

**Department of Community Planning and Economic Development (CPED)**  
Variances and Site Plan Review  
BZZ-6181

**Date:** September 16, 2013

**Applicant:** Paul Dzubnar

**Address of Property:** 4000 Lyndale Avenue South

**Project Name:** Crooked Pint Ale House

**Contact Person and Phone:** James Smart with Smart Associates, (612) 335-8797

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

**Date Application Deemed Complete:** July 26, 2013

**End of 60-Day Decision Period:** September 24, 2013

**End of 120-Day Decision Period:** A 60-day extension letter was mailed on September 3, 2013, extending the 120-day decision period to November 28, 2013

**Ward:** 10 and adjacent to 8      **Neighborhood Organization:** East Harriett and adjacent to Kingfield

**Existing Zoning:** C1, Neighborhood Commercial District

**Proposed Zoning:** Not applicable for this development

**Zoning Plate Number:** 30

**Legal Descriptions:** Not applicable for this development

**Proposed Use:** Multi-tenant commercial building

**Concurrent Review:**

- **Variance:** to reduce the off street parking from 13 to 0 (this was noticed as a parking variance from 14 to 0).
- **Variance:** of the front yard setback from 20 feet to 3 feet to allow the building and to 0 feet to allow an 8.2 foot wide walkway for the first 40 feet north of the south property line.
- **Site plan review:** for a 3,838 square foot addition to an existing building. The building will contain two commercial spaces; one of the spaces will be occupied by a restaurant.

**Applicable zoning code provisions:** Chapter 525, Article IX, Variances, specifically Section 525.520(6) "To vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces" and Section 525.520(1) "To vary the yard requirements, including permitted

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obstructions into required yards not allowed by the applicable regulations” and Chapter 530, Site Plan Review.

**Background:** The applicant is proposing to add a 3,838 square foot addition to the existing vacant commercial building located at 4000 Lyndale Avenue South. After the addition is complete there will be two tenant spaces within the building; one that will be accessed off of West 40<sup>th</sup> Street and another that will be accessed off of Lyndale Avenue South. The tenant space facing Lyndale Avenue South is going to be a sit-down restaurant called the Crooked Pint Ale House. The development requires a parking variance, a setback variance along Lyndale Avenue South and site plan review.

The restaurant tenant will have an enclosed outdoor patio area located on the north side of the building. The northeast corner of the patio will have a building wall constructed around it that will look like the rest of the building and the remainder of the patio will have a decorative fence around it. In addition to outdoor seating, the applicant is proposing to have one bocce ball court located within the patio. The bocce ball court is considered an accessory use to the restaurant and is permitted under zoning.

The applicant does own the adjacent property located at 4008 Lyndale Avenue South. This property is zoned R1A, Single-family District. The applicant’s original plan was to rezone this property to either the C1, Neighborhood Commercial District or add the TP, Transitional Parking Overlay District to it in order to construct a parking lot with approximately 10 spaces on it. Since the property is zoned residential, by state statute the applicant needed to obtain consent signatures from two-thirds of the property owners within 100 feet of the site. The applicant was not able to obtain the signatures and is therefore not able to rezone the property.

This project was continued from the August 26, 2013, City Planning Commission meeting due to the fact that the project had not been reviewed at a Preliminary Development Review (PDR) meeting. The PDR meeting was held on September 4, 2013. The PDR report is attached.

**Neighborhood Comments:** Neither East Harriett nor Kingfield have commented formally on these applications.

**VARIANCE** - to reduce the off street parking from 13 to 0

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

**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.**

**Off-street parking reduction:** The applicant is seeking a variance to reduce the off-street parking requirement from 13 spaces to 0 spaces. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The property was once occupied by a SuperAmerica gas station. The gas station closed in 2006 and while the gas pumps and underground storage tanks were removed the former building remains. The applicant is proposing to add a 3,838 square foot addition to the front of the existing 2,000 square foot building to accommodate a multi-tenant

commercial building. Because of where the existing building sits there is nowhere else on the lot to accommodate parking spaces once the addition is complete.

