

**Department of Community Planning and Economic Development – Planning Division**  
Variance and Site Plan Review  
BZZ – 2872

**Date:** April 24, 2006

**Applicant:** Tou Xiong

**Address of Property:** 3100 Lyndale Avenue North

**Project Name:** Bangkok Market

**Contact Person and Phone:** Kevin Conley, (952) 470-6278

**Planning Staff and Phone:** Janelle Widmeier, (612) 673-3156

**Date Application Deemed Complete:** March 17, 2006

**End of 60-Day Decision Period:** May 16, 2006

**Ward:** 3      **Neighborhood Organization:** Hawthorne Area Community Council

**Existing Zoning:** C1

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

**Zoning Plate Number:** 8

**Legal Description:** Not applicable for this application

**Proposed Use:** Expansion of an existing grocery store.

**Concurrent Review:**

**Variance** to increase the maximum gross floor area of a commercial use in the C1 district from 4,000 square feet to 4,972 square feet to allow an expansion of a grocery store.

**Site plan review** to allow an expansion of an existing grocery store.

**Applicable zoning code provisions:** Chapter 525, Article IX Variances and Chapter 530, Site Plan Review.

**Background:** The applicant proposes to expand the Bangkok Market located on the northeast corner of Lyndale Avenue North and 31<sup>st</sup> Avenue North by adding two one-story additions. A 2,545 square foot addition would be located at the rear of the existing building in the Northeast corner of the property. This addition would house an expanded retail sales area. The other addition, a 914 square foot attached garage, would be located on the South side of the existing building adjacent to 31<sup>st</sup> Avenue North. The applicant has indicated that the garage would be used to park two vehicles and to store the trash

dumpsters used for the store. At one time, the site was used as an automobile convenience facility. The applicant is proposing to remove the gas pump canopy as part of the improvements of the property.

The Planning Commission took the following actions on this property on June 7, 1999:

### **Bangkok Market and Video Rental**

#### **3100 Lyndale Avenue North (3rd Ward - PR-511)**

Application by the Bangkok Market and Video Rental for site plan review of a grocery and video rental store.

**Motion:** The City Planning Commission adopted the findings and **approved** the applications subject to the following conditions: 1) That the Planning Department review and approve the final site, lighting and landscaping plans and that all landscaping improvements be completed by September 1, 1999 and site improvements be completed by June 1, 2000; 2) The asphalt curbing be replaced with 6" X 6" concrete curbing; 3) All lighting is hooded per City requirements; 4) All broken fencing shall be repaired or replaced; 5) The dumpster shall be enclosed with a wood fence to City standards; and, 6) That the height of the chain link fence be no higher than 6 feet.

#### **3100 Lyndale Avenue North (3rd Ward - C-1991)**

Application by the Bangkok Market for conditional use permit for a grocery and video rental store.

**Motion:** The City Planning Commission adopted the findings and **approved** the application subject to the condition that all landscaping improvements are completed by September 1, 1999 and that all site improvements are completed by June 2000 or the permit may be revoked.

The site is not in compliance with these approvals and is subject to the current standards of Ch. 530 Site Plan Review.

A grocery store is a permitted use in the C1 district. A site plan review is required for any building addition over 1,000 square feet in area. In the C1 district, the maximum floor area allowed for all commercial uses is 4,000 square feet per use. With the building addition, the uses floor area would be 4,972 square feet. A variance is required to increase the floor area.

The subject property is part of a cluster of properties around 31<sup>st</sup> Avenue and 6<sup>th</sup> Street North identified as a target area by the Northside Home Fund (NHF). A number of vacant, boarded, and problem properties exist in this immediate area. Some properties are known for consistently having problems reoccur. The NHF is partnering with several city departments, including Regulatory Services and Community Planning Economic Development, to devise and carry out a development plan for the cluster. At this time, a development has not been proposed.

