

**Department of Community Planning and Economic Development (CPED)**  
Rezoning, Variance and Site Plan Review  
BZZ-6342

**Date:** January 13, 2014

**Applicant:** Paul Dzubnar

**Address of Property:** 4000 and 4008 Lyndale Avenue South

**Project Name:** Harriet's (formerly Crooked Pint Ale House) parking lot

**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:** December 11, 2013

**End of 60-Day Decision Period:** February 10, 2013

**End of 120-Day Decision Period:** Not applicable for this development

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

**Existing Zoning:** R1A, Single-family District and C1, Neighborhood Commercial District

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

**Zoning Plate Number:** 30

**Legal Description:** Lot 3, Block 17, Remington's Third Addition to Minneapolis, Hennepin County, Minnesota.

**Proposed Use:** Parking lot for a multi-tenant commercial building

**Concurrent Review:**

**Rezoning:** of 4008 Lyndale Avenue South from the R1A district to the C1 district.

**Variance:** of the front yard setback from 20 feet to 0 feet to allow a parking lot for the first 25 feet north of the south property line.

**Site plan review:** to add an accessory parking lot to the previously approved site plan for a multi-tenant commercial building.

**Applicable zoning code provisions:** Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article IX, Variances, specifically Section 525.520(1) "To vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations" and Chapter 530, Site Plan Review.

**Background:** In September of 2013, the applicant received land use approvals to add a 3,838 square foot addition to the existing 2,005 square foot vacant commercial building located at 4000 Lyndale Avenue South. The proposed use of the building was a multi-tenant commercial building. One of the tenant spaces was going to be a sit-down restaurant called the Crooked Pint Ale House (now Harriet's). The land use applications that were approved included a parking variance from 13 spaces to zero spaces, a setback variance along Lyndale Avenue South and site plan review. The applicant is in the process of obtaining the necessary building permits to begin construction of the building.

At the time of the original approvals the applicant intended to rezone the property located at 4008 Lyndale Avenue South from the R1A, Single-family District to 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 currently 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 so the rezoning application was never submitted.

Since the initial land use approvals were granted the applicant has been able to obtain consent signatures from two-thirds of the property owners within 100 feet of the site to rezone the property located at 4008 Lyndale Avenue to the C1, Neighborhood Commercial District. The applicant is proposing to construct a 14-space surface parking lot on the property. A small portion of the drive aisle is located in the required front yard so a setback variance is needed as is site plan review. The applicant is not proposing to make any changes to the building design that was approved as part of the 2013 review.

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

**REZONING** – of 4008 Lyndale Avenue South from the R1A district to the C1 district

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

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject property to be rezoned is designated as urban neighborhood. The property is located along Lyndale Avenue South which is a designated Community Corridor. The subject property is also adjacent to the designated 40<sup>th</sup> Street West and Lyndale Avenue South Neighborhood Commercial Node. According to the principles and polices outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

Land Use Policy 1.3 states “Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.”

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

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.”

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 implementation steps: (1.11.1) “Discourage the commercial territorial expansion of Neighborhood Commercial Nodes, except to adjacent corners of the node’s main intersection” and (1.11.2) “Support the continued presence of small-scale, neighborhood serving retail and commercial services in Neighborhood Commercial Nodes.”

Rezoning the subject property to the C1, Neighborhood Commercial District is compatible with *The Minneapolis Plan for Sustainable Growth*. While the subject property is not located within the boundaries of the Neighborhood Commercial Node it is adjacent to it. In addition, the property has been and continues to be under the same ownership as the adjacent property located within the Neighborhood Commercial Node. The subject property will be developed in conjunction with the adjacent property.

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

The amendment will allow the applicant to construct a 14-space surface parking lot on the property that will be used in conjunction with the approved multi-tenant commercial building on the adjacent property. Providing on-site parking will alleviate neighborhood concerns about a lack of parking for the commercial development. Policies within *The Minneapolis Plan for Sustainable Growth* support rezoning the site to the C1, Neighborhood Commercial District.

**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 majority of the properties in the area are zoned R1A, Single-family District or R2B, Two-family District. However, the properties located within the Neighborhood Commercial Node are all zoned C1, Neighborhood Commercial District. Rezoning the subject property to the C1 zoning district will bring the entire development site under one zoning classification. While uses in the surrounding area are primarily residential, all of the properties in the Neighborhood Commercial Node are commercial. Rezoning the subject property from the R1A zoning district to the C1 zoning district will be compatible with the surrounding area.