**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.**

**Off-street parking reduction:** 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 the comprehensive plan. The site is located on Lyndale Avenue South, which is a Community Corridor in this location, and it is also located within the boundaries of a Neighborhood Commercial Node as designated in *The Minneapolis Plan for Sustainable Growth*. The policy guidance in the comprehensive plan calls for small-scale, retail sales and services, commercial services, and mixed-uses or, depending on the existing character of the surrounding area, medium- to high-density housing on this site. The comprehensive plan also discourages new or expanded uses that would diminish the transit and pedestrian character of Neighborhood Commercial Nodes and it also encourages the redevelopment of vacant commercial buildings.

The site is zoned C1, Neighborhood Commercial District. In the C1 zoning district the zoning code allows up to a 6,000 square foot building when there is no parking located between the building and the front lot line. In addition, the site plan review standards in the zoning code require that buildings be located within 8 feet of the front property line. And in the case of a corner lot, the building wall abutting each street shall be located within 8 feet of the property line.

The multi-tenant commercial building that the applicant is proposing to construct is of a reasonable size and the placement of the addition is reasonable given that the existing building is going to be reused as part of the development.

**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.**

**Off-street parking reduction:** Granting of this variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. In addition, granting of the variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. While a multi-tenant commercial building with a restaurant tenant will increase traffic in the area the parking requirement for the development is relatively low and can be absorbed on the public streets. There are commercial buildings on the northwest corner of the intersection that do not have off-street parking spaces. It should be noted that there is no street parking along Lyndale Avenue South immediately in front of the site but there is street parking on West 40<sup>th</sup> Street.

The applicant is pursuing the idea of having valet parking for the restaurant. As of this time the applicant has not secured a parking lot in which vehicles would be valeted to.

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This area of Minneapolis is well served by transit. Metro Transit Routes 4, 18 and 23 have stops within walking distance of the site and three limited stop Metro Transit Routes, 113, 114 and 135, have stops nearby. There is also a Nice Ride Minnesota shared bike facility located at West 36<sup>th</sup> Street and Bryant Avenue South. The area is also very pedestrian and bike friendly. The applicant is proposing to locate 6 bikes racks in the boulevard along Lyndale Avenue South that will be able to accommodate up to 12 bicycles.

**VARIANCE** - of the front yard setback from 20 feet to 3 feet to allow the building and to 0 feet to allow an 8.2 foot wide walkway for the first 40 feet north of the south property line

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

**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.**

**Front yard setback:** The required front yard setback in the C1 zoning district is zero feet except where a street frontage includes property zoned as a residence or office residence district and property zoned as a commercial district, or where a street frontage includes structures used for permitted or conditional residential purposes, a front yard equal to the lesser of the front yard required by such residence or office residence district or the established front yard of such residential structure shall be provided in the commercial district for the first 40 feet from such residence or office residence district boundary or residential property. The adjacent property to the south is zoned R1A, Single-family District, which has a front yard setback requirement of 20 feet.

The applicant is seeking a variance of the front yard setback from 20 feet to 3 feet to allow the building and to 0 feet to allow an 8.2 foot wide walkway for the first 40 feet north of the south property line. The proposed building addition will be constructed immediately to the east of the existing building. The building will be located approximately 3 feet from the front property line along Lyndale Avenue South and approximately 18 feet from the south property line. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. Because the applicant owns the vacant residential lot to the south the nearest residential property to the south is located approximately 62 feet away. The proposed 8.2 foot wide walkway will be constructed immediately adjacent to the building and therefore setback approximately 10 feet from the south property line. The walkway will be used to access a service door on the south side of the building and a trash enclosure that will be constructed outside of any required yards.

**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.**

**Front yard setback:** 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 the comprehensive plan. The site is located on Lyndale Avenue South, which is a Community Corridor in this location, and it is also located within the boundaries of a Neighborhood Commercial Node as designated in *The Minneapolis Plan for Sustainable*

*Growth.* The policy guidance in the comprehensive plan encourages urban design standards that emphasize a traditional urban form in commercial areas.

The site is zoned C1, Neighborhood Commercial District. In the C1 zoning district the zoning code allows up to a 6,000 square foot building when there is no parking located between the building and the front lot line. In addition, the site plan review standards in the zoning code require that buildings be located within 8 feet of the front property line. And in the case of a corner lot, the building wall abutting each street shall be located within 8 feet of the property line.

The multi-tenant commercial building that the applicant is proposing to construct is of a reasonable size and the placement of the addition is reasonable given that the existing building is going to be reused as part of the development.

