

Department of Community Planning and Economic Development—Planning Division  
Rezoning Petition, Yard and Parking Variances, Site Plan Review  
BZZ-2290

**Hearing Date:** 5/9/05 (continued from the 4/25/05 hearing)

**Date Application Deemed Complete:** 4/4/05

**End of 60-Day Decision Period:** 6/3/05

**Applicant:** Chun Keath and Guenkeng Trann Ung, 6050 68 68<sup>th</sup> Ave. N., Brooklyn Park, MN 55429

**Address of Property:** 2725 University Ave. SE.

**Contact Person and Phone:** Spencer Ung, 6019 68<sup>th</sup> Ave. N.; Brooklyn Park, MN 55429

**Staff Contact Person and Phone:** J. Michael Orange, Principal Planner. Phone: 612-673-2347;  
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**Ward:** 2      **Neighborhood Organization:** Prospect Park East River Road Improvement Association

**Existing Zoning:** OR2, High Density Office Residence District

**PIN:** 30-029-23-13-0049

**Zoning Plate number:** 22

**Proposed Use:** Application by Chun Keath and Guenkeng Trann Ung to expand the existing U Garden restaurant located at 2725 University Ave. SE. Applications include a petition to rezone the site from OR2, High Density Office-Residential District, to C3A, Community Activity Center District; front and side yard variance; parking variance; and an amendment to the prior-approved site plan review (PR-500, approved on 4/19/99).

**Prior approvals (approved by the Planning Commission on 4/19/99):**

- **Expansion of a Nonconforming Use:** The size of the existing 38-seat restaurant exceeded that allowed in the B2-1 Zoning District (1963 Code) which made the existing restaurant a nonconforming use. The Planning Commission approved an expansion of the use to accommodate 100 seats.
- **Variance:** To reduce the side yard setback from 5 feet to 2.7 feet.
- **Site plan review**

**Concurrent Review:** Rezoning petition, yards and parking variances, site plan review.

If you need more information or have special needs, please call the  
Minneapolis Planning Department at 612-673-2597.

**Department of Community Planning and Economic Development—Planning Division**  
**Rezoning Petition, Yard and Parking Variances, Site Plan Review**  
**BZZ-2290**

**Applicable zoning code provisions:**

- **Rezoning petition:** Petition to rezone the site from OR2, High Density Office-Residential District; to C3A, Community Activity Center District.
- **Yard variance:** To reduce the established front yard setback per 525.520 (1) from 15 ft. to zero ft. and the side yard setback in the vicinity of the proposed expansion from 5 ft. to 2.6 ft. to match that of the existing building.
- **Parking variance:** To reduce the parking requirement per 525.520 (6).
- **Site plan review:** Per Chapter 530 of the Zoning Code.

**BACKGROUND**

A 40-acre study completed during the 1980s rezoned the site to B1-2 Office Residence District and made the restaurant a legal nonconforming use because it is larger and it contains more seats than the district allowed. The 1999 Code continued this office-residence district zoning so the nonconformity remains. The applicant desires to eliminate this nonconforming use classification through rezoning the site to conform to the existing use. Further, the applicant desires to provide general entertainment for their party clients, including wedding receptions with dancing and live music (not limited to four musicians), anniversaries, company parties, cultural events, etc. Rezoning, according to the applicant will also help with their building insurance. The restaurant has been able to retain its alcoholic beverage license. The applicant reviewed possible options with Planning staff and only C2 and C3A zoning allows this. Since the C2 district also allows automobile-oriented uses and drive-throughs, staff directed the applicant towards the C3A District.

The applicant plans to expand the building from 4,581 sq. ft. by 3,501 to a total of 8,082 sq. ft. (a 76% increase). The seating area will expand from 1,500 sq. ft. to 3,400 sq. ft. (a 127% increase). The increase in seating capacity increases the parking requirement from the current 50 stalls (which exceeds the current seating capacity by 22 stalls), to 68 stalls. The site will accommodate 52 stalls leaving a 16-stall gap (24% of the requirement), which is the subject of the parking variance. The expansion will bring the building up to the property line on the University side of the site. It will match the existing setback of the building. To accomplish this, the applicant needs two setback variances.

