Department of Community Planning and Economic Development – Planning Division
Variance and Site Plan Review
BZZ-2131

Date: February 7, 2005

Applicant: Heidi Woodman

Address of Property: 2917 Bryant Avenue South

Project Name: Five Restaurant and Street Lounge

Contact Person and Phone: Heidi Woodman, (612) 872-4108

Planning Staff and Phone: Hilary Watson, (612) 673-2639

Date Application Deemed Complete: December 14, 2004

End of 60-Day Decision Period: February 12, 2005

End of 120-Day Decision Period: April 13, 2005

Ward: 10 **Neighborhood Organization:** Lowry Hill East Neighborhood Association

Existing Zoning: C4

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 24

Legal Description: Not applicable for this application

Proposed Use: Restaurant

Concurrent Review:
Variance: to reduce the required number of off-street parking spaces for a restaurant from 74 spaces to 68 (this was originally noticed as 45) spaces.
Major site plan review.

Applicable zoning code provisions: Chapter 525, Article IX, Variances, specifically Section 525.520(6) "to reduce the applicable off-street parking, stacking or loading requirements by up to twenty (20) percent of the applicable regulations or one (1) space, whichever is greater" and Chapter 530, Site Plan Review.

Background: The existing building on the site was originally built as the 5th police precinct in 1921. Since the closing of the police station the building has been occupied by various commercial tenants.

Currently, there are three different offices in the building. The applicant and owner of the building, occupies one of the office spaces within the building. The applicant's business partner is proposing to renovate the remaining space within the building and convert it to a restaurant. As part of the building renovation, a two-story addition is being added to the north side of the building, filling in an area that is currently being used for surface parking alongside the public alley. Please note that these parking spaces are not legal spaces as they do not meet the dimension requirements within the zoning code. It should also be noted that there is parking in the basement of the building but because it does not meet the dimension requirements within the zoning code they are not legal spaces.

The parking requirement for the three offices is 12 parking spaces and the parking requirement for the restaurant is 75 spaces. The building is grandfathered for 12 parking spaces so the parking variance that the applicant has applied for is for the restaurant use only. The applicant is going to install a bike rack on the south side of the building which reduces the parking requirement for the restaurant to 74 spaces.

There is no parking on the site. The applicant has entered into a lease agreement with the adjacent property owner to the north to lease out his parking lot during the evening hours while the restaurant is open. The use of the property where the parking lot is located is a furniture warehouse business (non-retail). The parking requirement for this business is six parking spaces. The adjacent parking lot will be striped for daily usage by the furniture warehouse business. The restaurant will have valet service. The parking lot, when utilized for valet purposes, can accommodate up to 63 vehicles. Please note that valet parking lots do not need to meet the minimum parking space or drive aisle dimensions as required by the zoning code. In addition, there is room in the lower level of the applicant's building for up to five vehicles.

Update: This item was continued from the January 10, 2005, City Planning Commission meeting in order for staff to look into two issues; is this use a restaurant and how does the parking variance impact the Lyn-Lake municipal parking area which this property is located in?

Planning Division staff met with staff from Parking Services on January 18, 2005, and discussed how the development impact fees and assessments for the Lyn-Lake parking facilities relate to determination of compliance with parking requirements in the Zoning Code for businesses within the assessment boundaries and what impact, if any, the granting of a variance to reduce an off-street parking requirement has on the assessment district. A commercial use within 300 feet of the Lyn-Lake Municipal Parking Facilities that is unable to meet the parking requirement in the Zoning Code on its zoning lot may obtain a special parking assessment certificate (also known as "parking credit") that indicates that the use is providing for required parking off-site in those facilities. The business pays for the parking certificate/credit by paying a development impact fee which is placed in the Lyn-Lake Parking Trust Fund.

If a use does not provide for the required amount of parking either on its zoning lot, at an eligible public or private off-site parking facility, and/or through nonconforming ("grandfather") rights, then the use must obtain a variance in order to comply with the Zoning Code.