**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.**

In general, there are reasonable uses allowed under the R1A zoning classification but rezoning the subject property to the C1 zoning district would bring the entire development site under one zoning

classification. The City's adopted policies encourage a mix of housing, neighborhood-serving retail, and community uses in Neighborhood Commercial Nodes.

**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.**

The surrounding area is and has primarily remained a low density residential neighborhood with commercial uses concentrated at the intersection of 40<sup>th</sup> Street West and Lyndale Avenue South.

**VARIANCE** - of the front yard setback from 20 feet to 0 feet to allow a parking lot for the first 25 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 25 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 0 feet for the first 25 feet north of the south property line. A small portion of the drive aisle used to maneuver into and out of the parking spaces would be located in the required front yard; none of the parking spaces are located in the required front yard. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. Because the development includes an addition to an existing building the location of the south building wall was already established. Given this, in order to accommodate the required amount of parking and a walkway that connects the parking spaces to the building a small portion of the drive aisle extends into the required front yard. It should be noted the driveways are a permitted obstruction in a required front yard but in this case because one of the parking spaces will use a small portion of the driveway to maneuver it technically is a drive aisle which is not a permitted obstruction. CPED is recommending that no parking space be constructed in the required front yard.

**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. As mentioned above, driveways are a permitted obstruction in a required front yard but in this case because one of the parking spaces will use a small portion of the driveway to maneuver it technically is a drive aisle which is not a permitted obstruction.

**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. The majority of the required front yard will be landscaped and a fence will be provided along the south property line that will help screen the parking lot from the adjacent residential property.

### **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 building's design and placement was approved as part of the 2013 review (BZZ-6181). However, because an accessory parking lot is now being proposed and because the building permit for the building has not been issued the building is now subject to a window requirement on the south side of the building facing the parking lot. This analysis is below.
- The accessory parking lot will be located on the south side of the building fronting along Lyndale Avenue South.
- 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:
  - Parking lot: the percentage of windows on the first floor is 10 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 the parking lot. Alternative compliance will be required.

**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:**

- A 4-foot wide walkway is proposed along the north side of the parking lot.
- There is no transit shelter proposed as part of this development.
- The accessory parking lot will be located on the south side of the building fronting along Lyndale Avenue South. There will be one curb cut along the street to access the parking area.
- 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 77 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 16,282 square feet. The footprint of the building is 5,843 square feet. When you subtract the footprint from the lot size the resulting number is 10,439 square feet. Twenty percent of this number is 2,088 square feet. According to the applicant's landscaping plan there is 3,816 square feet of landscaping on the site or approximately 37 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 4 and 21 respectively. The applicant is proposing to have 5 canopy trees and 38 shrubs on the site. In addition there will be 63 perennials and 12 vines planted on the site. There are large areas of mulch proposed on the site. Since mulch has a tendency to wash away, CPED is recommending that additional plant materials be placed in these areas or that these areas be covered in sod.
- The zoning code requires that a 7-foot wide landscaped yard be provided when a parking or loading facility is fronting along a public street, public sidewalk or public pathway. There is a 6-foot wide landscaped yard on the north side of the parking lot and a 56-foot wide landscaped yard on the south side of the parking lot. CPED is recommending that the landscaped yard on the north side of the parking lot be at least 7 feet wide.
- The zoning code requires screening that is 3 feet in height and not less than 60 percent opaque be provided when a parking or loading facility is fronting along a public street, public sidewalk or public pathway. The applicant is proposing to landscape the area between the front property line and the parking lot with plant materials. However, the plant materials selected will not meet the intent of the zoning code. CPED is recommending that the landscaping plan be revised and that plant materials that will grow to a height of at least three feet and not less than 60 percent opaque be selected.
- Not less than one tree shall be provided for every 25 linear feet of parking lot frontage. The parking lot has 40 feet of frontage along Lyndale Avenue South which requires 2 trees. The applicant is proposing to have 2 trees planted in the landscaped yard on the south side of the parking lot.
- The zoning code requires that a 7-foot wide landscaped yard be provided when a parking or loading facility is abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use. There is a 7-foot wide landscaped yard along the south property line where the parking lot abuts a residence district and a 5-foot wide landscaped yard along the west property line where the parking lot abuts a residence district. Alternative compliance will be required.
- The zoning code requires screening that is 6 feet in height and not less than 95 percent opaque be provided when a parking or loading facility is abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use. The applicant is proposing to install a wood fence along the west and south property lines and the parking lot. The applicant is also proposing to landscape the area along the south property line.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. All of the parking spaces will be located within 50 feet of an on-site deciduous tree.
- Tree islands in parking lots must have a minimum width of 7 feet in any direction. There are no tree islands in the parking lot.