The Licensing Division of Regulatory Services has created a Grocery Store Task Force. The task force has identified businesses with a history of high crime, code issues, and license violations. The Bangkok Market is not one of those businesses. Licensing did not identify any issues with the proposed

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expansion because the police incident rate is low and only a small number, if any, complaints have been filed.

This item was continued from the April 10, 2006 City Planning Commission meeting to allow the applicant time to meet with the neighborhood group. As of writing this staff report, no changes have been made to the proposal. Also, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

**VARIANCE**

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

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

The applicant is proposing to expand an existing grocery store with a 2,545 square foot addition. The existing size of the store is 2,427 square feet, therefore the proposed area for the commercial use is 4,972 square feet. The C1 district limits the size of commercial uses to 4,000 square feet. An exception to this requirement is allowed if no parking is located between the structure and the street. If this applies, then the floor area can be increased to 6,000 square feet. The building and parking are existing on this property, and the parking is located between the building and the street. Without removing the existing building, this situation cannot be changed. Without the granting of the variance, the expansion would be limited to 1,537 square feet. An additional 942 square feet than what is allowed would be a reasonable use of the property.

- 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.**

Because the building exists towards the back corner of the property, it cannot be expanded in a way to take advantage of the bonus to increase the floor area to 6,000 square feet. The building was constructed before the current owner obtained it.

- 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.**

The C1 district is established to support a shopping environment of small scale retail and commercial uses that are compatible for adjacent residential uses. The property is “L” shaped. Because of the building placement, the eastern most part of the property has no street frontage and is not accessible by vehicles. It is adjacent to three residential properties and one non-residential property. The addition would extend into that area. The addition would meet all yard requirements. If the applicant implements the staff recommendations for the site plan review, it should have little affect on the adjacent residences. Because the addition does not have street frontage, the overall size of the business would be less apparent as well.

- 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.**

Sufficient parking is provided on-site to allow the expansion. The Planning Department does not expect that granting the variance would affect public safety.

**SITE PLAN REVIEW**

**Findings as required by the Minneapolis Zoning Code for the site plan review:**

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

**Section A: Conformance with Chapter 530 of the 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. 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 and windows:
  - Residential uses:

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

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

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on

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each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

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

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

- The form and pitch of roof lines shall be similar to surrounding buildings.
- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

***Conformance with above requirements:***

The garage building addition would contribute to a street wall along 31<sup>st</sup> Avenue North because it would extend the building toward the street. The property lines adjacent to the rear building addition do not include street frontage, therefore this addition would not contribute to any street wall. Pedestrian access and circulation would not be affected. As proposed, the additions would not maximize natural surveillance or visibility. Some exterior lighting would be provided; however, no windows are proposed on any of the new building walls. Staff is recommending that windows are incorporated into the South wall facing 31<sup>st</sup> Avenue.

The existing setback of the building along Lyndale Avenue is 78 feet and 50 feet along 31<sup>st</sup> Avenue. The setback of the garage addition would reduce the setback to 18 feet along 31<sup>st</sup> Avenue. The distance between Lyndale Avenue and the building would not decrease. A minimum yard setback is not required between the building and any of the property lines adjacent to a street because the residential structure to the east is zero feet from the front property line. Alternative compliance is required where the building additions are setback more than 8 feet from a lot line adjacent to a street. If the additions were located closer to Lyndale Avenue, parking would be lost. Providing amenities along Lyndale and 31<sup>st</sup> Avenue that would enhance the character of the neighborhood could act as a substitute for the lack of a building presence on this corner. The applicant has proposed a wood fence and landscaping at the street intersection, which meet the minimum site plan requirements, but do not enhance neighborhood character. A durable fence made of brick, wrought iron and/or stone and an exceptional landscaping plan, which includes seasonal interest and diversity in plant species, would add character. If the suggested additional amenities adjacent to the street were provided, staff believes alternative compliance is warranted.

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The area between the building addition and the front lot lines includes the parking area and landscaping.

An existing principal entrance is oriented toward Lyndale Avenue. No additional entrances are proposed.

A surface parking area exists between the building and Lyndale Avenue.