All commercial properties within 300 feet of the Lyn-Lake Municipal Parking Facilities are specially assessed as benefited properties, whether or not they have obtained a parking certificate/credit for the ramp through payment of the impact fee. The amount of the assessment is based on variables including

the market value of the property, building area, parcel area, distance from the parking facilities and "parking shortage" attributable to the property. These variables recognize the differing parking demand for use of the parking facilities that will be generated by properties within the assessment area. With respect to the "parking shortage" factor, a use that provides all its required parking on-site, in eligible off-site parking facilities, and/or through grandfathered parking spaces will not have any parking shortage. If a use instead obtains a variance from the parking requirements of the Zoning Code, it will have a parking shortage in the amount of the variance. Thus, although a variance serves to bring a use into "compliance" with the Zoning Code by granting an exception to the minimum parking requirement, it does not alleviate the "parking shortage" for purposes of determining the amount of the assessment.

Planning Division staff met with staff from Licensing on January 19, 2005, and discussed the question of whether or not Five Restaurant and Street Lounge is a restaurant. Both departments have determined that the establishment is a restaurant. However, Licensing does have some concerns as the waiting area appears to be of an "excessive" size. Different ways to address this issue were discussed and it was determined that this would be handled through the liquor licensing approval process.

Update: At the January 24, 2005, City Planning Commission meeting, the requested parking variance was approved. However, the site plan review application was continued as the elevations did not match the floor plans. Since the meeting the applicant has submitted revised elevations that match the floor plans. Please see the revised elevations.

VARIANCE - to reduce the required number of off-street parking spaces for a restaurant from 74 spaces to 68 spaces

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

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Parking requirement: The applicant is seeking a variance to reduce the required number of off-street parking spaces for a restaurant from 74 spaces to 68 spaces. The applicant has indicated that there is a public parking ramp located on the corner of West Lake Street and Aldrich Avenue South that may be utilized by customers of the restaurant. The parking ramp is open 24 hours a day. In addition, the site is located on or within two blocks of West Lake Street, Bryant Avenue South and Lyndale Avenue South which are all bus routes.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Parking requirement: The fact that the restaurant is located close to a public parking ramp and within two blocks of three bus routes is a unique circumstance of this parcel of land.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Parking requirement: The granting of the variance should not alter the essential character of the neighborhood given that there is available parking and bus routes within walking distance of the restaurant. In addition, this site is located within the designated Lyn-Lake Activity Center where shared parking facilities are encouraged verses individual parking areas for individual uses.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Parking requirement: The Planning Division believes that the granting of the variance would have little impact on fire safety, nor would the parking variance be detrimental to welfare or public safety.

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. (See Section B Below for Evaluation.)
C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE

- **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.**
- **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 façade shall provide architectural detail and shall contain windows at the ground level or first floor.**
- **In larger buildings, architectural elements shall be emphasized.**
- **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 where visible from a public street or a residence or office residence district.**
- **Entrances and windows:**
- **Residential uses shall be subject to section 530.110 (b) (1).**
- **Nonresidential uses shall be subject to section 530.110 (b) (2).**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- The building reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access. The building is located between three and ten feet from the front property line along Bryant Avenue South, the main entrance to the restaurant is located directly off of the sidewalk and there will be large windows along the front of the building that will allow views into and out of the building.
- The building is constructed out of brick. The addition that the applicant is proposing will also be constructed out of brick. The percentage of windows required on the Bryant Avenue South side of the building is 30 percent. According to the submitted drawings, there will be more than 30 percent windows on this side of the building.
- There will be one door located on the north side of the addition which Public Works has indicated needs to be recessed into the building so it does not swing open over the right-of-way.

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 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- The entrance to the restaurant and the office entrances are connected to the public sidewalk via walkways.
- The parking lot that the applicant will be utilizing is located on the southeast corner of Bryant Avenue South and West 29th Street. All vehicles will enter the parking lot from Bryant Avenue South and will exit through the alley that runs between the building where the restaurant will be

located and the furniture warehouse building. The applicant is proposing to resurface the parking lot and screen it from the public sidewalk with a fence. Given the new layout of the parking lot, the eastern most curb cut on West 29th Street is no longer necessary. Public Works has indicated that West 29th Street will be reconstructed this year. When it is reconstructed, the Planning Division is recommending that the eastern most curb cut be closed and the boulevard restored to grass.

- The applicant has indicated that snow will be stored on the site.