**Neighborhood response and letters of support:** Attachment 5b includes letters of support for the project from the adjacent uses and Attachment 5c includes 16 letters of support for the project. Attachment 5d includes other letters of appreciation for the business but do not reference the project. The neighborhood association has not submitted a response to date. Mr. Daniel Porter of Renaissance Properties left a phone message stating his opposition to the proposed rezoning.

**A. REZONING**

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

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

**Department of Community Planning and Economic Development—Planning Division**  
**Rezoning Petition, Yard and Parking Variances, Site Plan Review**  
**BZZ-2290**

- a. The following is a review of the project relative to the applicable plans and policies of the *Minneapolis Plan* (adopted by the City Council in 2000 (emphasis added):

**Policy 4.2/9.27: Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.**

**Implementation Steps (selected):**

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

**Policy 4.7/9.31: Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.**

**Policy 9.8: Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.**

**Implementation Steps (selected):**

- Encourage parking strategies that reduce the need for parking in order to avoid spillover into neighboring residential areas, including residential parking permits and the joint use of available parking in mixed-use areas.
- Implement parking solutions based on shared parking facilities and critical parking permits for residential districts

- c. **Other plans and policies:**

The City uses several other plans and policies to guide decision making and evaluate proposals including the following:

- (1) **Planning for the SEMI Area:** The project is located within the SouthEast Minneapolis Industrial (SEMI) Area. The City Council approved three reports to provide planning and design standards to guide development in the area. The “Redevelopment Project, Guidelines and Criteria” and the “Design Framework” (approved in May 1995) include the overriding goal of creating an intense, urban industrial district which is both economically viable and compatible with the character and tradition of surrounding neighborhoods. The documents also accommodate mixed-use developments within the SEMI area.

On 4/25/97, the City Council approved the “Bridal Veil Southeast Industrial Park” report. The report, completed in November 1996 by the Southeast Economic Development (SEED) Committee, included a “Conceptual Master Plan.” This plan designates the subject site as mixed use and states the followings as regards land use (pp. 34 and 35):

**Department of Community Planning and Economic Development—Planning Division**  
**Rezoning Petition, Yard and Parking Variances, Site Plan Review**  
**BZZ-2290**

“The predominant land use within the 300-acre study site should be limited industrial with a mixture of other uses as described herein. Development and redevelopment should be innovative and respect the principles as neo-traditional or ‘new urbanism’ and as sustainable development in order to best utilize land as a scarce resource. Factors to be considered include multi-story buildings where practical, pedestrian relationship to streets and other public and semi-public spaces, intensity of land use balanced with functional green space, and limitation of impervious surfaces. . . .”

On page 61, the report states “all projects will provide adequate off-street parking, consistent with use and operation.” The report also states the “Prospect Park neighborhood has expressed its desire to transform [the University Avenue SE] corridor to a more urban image with an emphasis on pedestrian-friendly buildings more closely associated with the roadway. The initial concept is to locate land uses associated with or supportive of the University at the western end, office uses in the central portion and neighborhood commercial and service retail at the eastern end” (p. 13). The site is located within the central portion of the southern boundary of the SEMI Area where the plan calls for office uses. The existing Office Residential District zoning is consistent with this policy.

(2) **“Development Objectives University Avenue SE/29<sup>th</sup> Avenue SE Transit Corridor” (final draft dated 3/21/05):**

The development objectives were intended to “facilitate transit-supportive redevelopment and the evolution of a special place of high quality and enduring character.” The objectives apply to the area within ½ mile or a few blocks of the intersection of 29<sup>th</sup> Ave. and University Ave. SE. The subject site is within this area. The following policies apply to the petition and to the project:

- Promote a mix of housing, commercial, retail, living-wage jobs, cultural offerings, entertainment venues and hospitality uses to increase visitors’ propensity to make linked trips; . . . promote new opportunities for locally owned and neighborhood oriented businesses to locate and thrive.”
- Reduce the physical, symbolic, and psychological barriers to the pedestrian and bicycle traffic; create lively streets, especially for pedestrians, . . . attract complementary new infill development and redevelopment . . . .
- Create a mix of land uses that will generate increased transit ridership in terms of volume and pattern; concentrate convenience retail and service uses to support transit riders; . . . create non-work-related activities and uses (e.g. hotel, hospitality, cultural, and entertainment) to extend the life of the street into the hours between and following commuting hours.