The building additions would include little architectural detail and no windows. The new East and South elevations of the rear addition and the East elevation of the addition adjacent to Lyndale Avenue would have blank, uninterrupted walls that exceed 25 feet in length. These walls are less visible from the street. Providing amenities along Lyndale and 31<sup>st</sup> Avenue that would enhance the character of the neighborhood could act as a substitute for the lack of a building presence on this corner. The applicant has proposed a wood fence and landscaping at the street intersection, which meet the minimum site plan requirements, but do not enhance neighborhood character. A durable fence made of brick, wrought iron and/or stone and an exceptional landscaping plan, which includes seasonal interest and diversity in plant species, would add character. If the suggested amenities adjacent to the street were provided, staff feels alternative compliance is warranted to allow less architectural detail and blank walls exceeding 25 feet on the walls that do not face a street.

The materials of the existing building are brick and glass with a metal fascia and awning. The proposed primary exterior material for the additions is rock-face concrete block. The rear addition would include a masonry accent stripe. The garage addition would have a metal fascia around the perimeter of the roof similar to the existing building. The garage doors would be made of steel. The additions would differ with the rest of the structure and contain less durable materials. Incorporating more brick on the garage addition that is similar to the existing brick would make the addition compatible with the existing building. The other walls of the rear addition are less visible from the street. Staff feels the rock-face concrete with some masonry would be acceptable for the rear addition if the suggested amenities are provided. Staff is recommending that the primary exterior material of the garage addition is brick.

Plain face concrete block would not be used as a primary exterior building material.

The principal entrance would remain on the wall facing Lyndale Avenue. It is surrounded by windows and sheltered by an awning.

No windows are proposed on the elevation facing 31<sup>st</sup> Avenue. To meet the 30 percent requirement, 57.6 square feet of windows are required. This addition would be used for parking vehicles and storing refuse containers. Windows can be provided. Although business activities would not occur in the garage, the windows would give the appearance of natural surveillance. Further if the business needed to expand in the future, it's possible that the garage would be converted to retail space. If the applicant is concerned about security, a crime deterrent, such as planting small shrubs below the windows, could be established. Staff is recommending that the

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South wall contain 30 percent windows that comply with the requirements of section 530.120(b)(2).

The proposed elevation for the addition facing Lyndale Avenue would not have windows. This elevation is dominated by two steel garage doors. The amount of windows currently provided on the Lyndale façade is 165 square feet. The total window requirement is 222 square feet. Therefore an additional 57 square feet of windows is required. The garage doors are a dominant feature on the proposed elevation leaving little room for fenestration. Staff believes alternative compliance is warranted if brick similar to the existing brick is used as the primary material and windows are provided on the 31<sup>st</sup> Avenue elevation. However, if the garage doors are removed in the future, windows should be provided.

All windows would be vertical in proportion and evenly distributed.

A flat roof is proposed. Many buildings in the area also have flat roofs.

**ACCESS AND CIRCULATION:**

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

***Conformance with above requirements:***

The applicant is proposing a 4-foot wide concrete walkway connecting the Lyndale Avenue sidewalk to the building entrance. The walkway as proposed would overlap the access aisle and drive aisle for the required handicap parking space. The walkway should be relocated further North so it does not overlap the handicap access aisle or the parking spaces should be shifted to the South. If the parking spaces are shifted, one space would be lost. This space is not necessary to meet the minimum parking requirement. Staff recommends that the walkway not overlap the handicap access aisle or drive aisle.

There are no transit shelters on or immediately adjacent to the site.

Vehicular access occurs through two existing curb cuts. One provides access to Lyndale Avenue and the other provides access to 31<sup>st</sup> Avenue. No additional curb cuts are proposed. The existing curb cuts should have minimal impact on pedestrians.

Traffic should have minimal affects on adjacent residential properties. There are no public alleys adjacent to the site.

Because the existing building would be expanding, the amount of impervious surface would increase. However, the applicant is proposing to reduce the size of the parking area by adding more landscaped area along Lyndale Avenue and at the Southwest corner of the property.

