street East in the C1 Neighborhood Commercial District, subject to the following conditions:

1. CPED planning staff review and approval of the final site plan, lighting plan and landscaping plan is required before permits may be issued.
2. All site improvements shall be completed by October 15, 2014, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the minor subdivision to adjust the common lot line between 3311 25th Street East and 2505 33rd Avenue South, including a subdivision variance to allow for a residential parcel with more than 5 sides.

Attachments:

- 1) PDR report
- 2) Written descriptions and findings submitted by the applicant
- 3) Copies of letters sent August 17, 2012, to Seward Neighborhood Group and Council Member Gordon explaining the project
- 4) Correspondence
- 5) Permit index card (1926-1974)
- 6) Building permit (B 194744)
- 7) Variance (V-3797) to reduce the required off-street parking to allow for the Birchwood Café in 1994
- 8) Zoning map
- 9) Future land use map
- 10) C1 Zoning District in Urban Neighborhood Map
- 11) Rezoning Matrix
- 12) Existing survey
- 13) Proposed survey
- 14) Site plan
- 15) Floor plan and elevation drawings
- 16) Photos