**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.**

**Front yard setback:** Granting of this variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. In addition, granting of the variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. Two of the other three corners at the intersection of West 40<sup>th</sup> Street and Lyndale Avenue South are commercial in nature. One contains a gas station that is setback from the front and corner side property lines but the other corner contains traditional storefront building that are built up to the front and corner side property lines.

### **SITE PLAN REVIEW**

#### **Findings as Required by the Minneapolis Zoning Code:**

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

#### **Section A: Conformance with Chapter 530 of Zoning Code**

##### **BUILDING PLACEMENT AND DESIGN:**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If**

located on corner lot, the building wall abutting each street shall be subject to this requirement.

- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances, windows, and active functions:
  - Residential uses:
    - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
      - a. Windows shall be vertical in proportion.
      - b. Windows shall be distributed in a more or less even manner.
  - Minimum window area at the first or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above.
- 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 at the first or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above.**

- **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.**

**CPED RESPONSE:**

- The site and building design reinforces the street wall, facilitates pedestrian access and maximizes natural surveillance. The building is located within 8 feet of the front property line along Lyndale Avenue South and an enclosed outdoor patio will be located within 3 feet of the front property line along West 40<sup>th</sup> Street, both tenant spaces within the building have an entrance facing the street and there are large windows on both street sides of the building that maximize the opportunities for people to observe adjacent spaces and the public sidewalk.
- The required front yard setback in the C1 zoning district is zero feet except where a street frontage includes property zoned as a residence or office residence district and property zoned as a commercial district, or where a street frontage includes structures used for permitted or conditional residential purposes, a front yard equal to the lesser of the front yard required by such residence or office residence district or the established front yard of such residential structure shall be provided in the commercial district for the first 40 feet from such residence or office residence district boundary or residential property.
  - The adjacent property to the south is zoned R1A, Single-family District, which has a front yard setback requirement of 20 feet. This property is vacant so the required setback along this

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property line is 20 feet for the first 40 feet from the residence district boundary. The applicant has applied for a variance to reduce the front yard setback along Lyndale Avenue South to 3 feet.

- The adjacent property to the west is zoned R1A, Single-family District, which has a front yard setback requirement of 20 feet. However, the adjacent dwelling is located 17 feet from the front property line along West 40<sup>th</sup> Street so the required setback is the lesser of the two setbacks at 17 feet for the first 40 feet from the residence district boundary. The applicant is proposing to locate the building 19 feet from the front property line along West 40<sup>th</sup> Street. Alternative compliance will be required. The proposed enclosed outdoor patio is located more than 40 feet from the residence district boundary.
- The area between the building and the front property line along Lyndale Avenue South will contain landscaping and the area between the building and the front property line along West 40<sup>th</sup> Street will contain an enclosed outdoor patio, landscaping and sod. The enclosed outdoor patio will be located outside of the required front yard setback.
- The principal entrance to the restaurant will face Lyndale Avenue South and the principal entrance to the other tenant space will face West 40<sup>th</sup> Street.
- The applicant has applied to vary the off-street parking requirement to 0.
- The exterior materials of the building will be brick, wood and metal.
- No portion of the building addition is over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. All three walls of the existing building that will remain on site are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. This is an existing condition of the building.
- At least 30 percent of the walls on the first floor that face a public street, public sidewalk, public pathway or on-site parking lot shall be windows. The minimum window calculation for the first floor of the building is measured between two and ten feet above the adjacent grade. The project's compliance with these requirements is as follows:
  - Lyndale Avenue South: the percentage of windows on the first floor is 47 percent.
  - West 40<sup>th</sup> Street: the percentage of windows on the first floor is 35 percent. This window calculation is based on only the addition portion of the building. There are no windows in the existing portion of the building facing West 40<sup>th</sup> Street. It should be noted that the applicant intends to add windows to the existing portion of the building wall facing West 40<sup>th</sup> Street once a tenant has been identified.
- The windows in the building are vertical in nature and are evenly distributed along the walls.
- The entire building frontage along both Lyndale Avenue South and West 40<sup>th</sup> Street will contain active functions.
- The principal roof line of the building will be flat.