#### **LANDSCAPING AND SCREENING:**

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

#### ***Conformance with above requirements:***

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is 17,278 square feet. The building footprint would be approximately 5,886 square feet. The lot area minus the building footprints therefore consists of approximately 11,392 square feet. At least 20 percent of the net site area (2,278.4 square feet) must be landscaped. Approximately 4,357 square feet of the site would be landscaped, which exceeds the minimum requirement.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 5 and 23 respectfully. Five trees and 43 shrubs are proposed on-site.

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A 7-foot landscaped yard is required between the surface parking area and Lyndale and 31st Avenue. The applicant is proposing a 10-foot yard along Lyndale Avenue and a 23-foot yard along 31<sup>st</sup> Avenue.

Screening that is three feet tall and no less than 60 percent opaque is required between the parking area and the street. Screening is proposed in the form of a 3-foot high wood fence and shrubs along Lyndale and 31<sup>st</sup> Avenue. Staff is recommending that along the streets a more durable fence made of brick, wrought iron and/or stone and an exceptional landscaping plan, which includes seasonal interest and diversity in plant species is provided in order to grant alternative compliance for other requirements of the site plan review. These amenities must also comply with the screening requirements.

One tree is required for every 25 feet of parking lot frontage. Three trees are required along Lyndale Avenue and three trees are required along 31<sup>st</sup> Avenue. Only one tree is proposed along Lyndale Avenue. There is sufficient room to provide the other two trees. Staff is recommending that three canopy trees are provided along both Lyndale and 31<sup>st</sup> Avenue.

All parking spaces are within 50 feet of an on-site tree, with the exception of the handicap accessible parking space. A tree could be located in the landscaped area at the northwest corner of the property. Staff does not believe that alternative compliance is warranted.

All areas that are not covered by the building, paved or landscaped are proposed to be covered by turf. Staff is recommending that along the streets an exceptional landscaping plan, which includes seasonal interest and diversity in plant species, is provided in order to grant alternative compliance for other requirements of the site plan review. The applicant is encouraged to incorporate perennials and flowering plants.

Installation and maintenance of all landscape materials are required to comply with the standards outlined in section 530.210.

**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.
- 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.
- 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

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- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

***Conformance with above requirements:***

The parking lot would be defined by 6 inch by 6 inch concrete curbing except on the South end of the parking area where the curbing would be discontinued to allow on-site filtration into the landscaped area.

Existing and proposed lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

**535.590. Lighting.** (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

The parking lot is not adjacent to any residential properties, therefore no residential properties would be affected by headlight glare.

The building additions should not impede any views of important elements of the city.

The building additions would not significantly shadow the adjacent streets or properties.

Wind currents should not be major concern.

Fencing and landscaping would clearly delineate private versus public spaces. The proposed landscaping follows the 3 foot to 7 foot rule, which states that plantings should not exceed three feet in height and that the canopies of trees should be over seven feet in height allowing a window of visibility into the site from the street. Walkways would lead to all common entrances.

The existing structure is not historic or eligible for designation.

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

**ZONING CODE:** The site is zoned C1. A grocery store is a permitted use in the C1 district.

**Parking and Loading:** The minimum parking requirement for a grocery store is one space per 300 square feet of gross floor area over 4,000 square feet or four spaces, whichever is greater. The gross floor area proposed is 4,972 square feet. A minimum of 4 spaces are required. Twelve spaces are proposed. At a minimum, the applicant is required to provide adequate shipping and receiving facilities, accessible by motor vehicle off any adjacent alley, service drive or open space on the same zoning lot to meet the loading requirement. A sufficient number of spaces are provided to meet this requirement.

**Signs:** The applicant has indicated that no new signage is proposed. Any new signage will require Zoning Office review, approval, and permits. As per code, window signs are allowed provided that such signage shall not exceed 30 percent of the window area, whether attached to the window or not, and shall not block views into and out of the building at eye level.