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 shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **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.**
- **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 530.160 (b).**
- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**
- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**
- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.**
- **All other areas not governed by sections 530.150, 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 530.220.**
- **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 530.60, as provided in section 530.230.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- On the applicant's property, approximately eleven percent of site not occupied by the building is landscaped. The landscaping consists of shrubs and flower boxes. Given the placement of the building and the ramp that leads to the basement of the building there is no additional room for landscaping on the site without removing the walkway that leads to the offices on the south side of the building.
- On the property where the parking lot is located there is currently no landscaping on the site. Once the parking lot had been reconfigured approximately four percent of the site will be landscaped. Given the size of the site a minimum of two trees and 14 shrubs should be located on the site. The applicant is proposing to install five birch trees along the perimeter of the parking lot and instead of utilizing shrubs for screening purposes the applicant is proposing to install a four-foot high wood fence along the west and north property lines. The Planning Division is recommending that for safety purposes the fence not be completely solid.

ADDITIONAL STANDARDS

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **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.**
- **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.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- A lighting plan showing footcandles was not submitted as part of the application. The Planning Division is recommending that a lighting plan showing footcandles be submitted as part of the final plans.
- The building is existing and would not block views of important elements within the city.
- This building is existing and would cast no new shadows on surrounding properties.
- This development should not contribute to groundlevel winds.
- For safety purposes adequate lighting shall be installed near all of the building entrances and throughout the parking lot.
- The building nor the site is historic.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the

Comprehensive Plan

ZONING CODE
With the approval of the variance and the site plan review this development will be in conformance with the applicable regulations of the zoning code.

THE MINNEAPOLIS PLAN
The site is designated as light industrial in the comprehensive plan. This site is located half of a block north of West Lake Street which is a designated Commercial Corridor and within the designated Lyn-Lake Activity Center. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Ensure that land use regulations support diverse commercial and residential development types that generate activity all day long and into the evening.
- Develop parking facilities and management strategies that accommodate high customer demand, promote shared facilities and minimize visual impact and adverse effects on pedestrian and sidewalk traffic.
- Require that buildings incorporate a pedestrian orientation at the street edge.
- Ensure that parking structures and surface lots conform to identified design principles.

Locating a restaurant in this building will contribute to the Activity Center which this site is located in. As part of this development the applicant will be opening up the front of the building and installing large windows making it more pedestrian friendly and will resurface and landscape an existing parking lot that is currently in disrepair.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

The City adopted the Lake Street Midtown Greenway Corridor Framework Plan in 1999. Although this site is located within a block of the Midtown Greenway, the plan does not specifically discuss this site.

ALTERNATIVE COMPLIANCE
The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development**

objectives adopted by the city council and meets the intent of this chapter.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than twenty percent landscaping on the parking lot site. If the applicant were to install the full twenty percent landscaping on the site at least 15 parking spaces would be lost which would require the applicant to apply for a larger parking variance. Given that the applicant is proposing to install landscaping and a fence around the perimeter of the site, the parking lot will be screened from the public street and sidewalk. Given this, the Planning Division believes that the intent of the zoning code is being met.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the site plan review application for a restaurant located at 2917 Bryant Avenue South subject to the following conditions:

1. The eastern most curb cut shall be closed and the boulevard restored to grass when West 29th Streetis reconstructed.

2. For safety purposes the fence located along the north and west property lines shall not be completely solid. Staff shall review and approve a final fence design.

3. A lighting plan showing footcandles shall be submitted as part of the final plans.

4. For safety purposes adequate lighting shall be installed near all of the building entrances and throughout the parking lot.

5. 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.

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

7. Approval of the final site, landscaping, fence and elevation plans by the Community Planning and Economic Development Department – Planning Division.

8. All site improvements shall be completed by February 7, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

9. If estimated site improvement costs exceed $2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before exterior building permits are issued.

Attachments:

1. Statement of proposed use
2. Variance findings
3. August 23, 2004 e-mail to Council Member Dan Niziolek
4. August 23, 2004 and November 22, 2004 e-mails to LHENA and CARAG
5. Response letters from surrounding property owners and/or neighbors
6. Zoning Map
7. Adjacent uses map
8. Site plan, floor plans and REVISED elevations
9. Photographs of the site and surrounding area