**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.**

**CPED RESPONSE:**

- The entrance facing Lyndale Avenue South opens directly onto the public sidewalk. The entrance facing West 40<sup>th</sup> Street is connected to the public sidewalk via a 4-foot wide walkway.
- There is no transit shelter proposed as part of this development.
- The applicant has applied to vary the off-street parking requirement to 0.
- There is no public alley on this block.
- There is no maximum impervious surface requirement in the C1 zoning district. According to the materials submitted by the applicant 79 percent of the development site will be impervious.

**LANDSCAPING AND SCREENING:**

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
  - **A decorative fence.**
  - **A masonry wall.**
  - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

**CPED RESPONSE:**

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 11,039 square feet. The footprint of the buildings is 5,843 square feet. When you subtract the footprint from the lot size the resulting number is 5,196 square feet. Twenty percent of this number is 1,039 square feet. According to the applicant's landscaping plan there is 2,347 square feet of landscaping on the site or approximately 45 percent of the site not occupied by the building.
- The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement is 2 and 10 respectfully. The applicant is proposing to have 2 canopy trees and 10 shrubs on the site. In addition there will be 26 perennials and 12 vines planted on the site. There are large areas of sod proposed on the site. In order to help screen the blank walls of the existing building on the north and south sides and to help screen the trash enclosure and walkway leading to it CPED staff is recommending that additional plant materials, including additional varieties, be included in the final landscaping plan.
- The applicant is proposing to install a wood fence along a portion of the west property line. The wood fence would be 6 feet where it is adjacent to the building and 4 feet between the north side of the building and the front property line. The fence would be solid. In a front yard the maximum fence height for a solid fence is 3 feet. CPED is recommending that a decorative fence, similar to what will be located around the patio, be installed in the front yard.

**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.**

**CPED RESPONSE:**

- The applicant has applied to vary the off-street parking requirement to 0.
- Neither the existing building nor the addition will block views of important elements of the city.

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- The building and the addition should have minimal shadowing effects on public spaces and adjacent properties.
- The building and the addition should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as there are walkways that direct people to the building entrances, there are large windows on both street facing sides of the building that maximize the opportunities for people to observe the public sidewalks and there are lights located near all of the pedestrian entrances.
- This site is neither historically designated nor located in a historic district.

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

**ZONING CODE:**

- **Use:** Multi-tenant commercial buildings are a permitted use in the C1 zoning district.
- **Off-Street Parking and Loading:**

**Minimum automobile parking requirement:** The minimum parking requirement for a sit-down restaurant is 1 space per 500 square feet of gross floor area up to 2,000 square feet plus 1 space per 300 square feet of gross floor area in excess of 2,000 square feet. The restaurant is approximately 4,843 square feet in size which requires 13 parking spaces. In multi-tenant buildings, up to 4 tenant spaces with less than 1,000 square feet of gross floor area are exempt from a parking requirement. The other tenant space in the building is just less than 1,000 square feet. The total minimum parking requirement for the development is 13 spaces. The applicant has applied for a variance to reduce the minimum off-street parking requirement from 13 to 0.

**Maximum automobile parking requirement:** The maximum parking requirement for a sit-down restaurant is 1 space per 75 square feet of gross floor area. The restaurant is approximately 4,843 square feet in size which requires 65 parking spaces. The other tenant space in the building is just less than 1,000 square feet. The use for the other tenant space in the building is unknown but the maximum parking requirement for general retail sales and services or office uses is 1 space per 200 square feet of gross floor area. The total maximum parking requirement for the development is 69 spaces. The applicant has applied for a variance to reduce the minimum off-street parking requirement from 13 to 0.

**Bicycle Parking:** The bicycle parking requirement for a sit-down restaurant is 3 spaces. The use for the other tenant space in the building is unknown but the bicycle parking requirement for general retail sales and services or office uses is 3 spaces. The total bicycle parking requirement for the development is 6 spaces. The applicant is proposing to locate 6 bicycle racks in the boulevard along Lyndale Avenue South that will be able to accommodate up to 12 bicycles.

**Loading:** The size of the building and the individual spaces within the building do not trigger a loading requirement.