**Maximum Floor Area:** The lot area is 17,278 square feet. The maximum FAR allowed in the C1 District is 1.7. The building would have a total of 4,972 square feet, which is an FAR of 0.29. However, the C1 district limits the maximum gross floor area (GFA) of each commercial use to 4,000 square feet. A variance is required to increase the maximum GFA from 4,000 square feet to 4,972 square feet.

**Minimum Lot Area:** Not applicable.

**Height:** Building height in the C1 district is limited to 2 ½ stories or 35 feet, whichever is less. The building additions would each be one story and would each be less than 15 feet tall when measured to the top of the parapet.

**Yard Requirements:** In the C1 district, a front yard is only required when adjacent to a residential district or residential structure. The front yard requirement is equal to the district requirement of 15 feet or the established setback of the residential structure. A single-family dwelling is adjacent to the property with an established setback of zero feet, therefore a front yard is not required. An interior side and rear yard are also required when adjacent to residential

districts or structures. A five foot interior side yard is required along the East property line adjacent to 620 North 31<sup>st</sup> Avenue. A five foot rear yard is required along the South and East property lines adjacent to the proposed rear addition. The proposed building additions would comply with all yard requirements.

**Specific Development Standards for a Grocery Store:** 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.

**Hours of Operation:** Hours open to the public are allowed as follows:

Sunday through Thursday, from 6:00 a.m. to 10:00 p.m.

Friday and Saturday, from 6:00 a.m. to 11:00 p.m.

The applicant's existing and proposed hours of operation are 9:00 a.m. to 8:00 p.m., seven days a week.

**Refuse screening:** Refuse storage containers are required to be effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. Refuse would be stored inside the building.

**MINNEAPOLIS PLAN:** The site is designated as Retail – Commercial by *The Minneapolis Plan*. It is located one block from Lowry Avenue which is a community corridor. The intersection of Lowry and Lyndale Avenue is a commercial node. The following policies are relevant:

**4.4 Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.**

**Applicable Implementation Steps**

Provide for a range of commercial districts that provide the services required by the residents and businesses.

Encourage the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.

*Staff comment:* The site is located on a block with C1 zoning on the east side of Lyndale Avenue. Properties across the street are zoned C2. Multiple nonresidential uses line this section of Lyndale Avenue. The grocery store on this site serves Minneapolis residents. The expansion would allow the business to serve the community.

**4.5 Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas.**

**Applicable Implementation Steps**

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Support the continued presence of small-scale retail sales and commercial services in Neighborhood Commercial Nodes.

Limit the territorial expansion of Neighborhood Commercial Nodes, but encourage rehabilitation and reinvestment in existing buildings.

Ensure that commercial uses do not negatively impact nearby residential areas.

Promote traditional urban form in terms of building siting and massing when undertaking new development in Neighborhood Commercial Nodes. (See discussion of traditional urban form in Chapter 9.)

Preserve traditional commercial storefronts at Neighborhood Commercial Nodes wherever possible.

Develop parking facilities and management strategies that balance the following goals: improved customer access, protection of sidewalk traffic; reduced visual impacts, mitigated impacts on neighboring uses and shared use of parking facilities.

Promote transit stops and bicycle parking and storage in Neighborhood Commercial Nodes.

*Staff comment:* The grocery store has existed on the property since 1999. The expansion of the use would maintain the continued presence of small retail uses in the node. The building additions would meet the minimum yard requirements. Although placement of the building at the corner would be ideal, existing building placement limits where the building can be expanded. To mitigate the effects of having the building setback from the street, staff is recommending that additional amenities are provided along Lyndale and 31<sup>st</sup> Avenue that would enhance the character of the neighborhood. These amenities would also reduce visual impacts of the parking area and are pedestrian friendly. A walkway would lead from the Lyndale Avenue sidewalk to the building entrance. No bike racks are provided on-site. Staff is recommending that at least 4 bike racks are provided next to the building entrance.

**9.11 Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.**

**Applicable Implementation Steps**

Enhance unique characteristics of 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 public spaces and infrastructure.

