

**LAND USE APPLICATION SUMMARY**

*Property Location:* 528 University Ave SE  
*Project Name:* Alma Building  
*Prepared By:* Janelle Widmeier, Senior City Planner, (612) 673-3156  
*Applicant:* Alexander Roberts  
*Project Contact:* Robert Hunter, James Dayton Design, Ltd.  
*Request:* To expand a restaurant and establish a 5-room hotel.  
*Required Applications:*

<b>Rezoning</b>	Petition to rezone the property from the R5 Multiple-family District to the CI Neighborhood Commercial District.
<b>Variance</b>	To reduce the minimum interior side yard requirement adjacent to the westerly lot line from 5 feet to 2 feet to allow a refuse storage area and enclosure.
<b>Variance</b>	To reduce the minimum rear yard requirement adjacent to the southerly lot line from 5 feet to 2 feet to allow a refuse storage area and enclosure has been <b>withdrawn</b> .
<b>Variance</b>	Of the development standards for a hotel requiring an office or lobby that is staffed 24 hours per day.

**SITE DATA**

<b>Existing Zoning</b>	R5 Multiple-family District MR Mississippi River Critical Area Overlay District UA University Area Overlay District
<b>Lot Area</b>	11,026 square feet / 0.25 acres
<b>Ward(s)</b>	3
<b>Neighborhood(s)</b>	Marcy-Holmes Neighborhood Association
<b>Designated Future Land Use</b>	Mixed Use
<b>Land Use Features</b>	Community Corridor (University Avenue) Commercial Node (University Avenue and 6 <sup>th</sup> Street)
<b>Small Area Plan(s)</b>	<u>Marcy-Holmes Neighborhood Master Plan (2014)</u>

<b>Date Application Deemed Complete</b>	October 16, 2015	<b>Date Extension Letter Sent</b>	November 2, 2015
<b>End of 60-Day Decision Period</b>	December 15, 2015	<b>End of 120-Day Decision Period</b>	February 13, 2016

## BACKGROUND

**SITE DESCRIPTION AND PRESENT USE.** A 2-story nonresidential building is located on the subject property. A 5-space parking lot is located behind the building. Restaurant Alma occupies one of the ground floor tenant spaces. The other ground floor tenant space was previously occupied by Dunn Bros Coffee. Office space is located on the second floor. The building is a contributing property in the Saint Anthony Falls Historic District.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** There is a mix of uses in the immediate area, including low to high density residential, commercial and industrial uses. A surface parking lot accessory to a multiple-family dwelling is adjacent to the westerly side of the subject property and a 5-story condominium building is adjacent to the southerly side of the subject property. University Avenue Southeast and 6<sup>th</sup> Avenue Southeast act as the northerly and easterly boundaries of the Saint Anthony Falls Historic District on the east side of the river.

**PROJECT DESCRIPTION.** The applicant is proposing to expand the restaurant into the adjacent ground floor tenant space and convert the offices to a 5-room hotel on the second level of the building. A restaurant and a hotel are not allowed uses in the R5 district. The applicant is proposing to rezone the property to C1 where both uses are permitted. Hotels are subject to development standards, including requiring an office or lobby that is staffed 24 hours per day. The applicant is requesting a variance of this standard to allow the hotel to be staffed 21 hours per day with a staff person on-call the remaining 3 hours. Some minor modifications to the exterior of the building are also proposed as part of the project. Behind the building, the applicant is proposing to relocate the refuse storage area to the opposite side of the site. It is currently adjacent to 6<sup>th</sup> Street. The proposed location would be 2 feet from the westerly lot line. A minimum 5 foot interior side yard is required along that lot line. The applicant is requesting a variance to reduce the minimum yard requirement.

### RELATED APPROVALS.

Planning Case #	Application	Description	Action
BZNC-1000003	Change of nonconforming use	To allow a 54-seat restaurant	Approved in 1999
BZV-1000057	Variance	To reduce the minimum parking requirement for the restaurant from 15 to 0 spaces	Approved in 1999

**PUBLIC COMMENTS.** Correspondence from the neighborhood group has been received. Any additional correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

## ANALYSIS

### REZONING

The Department of Community Planning and Economic Development has analyzed the application for a petition to rezone the property from the R5 Multiple-family District to the C1 Neighborhood Commercial District based on the following findings:

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

The proposed zoning would be consistent with the applicable policies of the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*. The future land use is designated as mixed use. The site is located in the University Avenue Southeast and 6<sup>th</sup> Street Southeast Neighborhood Commercial Node and is adjacent to the University Avenue Southeast Community Corridor. It also abuts the East Hennepin Activity Center.

The following principles and policies outlined in the plan apply to this proposal:

**Land Use Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.**

- 1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

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

- 1.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.
- 1.5.3 Promote the preservation of traditional commercial storefronts wherever feasible.

**Land Use Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.**

- 1.9.1 Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.
- 1.9.2 Support new small-scale retail sales and services, commercial services, and mixed uses where Community Corridors intersect with Neighborhood Commercial Nodes.

**Land Use Policy 1.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.**

- 1.11.2 Support the continued presence of small-scale, neighborhood-serving retail and commercial services in Neighborhood Commercial Nodes.