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- **Maximum Floor Area:** The maximum FAR in the C1 zoning district is 1.7. The lot in question is 11,039 square feet in area. The building will have a total gross floor area of 5,843 square feet, an FAR of .53.
- **Building Height:** Building height in the C1 zoning district is limited to 2.5 stories or 35 feet. The building will be 1 story or approximately 19 feet in height.
- **Minimum Lot Area:** There is no minimum lot area requirement for commercial developments in the C1 zoning district.
- **Minimum Lot Width:** There is no minimum lot width requirement for commercial developments in the C1 zoning district.
- **Dwelling Units per Acre:** Not applicable for this development.
- **Yard Requirements:** The required front yard setback in the C1 zoning district is zero feet except where a street frontage includes property zoned as a residence or office residence district and property zoned as a commercial district, or where a street frontage includes structures used for permitted or conditional residential purposes, a front yard equal to the lesser of the front yard required by such residence or office residence district or the established front yard of such residential structure shall be provided in the commercial district for the first 40 feet from such residence or office residence district boundary or residential property.
  - The adjacent property to the south is zoned R1A, Single-family District, which has a front yard setback requirement of 20 feet. This property is vacant so the required setback along this property line is 20 feet for the first 40 feet from the residence district boundary. The applicant has applied for a variance to reduce the front yard setback along Lyndale Avenue South to 3 feet.
  - The adjacent property to the west is zoned R1A, Single-family District, which has a front yard setback requirement of 20 feet. However, the adjacent dwelling is located 17 feet from the front property line along West 40<sup>th</sup> Street so the required setback is the lesser of the two setbacks at 17 feet for the first 40 feet from the residence district boundary. The applicant is proposing to locate the building 19 feet from the front property line along West 40<sup>th</sup> Street. The proposed enclosed outdoor patio is located more than 40 feet from the residence district boundary.The south and west interior side yard setback requirement is 5 feet. The building will be located 18 feet from the south interior property line and 5 feet from the west interior property line.
- **Specific Development Standards:** The specific development standards for sit down restaurants are:

*Restaurant, sit down.*

- (1) Where alcoholic beverages are served, not less than sixty (60) percent of total gross sales revenue shall be from the sale of food and beverages not containing alcohol, and the use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.
- (2) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet shall be inspected regularly for purposes of removing any litter found thereon.

- **Signs:** Signs are subject to the requirements of Chapter 543, On-Premise Signs. In the C1 zoning district 1.5 square feet of signage for every 1 foot of primary building wall is allowed. However, if there is a freestanding sign on the zoning lot then there can only be 1 square foot of signage for every 1 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 8 feet. The zoning code also limits the number of freestanding signs on a zoning lot to 1. The applicant is not proposing to have a freestanding sign on the property. The amount of signage allowed on the Lyndale Avenue South side of the building is 101 square feet and the amount of signage allowed on the West 40<sup>th</sup> Street side of the building is 172 square feet. All signage will require zoning office review, approval, and permits.
- **Refuse storage:** The trash and recycling storage area is proposed to be located on the south side of the building. The enclosure will be made out of wood and will surround the containers on all 4 sides.
- **Lighting:** A lighting plan showing footcandles was not submitted as part of the application materials. Lighting levels shall not be greater than .5 footcandles at a property line of any permitted or conditional residential use and not greater than 5 footcandles measures at the street curb line of any nonresidential property line.

### **MINNEAPOLIS PLAN:**

The site is located on Lyndale Avenue South, which is a Community Corridor in this location, and it is also located within the boundaries of a Neighborhood Commercial Node as designated in *The Minneapolis Plan for Sustainable Growth*. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the property as commercial. According to the principles and polices outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

Land Use Policy 1.2 states: “Ensure appropriate transitions between uses with different size, scale, and intensity.” This policy includes the following applicable implementation step: (1.2.3) “Lessen the negative impacts of non-residential uses on residential areas through controls on noise, odors, and hours open to the public.”

Land Use Policy 1.9 states: “Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.” This policy includes the following applicable implementation steps: (1.9.1) “Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors,” (1.9.2) “Support new small-scale retail sales and services, commercial services, and mixed uses where Community Corridors intersect with Neighborhood Commercial Nodes” and (1.9.3) “Discourage uses that diminish the transit and pedestrian oriented character of Community Corridors, such as automobile services and drive-through facilities.”

Land Use Policy 1.11 states: “Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.” This policy includes the

following applicable implementation steps: (1.11.2) “Support the continued presence of small-scale, neighborhood serving retail and commercial services in Neighborhood Commercial Nodes,” (1.11.3) “Discourage new or expanded uses that diminish the transit and pedestrian character of Neighborhood Commercial Nodes, such as some automobile services and drive-through facilities,” (1.11.4) “Encourage a height of at least two stories for new buildings in Neighborhood Commercial Nodes, in keeping with neighborhood character” and (1.11.7) “Encourage the redevelopment of vacant commercial buildings and direct City services to these areas.”