Enhance pedestrian and transit-oriented commercial districts with street furniture, tree planting, and improved transit amenities.

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

*Staff comment:* If the applicant implements the staff recommendation for site plan review by providing additional amenities, such as ornamental fencing and trees, along the streets, the pedestrian environment and the surrounding area would be enhanced. Windows will be required

to be kept mostly clear of signage, shelves or merchandise, especially around the area at eye level to ensure natural surveillance.

**9.15 Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses.**

**Applicable Implementation Steps**

Provide appropriate physical transition and separation using green space, setbacks or orientation between residential and non-residential uses.

Encourage site planning for new developments that orients the “back” of proposed buildings to the “back” of existing development.

Require screening and buffering for new developments next to residential areas,

Promote quality design and building orientation of commercial and industrial development that is appropriate with the surrounding neighborhoods.

Use the site plan review process to ensure that lighting and signage associated with non-residential uses do not create negative impacts for residentially zoned property.

Mitigate, through screening and buffering, limiting the size and scale of a building, and a business' hours of operation, the effects of commercial properties on residential areas.

*Staff comment:* The site is located next to three residential properties. The residential properties are located to the east of the site. The “front” of the development is oriented toward Lyndale Avenue. The “back” of the development is oriented toward the residences. The building additions would comply with the minimum setback requirements. All operations of the business would be enclosed. By using brick as the primary exterior material for the garage addition, the design will be more appropriate with the surrounding neighborhood. A final lighting plan will be reviewed by staff to ensure compliance. Also, the business hours of operation comply with the district requirements.

With the approval of the staff recommendations, the site plan should comply with the goals of *the Minneapolis Plan*.

**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.**

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- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Alternative compliance is requested by the applicant to meet the following standards:

- Location of the building within eight feet of a lot line adjacent to a street.

The existing setback of the building along Lyndale Avenue is 78 feet and 50 feet along 31<sup>st</sup> Avenue. The setback of the proposed addition on the South side of the building would reduce the setback to 18 feet along 31<sup>st</sup> Avenue. The distance between Lyndale Avenue and the building would not decrease. A minimum yard setback is not required between the building and any of the property lines adjacent to a street because the residential structure to the east is zero feet from the front property line. Alternative compliance would be required where the building additions are setback more than 8 feet from a lot line adjacent to a street. If the additions were located closer to Lyndale Avenue, parking would be lost. Providing amenities along Lyndale and 31<sup>st</sup> Avenue that would enhance the character of the neighborhood could act as a substitute for the lack of a building presence on this corner. The applicant has proposed a wood fence and landscaping at the street intersection, which meet the minimum site plan requirements, but do not enhance neighborhood character. A durable fence made of brick, wrought iron and/or stone and an exceptional landscaping plan, which includes seasonal interest and diversity in plant species, would add character. If the suggested additional amenities adjacent to the street are provided, staff believes alternative compliance is warranted.

- Durability, compatibility and similarity of exterior materials

The materials of the existing building are brick and glass with a metal fascia and awning. The primary exterior material proposed is rock-face concrete block. The rear addition would include a masonry accent stripe. The garage addition would have a metal fascia around the perimeter of the roof. The garage doors would be made of steel. The additions would differ with the rest of the structure and contain less durable materials. Incorporating more brick on the garage addition similar to the existing brick would make the addition compatible with the existing building. The other walls of the rear addition are less visible from the street. Staff believes the rock-face concrete with some masonry would be acceptable for the rear addition if the suggested amenities are provided. Staff is recommending that the primary exterior material of the garage addition is brick.