**Department of Community Planning and Economic Development—Planning Division**  
**Rezoning Petition, Yard and Parking Variances, Site Plan Review**  
**BZZ-2290**

- Orient buildings to the street and place buildings close to the sidewalk. Setbacks should be no more than eight feet (for landscaping and pedestrian activity, not for cars). Building placement should reinforce the street wall. . . . Main entrances to buildings should front on the street . . .

**d. Petition’s Consistency with City Plans and Policies:** The following describes how the petition relates to the above plans and policies:

- The *Minneapolis Plan* designates University Ave. SE as a Community Corridor. It also designates the Stadium Village and the Dinkytown commercial areas as Activity Centers but not this portion of University Ave. Rezoning to the C3A, which is the appropriate district for an Activity Center, is inappropriate for this non-designated area.
- Even though the restaurant is a legal non-conforming use, it will continue to be compatible with the nearby residences per Policies 4.2 and 9.27, even if expanded.
- The restaurant use is a compatible one with the Plan policies that support diverse commercial and residential development types which generate activity all day long and into the evening. Although the University of Minnesota campus is some distance to the west, the restaurant clearly serves the University population. It will also promote pedestrian activity and help draw customers to the other businesses in the area.
- Parking for the restaurant is primarily to the rear with a few stalls to the site consistent with Policy 4.7/9.31. According to the applicant and a neighborhood representative, the current parking supply is more than adequate to meet the demand. The applicant has an informal relationship with the business to the west for shared parking. While this is consistent with Policies 4.7/9.31 and 9.8, it is not formalized to where it can replace the need for the parking variance. Rezoning the site will have no effect on the parking gap created by the expansion.
- The site is located within the central portion of the southern boundary of the SEMI Area where the “Conceptual Master Plan” for the area designates the subject site as office. The existing Office Residential District zoning is consistent with this policy and rezoning to C3A is inconsistent.
- The “Development Objectives University Avenue SE/29<sup>th</sup> Avenue SE Transit Corridor” report, which has yet to be adopted a City policy, provides mixed guidance to the site. On the one hand, its policies to encourage the mixing of uses and pedestrian-oriented buildings to make the area more vibrant seem to favor the expansion of the restaurant towards the street and the party functions that are only possible with the rezoning. On the other hand, the expansion keeps its main entrance to the side and away from the street which is inconsistent with the report as well as with adopted City policy and the Zoning Code.

**Department of Community Planning and Economic Development—Planning Division**  
**Rezoning Petition, Yard and Parking Variances, Site Plan Review**  
**BZZ-2290**

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

Rezoning to allow general entertainment and to help with building insurance is in the interest of the owner.

- 3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

The area includes a mix of uses including an office building and light industrial uses to the west and southwest, motels to the west and south, gas stations and mixed commercial uses to the south, heavy industrial to the north and offices for the Post Office located immediately to the east. One block west on University Ave is University Village, home to approximately 550 University students. To the north of the site is light industrial zoning and in the other three directions are the same OR2 zoning of the site. The nearest commercial zoning is to the south (C1 and C2) and a large C3A district half a block to the west (Attachments 1 & 2). An office and a light industrial use separate the site from the closest C3A district. Office uses are on both sides of the site and commercial uses are to the south across University Ave. There is a considerable amount of commercial parking available to the northeast.