**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 accessory parking lot will be located on the south side of the building fronting along Lyndale Avenue South. The perimeter of the parking lot will be defined with 6-inch by 6-inch curbing. Stormwater runoff is being directed to the City's storm sewer system. The grading of the site along the south property line makes on-site retention and filtration of stormwater impractical.
- Neither the existing building nor the addition will block views of important elements of the city.
- 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 the parking lot and both street facing sides of the building that maximize the opportunities for people to observe the public sidewalks and the parking lot 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. There will be a total of 14 parking spaces on the site.

**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 would allow 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. There will be a total of 14 parking spaces on the site.

**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.

- **Maximum Floor Area:** The maximum FAR in the C1 zoning district is 1.7. The lot in question is 16,282 square feet in area. The building will have a total gross floor area of 5,843 square feet, an FAR of .36.
- **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

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structure shall be provided in the commercial district for the first 25 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 adjacent dwelling is located 27 feet from the front property line along Lyndale Avenue South so the required setback is the lesser of the two setbacks at 20 feet for the first 25 feet from the residence district boundary. The applicant has applied for a variance to reduce the front yard setback along Lyndale Avenue South to 0 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 25 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 25 feet from the residence district boundary.

The south and west interior side yard setback requirement is 5 feet. The building will be located 60 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 in the southwest corner of the site. 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 adjacent to and 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 both Urban Neighborhood and 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 1.3 states “Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.”

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.”

Urban Design Policy 10.18 states: “Reduce the visual impact of automobile parking facilities.” This policy includes the following applicable implementation steps: (10.18.1) “Require that parking lots meet

or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses”, (10.18.2) “Parking lots should maintain the existing street face in developed areas and establish them in undeveloped areas through the use of fencing, walls, landscaping or a combination thereof along property lines,” (10.18.3) “Locate parking lots to the rear or interior of the site” and (10.18.4 Provide walkways within parking lots in order to guide pedestrians through the site.”

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:**

- **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 percentage of windows on the first floor of the building facing the parking lot is 10 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 the parking lot. Given the site layout the building is required to meet the window requirement on 3 sides. The interior of the building has been designed so the kitchen and “back of house” operations are located in the southwest corner of the building and the bar is located on the south side of the building. CPED recommends that the City Planning Commission grant alternative compliance.
- **The zoning code requires that a 7-foot wide landscaped yard be provided when a parking or loading facility is abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.** There is a 5-foot wide landscaped yard along the west property line where the parking lot abuts a residence district. The applicant is proposing to install a 6-foot tall wood fence along the west property line which will adequately screen the parking lot from the abutting residential properties. If the parking lot were shifted 2 feet towards Lyndale

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Avenue South the amount of landscaping between the street and the parking lot would be reduced. CPED recommends that the City Planning Commission grant alternative compliance.

**RECOMMENDATIONS**

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning of the property located at 4008 Lyndale Avenue South from the R1A, Single-family District to the C1, Neighborhood Commercial District.

**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 0 feet to allow a parking lot for the first 25 feet north of the south property line for the property located at 4000 and 4008 Lyndale Avenue South subject to the following conditions:

1. No parking space shall be constructed in the required front yard.

**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 to add an accessory parking lot to the previously approved site plan for a new multi-tenant commercial building located at 4000 and 4008 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 January 13, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. There shall be no large areas of mulch on the site. Additional plant materials shall be placed in these areas or these areas shall be covered in sod.
4. The landscaped yard on the north side of the parking lot shall be at least 7 feet wide.

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5. The landscaping plan shall be revised and plant materials that will grow to a height of at least three feet and not less than 60 percent opaque shall be selected for the area between the front property line and the parking lot.

**Attachments:**

1. Preliminary Development Review report from November 18, 2013
2. Statement of proposed use
3. Variance findings
4. Email to former Council Member Tuthill, Council Member 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