- Lack of architectural detail and blank walls exceeding 25 feet in length

The building additions would include little architectural detail and no windows. The new East and South elevations of the rear addition and the East elevation of the addition adjacent to Lyndale Avenue would have blank, uninterrupted walls that exceed 25 feet in length. These walls are less visible from the street. Providing amenities along Lyndale and 31<sup>st</sup> Avenue that would enhance the character of the neighborhood could act as a substitute for the lack of a building presence on this corner. The applicant has proposed a wood fence and landscaping at the street intersection, which meet the minimum site plan requirements, but do not enhance neighborhood character. A durable fence made of brick, wrought iron and/or stone and an exceptional landscaping plan, which includes seasonal interest and diversity in plant species, would add character. If the suggested

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amenities adjacent to the street are provided, staff believes alternative compliance is warranted to allow less architectural detail and blank walls exceeding 25 feet on the walls that do not face a street.

- Thirty percent window requirement for walls facing a street/ Natural surveillance

No windows are proposed on the elevation of the garage addition facing 31<sup>st</sup> Avenue. To meet the 30 percent requirement, 57.6 square feet of windows are required. This addition would be used for parking and storing refuse containers. Windows could be provided. Although business activities would not occur in the garage, the windows would give the appearance of natural surveillance. Further if the business needed to expand in the future, it's possible that the garage would be converted to retail space. If the applicant is concerned about security, a crime deterrent, such as planting small shrubs below the windows, could be established. Staff is recommending that the South wall contain 30 percent windows that comply with the requirements of section 530.120(b)(2).

The proposed elevation of the garage addition facing Lyndale Avenue would not have windows. This elevation is dominated by two steel garage doors. The amount of windows currently provided on the existing Lyndale façade is 165 square feet. The total window requirement is 222 square feet. Therefore an additional 57 square feet of windows is required. The garage doors are a dominant feature on the proposed elevation leaving little room for fenestration. Staff feels alternative compliance is warranted if brick similar to the existing brick is used as the primary material and windows are provided on the 31<sup>st</sup> Avenue elevation. However, if the garage doors are removed in the future, windows should be provided.

- Providing a tree for every 25 feet of parking lot frontage

One tree is required for every 25 feet of parking lot frontage. Three trees are required along Lyndale Avenue and three trees are required along 31<sup>st</sup> Avenue. Only one tree is proposed along Lyndale Avenue. There is sufficient room to provide the other two trees. Staff is recommending that three canopy trees are provided along both Lyndale and 31<sup>st</sup> Avenue and that alternative compliance not be granted.

- Proximity of all parking spaces within 50 feet of a tree.

All parking spaces are within 50 feet of an on-site tree, with the exception of the handicap accessible parking space. A tree could be located in the landscaped area at the northwest corner of the property. Staff does not feel that alternative compliance is warranted because all parking spaces could be within 50 feet of a tree. Staff recommends that this requirement is met and that alternative compliance not be granted.

## **RECOMMENDATIONS**

### **Recommendation of the Community Planning and Economic Development Department – Planning Division for the Variance:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to increase the gross floor area from 4,000 square feet to 4,972 square feet to allow an expansion of a grocery store located at 3100 Lyndale Avenue North.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review to allow an expansion of an existing grocery store located at 3100 Lyndale Avenue North, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site, lighting and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by April 10, 2007, or the permit may be revoked for non-compliance unless extended by the zoning administrator.
3. The primary exterior material of garage addition shall be brick similar to the brick of the existing building.
4. An exceptional landscaping plan, which includes seasonal interest and diversity in plant species and meets the landscaping and screening requirements of section 530.170 and is maintained as required in section 530.210, shall be provided. The applicant is encouraged to incorporate perennials and flowering plants.
5. Fences adjacent to street frontage shall be constructed of brick, wrought iron and/or stone.
6. The walkway shall not overlap the handicap access aisle or drive aisle.
7. At least three canopy trees shall be provided on-site along Lyndale Avenue and at least three canopy trees shall be provided on-site along 31<sup>st</sup> Avenue.
8. All parking spaces shall be within 50 feet of an on-site deciduous tree.
9. At least four bike racks shall be provided next to the building entrance.

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**Attachments:**

1. PDR comments
2. Zoning code information sheet
3. Statement of use
4. Findings
5. Correspondence
6. Zoning map
7. Plans
8. Photos