Currently there are 19,800 average daily vehicle trips along the adjacent section of University Avenue SE. A Travel Demand Management Plan completed in 1997 for the nearby University Village concluded that project, even with 550 new residents, would not result in traffic impacts that would significantly degrade the Level of Service at the nearby intersections along University Ave. The subject project, generating only a small fraction of new trips, would be expected to have a much smaller impact.

The site is in the middle of a large OR2 District. However, uses allowed in the C3A District could be compatible with the office, commercial, and light industrial uses in the immediate 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.**

There are reasonable uses of the property under the existing zoning classification. The restaurant can continue to operate as it has for many years. The applicant can also apply for an expansion of a nonconforming use permit to accommodate the proposed expansion. However, this will not change the OR2 District prohibitions on general entertainment that is an important rationale for the petition, nor will it eliminate the nonconforming use status of the business. The district also allows for a range of high-density office and residential reuses for the site.

- 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**

**Department of Community Planning and Economic Development—Planning Division**  
**Rezoning Petition, Yard and Parking Variances, Site Plan Review**  
**BZZ-2290**

**its present zoning classification, where the amendment is to change the zoning classification of particular property.**

The residential character of the area to the south of the site has not substantially changed. It is a stable low-density neighborhood. The commercial area along University has seen modest but steady change over the years. However, none of the changes suggest that the current zoning classification is outdated or inappropriate for the site. If a transit station is built at 29th and University to serve LRT or bus rapid transit, development pressures will increase substantially in the immediate vicinity of the station, including the subject site. A restaurant is likely to benefit from such a change as would redevelopment for uses already allowed by the District.

**B. FRONT AND SIDE YARD VARIANCES**

**Findings as Required By the Minneapolis Zoning Code for the Front and Side Yard Variance**

The Board of Adjustment and Planning Commission shall not vary the regulations of the zoning code, unless it makes each of the following findings based upon the evidence presented to it in each specific case:

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

The applicant's statement follows: "The main purpose of the addition is for private party use. Due to the small size of the building, we have been losing private party businesses in the Asian restaurant market. The property cannot be put to a reasonable use under the conditions allowed as this is an existing building and any addition will have to be based on the existing structure and existing site plan. Based on the existing structure, the most logical, efficient, and economical way is to extend the building 15 ft to the front on University Avenue while keeping the building aligned with the existing structure at 2.7 ft to the adjacent property line. Strict adherence to the zoning ordinance would cause undue hardship. The existing building size is insufficient to fulfill the demand for use of large private party function, thus, causing undue hardship. Expansion of the existing building is necessary to fulfill the needed use of the space."

The zoning ordinance does not cause a hardship in this case. The proposed expansion creates the need for the variances. As stated above, the applicant can continue to operate the use in its current configuration or redevelop the property for other uses allowed in the District.

- 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.**

The applicant's statement follows: "The circumstance is unique to the parcel of land for which the variance is sought due to the setback restriction and both of the buildings side-by-side

**Department of Community Planning and Economic Development—Planning Division**  
**Rezoning Petition, Yard and Parking Variances, Site Plan Review**  
**BZZ-2290**

adjacent to this property – however, it is not unique to the overall neighborhood. Most buildings along University Avenue has setbacks of 0 ft to 15 ft to their property line. This is evident even within 350 feet of the property and has not been created by any persons presently having interest in the property. Although economic considerations alone shall not constitute an undue hardship short-term, it may cause instability and hardship in the long-term.”

Again, the proposed expansion creates the need for the variance. The site is a large one with few if any constraints for the proposed expansion. This situation is not unique to this parcel.

**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 applicant’s statement follows: “Both most effected neighboring properties has approved of the addition and waiver of setback restrictions. 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. See attached neighbor approval letter.”

**Front yard:** The 15-ft setback requirement would remain even if the City rezones the property to C3A as requested. Bringing the building up to the property line is consistent with the policies in the not-yet-adopted “Development Objectives University Avenue SE/29<sup>th</sup> Avenue SE Transit Corridor” report. Several uses in the immediate area also have zero setbacks but the property to the east has a 15-ft. setback consistent with the Code.