Urban Design Policy 10.10 states: “Support urban design standards that emphasize a traditional urban form in commercial areas.” This policy includes the following applicable implementation steps: (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,” (10.10.4) “Orient new buildings to the street to foster safe and successful commercial nodes and corridors,” (10.10.5) “Limit the visual impact of existing billboards in neighborhood commercial areas,” (10.10.6) “Require storefront window transparency to assure both natural surveillance and an inviting pedestrian experience” and (10.10.7) “Encourage the renovation of existing commercial buildings.”

Urban Design Policy 10.11 states: “Seek new commercial development that is attractive, functional and adds value to the physical environment.” This policy includes the following applicable implementation steps: (10.11.1) “Require the location of new commercial development (office, research and development, and related light manufacturing) to take advantage of locational amenities and coexist with neighbors in mixed-use environments,” (10.11.2) “Ensure that new commercial developments maximize compatibility with surrounding neighborhoods,” (10.11.3) “Continue to curb the inefficient use of land by regulating minimum height, setbacks, build-to lines and parking through master planning methods and zoning code regulations” and (10.11.4) “Maximize the year round potential for public transit, biking, and walking in new developments.”

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

**ALTERNATIVE COMPLIANCE:**

- **The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:**
- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which**

**is similar in form, scale and materials to existing structures on the site and to surrounding development.**

- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

**CPED RESPONSE:**

- **The first floor of the building shall be located not more than 8 feet from the front lot line except where a greater yard is required by the zoning ordinance.** The required front yard setback in the C1 zoning district is zero feet except where a street frontage includes property zoned as a residence or office residence district and property zoned as a commercial district, or where a street frontage includes structures used for permitted or conditional residential purposes, a front yard equal to the lesser of the front yard required by such residence or office residence district or the established front yard of such residential structure shall be provided in the commercial district for the first 40 feet from such residence or office residence district boundary or residential property.

The adjacent property to the west is zoned R1A, Single-family District, which has a front yard setback requirement of 20 feet. However, the adjacent dwelling is located 17 feet from the front property line along West 40<sup>th</sup> Street so the required setback is the lesser of the two setbacks at 17 feet for the first 40 feet from the residence district boundary. The applicant is proposing to locate the building 19 feet from the front property line along West 40<sup>th</sup> Street as the existing building is located 19 feet from the front property line and the building is proposed to be built in line with the existing building wall. CPED staff is recommending that alternative compliance be granted to allow the addition to follow the same setback as the existing building. The applicant is proposing to construct an enclosed outdoor patio between the building and the front property line along West 40<sup>th</sup> Street. The northeast corner of the patio will have a building wall constructed around it that will look like the rest of the building. The remainder of the patio will have a decorative fence around it.

**RECOMMENDATIONS**

**Recommendation of the Department of Community Planning and Economic Development for the variance:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the off street parking from 13 to 0 for the property located at 4000 Lyndale Avenue South subject to the following conditions:

1. A minimum of six bicycle parking spaces shall be provided.

**Recommendation of the Department of Community Planning and Economic Development for the variance:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the front yard setback from 20 feet to 3 feet to allow the building and to 0 feet to allow an 8.2 foot wide walkway for the first 40 feet north of the south property line for the property located at 4000 Lyndale Avenue South.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for a 3,838 square foot addition to an existing building located at 4000 Lyndale Avenue South subject to the following conditions:

1. Approval of the final site, landscaping, elevation and lighting plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by September 16, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Additional plant materials, including additional varieties, shall be included in the final landscaping plan in order to help screen the blank walls of the existing building on the north and south sides and to help screen the trash enclosure and walkway leading to it.
4. A decorative fence, similar to what will be located around the patio, shall be installed in the front yard along the west property line. The fence shall not be taller than 4 feet.

**Attachments:**

1. Preliminary Development Review report from September 4, 2013
2. Statement of proposed use
3. Variance findings
4. Letter to Council Members Tuthill and Glidden and the East Harriet and Kingfield Neighborhood Associations
5. Letters from the public
6. Zoning Map
7. Civil plans and architectural plans
8. Photos of the building and surrounding area