**Side yard:** Should the City approve the front yard setback, the side yard setback would have no substantive impact on surrounding uses. The adjacent property to the west is a four-story office building with a driveway and parking immediately next to the proposed expansion site (Attachment 2). A reduction of the five-foot yard requirement to 2.6 feet will not alter the essential character of the locality nor be injurious to the adjacent property.

**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.**

The applicant’s statement follows: “Granting of the variance will substantially decrease congestion of the public streets and create safety on University Ave as the driveway will be transformed into a one-way entrance with exit in the rear on 4th street. This will make use of the low traffic use on 4<sup>th</sup> street and decrease congestion on University Ave. Granting of the variance will not increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.”

The Preliminary Site Plan Review Committee reviewed the project on 4/27/05 and found no irresolvable problems as regards utility service, access and driveways, fire and safety. Neither variance will have a substantive effect on these matters.

**Department of Community Planning and Economic Development—Planning Division**  
**Rezoning Petition, Yard and Parking Variances, Site Plan Review**  
**BZZ-2290**

**C. PARKING VARIANCE**

**Findings as Required By the Minneapolis Zoning Code for the Parking Variance**

The Board of Adjustment and Planning Commission shall not vary the regulations of the zoning code, unless it makes each of the following findings based upon the evidence presented to it in each specific case:

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

The zoning ordinance does not cause a hardship in this case. The applicant's expansion project creates the need for the parking variance.

- 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.**

Again, the proposed expansion creates the need for the variance.

- 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.**

According to the applicant, the primary purpose of the expansion is to accommodate major group events such as weddings, major receptions, company parties, etc. These capacity events that would create the expected 16-stall parking gap would likely occur during off-peak times such as evenings and weekends. There is a considerable amount of on-street and public off-street parking in the area that would likely serve any unmet parking demand. The applicant is seeking a parking lease for the 16 stalls to eliminate the need for the variance but has not secured it to date.

- 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.**

Refer to the above finding.

**B. SITE PLAN REVIEW**

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

**Department of Community Planning and Economic Development—Planning Division**  
**Rezoning Petition, Yard and Parking Variances, Site Plan Review**  
**BZZ-2290**

- 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 (refer to the above discussions).
- c. The site plan is consistent with applicable development plans or development objectives adopted by the City Council (refer to the above discussions).

**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.**

**Planning Division Evaluation of Building Placement and Façade Requirements:**

- The expansion does reinforce the street wall created by the office building to the west which is also built close to the property line. The post office building to the south is set back even further than the existing restaurant.
- The existing and proposed principal entrance is to the side of the building. The proposed design of the expansion rejects the opportunity to move the entrance to the front or to the corner and

**Department of Community Planning and Economic Development—Planning Division**  
**Rezoning Petition, Yard and Parking Variances, Site Plan Review**  
**BZZ-2290**

the front elevation seems to invite an entrance there. The applicant provides a response to this in Attachment 5).

- The design includes architectural elements that break up the massing and convey the Asian theme of the restaurant.
- The design exceeds the Code requirements in terms of windows.

**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 on-site snow storage are provided.**
- **Site plans shall minimize the use of impervious surfaces.**

**Planning Division Evaluation of Access and Circulation:**

- A walkway connects the side entrance to the sidewalk on University Ave.
- The narrowed driveway will simplify traffic movements by limiting access from University to in only. There is two-way access from 4<sup>th</sup> St.
- There are adequate areas for snow storage.
- All areas of the site not used for buildings or parking are landscaped.

**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).**

**Department of Community Planning and Economic Development—Planning Division**  
**Rezoning Petition, Yard and Parking Variances, Site Plan Review**  
**BZZ-2290**

- **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.**

**Planning Division Evaluation of Landscaping and Screening:**

- **The landscaped area equals 19.3% of the net site. The portion of the landscaping that is visible from University Ave. meets and exceeds the Code's requirements; however, the current plan is inadequate for the northern part of the site. The site lacks 200 sq. ft. of additional landscaping, 9 trees, 9 bushes, and screening of the main parking lot (refer to Attachment 8 which details the landscaping and screening requirements). The applicant has committed to bring the entire site into full conformance with the landscaping and screening requirements of the Zoning Code.**

**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: The Police Division has reviewed the plans.**

**Department of Community Planning and Economic Development—Planning Division**  
**Rezoning Petition, Yard and Parking Variances, Site Plan Review**  
**BZZ-2290**

- **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.**

**Planning Division Evaluation of the Additional Standards:**

- The existing lighting has full-cutoff fixtures and new lighting will comply with the Code as well.
- The site is well lit. The Police Department reviewed the plans as regards crime prevention design elements.
- No change in lighting is proposed for the project. The trash dumpster will continue to be located within a totally enclosed structure on a landscaped island at the south end of the parking area. The applicant has been informed of the responsibility to inspect and remove litter within 100 feet of the site on a daily basis.
- There are no issues regarding blocking of significant views, casting of significant shadows, pedestrian-level winds, nor historic districts.

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

**ZONING CODE:**

**Hours of Operation:** Hours businesses can be open to the public in the OR2 District are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. through 11:00 p.m. Friday and Saturday.

The applicant will continue to conform to these hours.

**Dumpster screening:** Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses.

The trash dumpster will continue to be located within a totally enclosed structure on a landscaped island behind the building.

**Signage:** All new signage is required to meet the requirements of the Zoning Code and permits are required from the Zoning Office.

The applicant proposes to remove the existing 136 sq. ft. sign from the University side of the existing restaurant and remount it on the new University Ave. façade. The current sign is conforming.

**MINNEAPOLIS PLAN:**

Refer to the findings in section A.

**Department of Community Planning and Economic Development—Planning Division  
Rezoning Petition, Yard and Parking Variances, Site Plan Review  
BZZ-2290**

**Department of Community Planning and Economic Development—Planning Division**  
**Rezoning Petition, Yard and Parking Variances, Site Plan Review**  
**BZZ-2290**

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

Refer to the findings in section A.

**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.**

**Planning Division Analysis Regarding Alternative Compliance:**

The proposed side entrance is not in compliance with the Code. The applicant is unwilling to bring the building into compliance with this important requirement of the site plan review chapter of the Code. Although the current landscape plan is not in full compliance with the Code, the applicant is committed to improve it to be in compliance.

**Analysis of Compliance with Amended Site Plan Review Standards:**

The City Council adopted revisions to the site plan review chapter on April 29, 2005. The changes, if required for this project would significantly increase the number of trees and bushes required for the main parking lot and compliance would reduce the parking stalls available and thus increase the size of the parking variance.

**RECOMMENDATIONS**

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the Rezoning Petition:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the rezoning petition for the U Garden Restaurant expansion project at 2725 University Ave. SE.

**Department of Community Planning and Economic Development—Planning Division**  
**Rezoning Petition, Yard and Parking Variances, Site Plan Review**  
**BZZ-2290**

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the front yard variance application for the U Garden Restaurant expansion project at 2725 University Ave.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the side yard variance application for the U Garden Restaurant expansion project at 2725 University Ave.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the parking variance application for the U Garden Restaurant expansion project at 2725 University Ave. SE.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the site plan review application for the U Garden Restaurant expansion project at 2725 University Ave. SE.

**Attachments:**

1. Primary zoning districts
2. Zoning and lot lines in the area
3. Aerial photos
4. Project drawings
  - a. Natural features and topography
  - b. Site plan
  - c. Landscape plan
  - d. Floor plan
  - e. Elevations
  - f. Signs
5. Information from the applicant:
  - a. Statement of proposed use and descriptions
  - b. Most affected neighbor letter
  - c. Letters of support for the project
  - d. Letters of appreciation for the business and the business owners
6. Shared parking agreement

**Department of Community Planning and Economic Development—Planning Division**  
**Rezoning Petition, Yard and Parking Variances, Site Plan Review**  
**BZZ-2290**

7. Photos
8. Landscaping and screening requirements
9. Data sheet