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

The site contains a building that was constructed and has been continuously used as a commercial storefront building. The existing zoning allows a variety of residential uses, but only a very limited number and types of nonresidential uses. The rezoning would result in allowing a range of available goods and services on a community corridor in a neighborhood commercial node as called for in adopted policies. The amendment is in the public interest and not solely in the interest of the property 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.*

Properties in the immediate area are zoned R5, C3A and I1. There is a mix of uses in the immediate area, including low to high density residential, commercial and industrial uses. Two multiple-family dwellings are directly adjacent to the subject property. The request would establish commercial

zoning at an intersection that was recently designated a neighborhood commercial node. The proposed zoning would be compatible with the surrounding uses and zoning classifications.

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.*

The R5 zoning district allows a variety of residential uses, but only a very limited number and types of nonresidential uses. The rezoning would result in allowing a range of available goods and services on a community corridor in a commercial node as called for in adopted policies. Allowing a wider range of available goods and services is more appropriate given the location.

5. *Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.*

The subject property has been zoned R5 since 1986. Along University Avenue, new development has primarily been higher density residential. Development closer to the river has been transitioning from industrial to mixed use. The site contains a building that was constructed and has been continuously used as a commercial storefront building. Properties adjacent to the University Avenue Southeast and 6<sup>th</sup> Street Southeast intersection were recently designated as a neighborhood commercial node.

## VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the minimum interior side yard requirement adjacent to the westerly lot line from 5 feet to 2 feet to allow a refuse storage area and enclosure based on the following findings:

1. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

Practical difficulties exist in complying with the ordinance because of circumstances unique to the property that have not been created by the applicant. The site is small with a substantial grade change. The existing building that is a contributing structure in the historic district occupies most of the site. The refuse storage area and enclosure would be located behind the building in the parking area. The grade changes 11 percent in the parking area. The storage area would be located at the top of the slope in an area where the grade is flattest and next to the existing building service entry.

2. *The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.*

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The refuse storage area and enclosure would be located on the westerly side of the parking area where the grade is flattest. All refuse storage containers are required to be screened from surrounding residential properties and streets. The enclosure would be a 6 foot tall cedar fence with a 9.5 feet deep by 27.5 feet wide footprint set back 2 feet from the interior side lot line. The refuse containers would be screened as required. An accessory surface parking lot serving a multiple family dwelling directly abuts the shared lot line. The proposed variance would have little, if any effect on the adjacent property. The request is reasonable and in keeping with the spirit and intent of the ordinance and the comprehensive plan.

3. *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.*

Granting the variance would not adversely alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The enclosure would be a 6 foot tall cedar fence with a 9.5 feet deep by 27.5 feet wide footprint set back 2 feet from the interior side lot line. The refuse containers would be screened as required. An accessory surface parking lot serving a multiple family dwelling directly abuts the shared lot line. The proposed variance would have little, if any effect on the adjacent property.

## VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance of the development standards for a hotel requiring an office or lobby that is staffed 24 hours per day based on the following findings:

1. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

The applicant is proposing to provide on-site staffing for 21 hours per day, instead of 24 hours per day. Practical difficulties exist in complying with the ordinance due to circumstances unique to the property that have not been created by the applicant. The proposed use would be located in an existing building with approximately 11,500 square feet of floor area. Because of the small size of the building, most of the ground floor space is devoted to restaurant functions and would not be able to accommodate a designated lobby or office for the second floor hotel.

2. *The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.*

Specific development standards are established to provide supplemental regulations to address the unique characteristics of certain land uses. The development standards specific to hotels are intended to ensure that they are run in a professional manner with basic services provided. The applicant is requesting a variance to permit an on-call, off-site hotel attendant between the hours of 2:00am and 5:00am. All guests would receive keys to access the secure after-hours hotel entrance and their room at any time. Between 5:00am to 2:00am, the building would be staffed with trained personnel. During the remaining three hours, the on-call staff member would be within five minutes of the property to provide immediate assistance should guests need assistance.

3. *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.*

Granting the variance would have little effect on surrounding properties. The applicant is requesting a variance to permit an on-call, off-site hotel attendant between the hours of 2:00am and 5:00am. All guests would receive keys to access the secure after-hours hotel entrance and their room at any time. Between 5:00am to 2:00am, the building would be staffed with trained personnel. During the remaining three hours, the on-call staff member would be within five minutes of the property to provide immediate assistance should guests need assistance. As proposed, the variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the

property or nearby properties provided the use also complies with the applicable licensing regulations.

## FOR REZONINGS ONLY

**ZONING PLATE NUMBER.** 15

**LEGAL DESCRIPTION.** Lot 1, Block 34, St. Anthony Falls, Hennepin County, Minnesota.

## RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the applications by Alexander Roberts for the property located at 528 University Ave SE:

**A. Rezoning.**

Recommended motion: **Approve** the petition to rezone the property located at 528 University Ave SE from the R5 Multiple-family District to the CI Neighborhood Commercial District.

**B. Variance of the interior side yard requirement.**

Recommended motion: **Approve** the application for a variance to reduce the minimum interior side yard requirement adjacent to the westerly lot line from 5 feet to 2 feet to allow a refuse storage area and enclosure.

**C. Variance of the rear yard requirement.**

Recommended motion: The application for a variance to reduce the minimum rear yard requirement adjacent to the southerly lot line from 5 feet to 2 feet to allow a refuse storage area and enclosure has been **withdrawn**.

**D. Variance of the development standard.**

Recommended motion: **Approve** the application for a variance of the development standards for a hotel requiring an office or lobby that is staffed 24 hours per day to allow on-call staff member between the hours of 2:00 am and 5:00 am.

## ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site survey
4. Site plan
5. Floor plans
6. Building elevations
7. Photos
8. Correspondence

## PROJECT DESCRIPTION AND OVERVIEW

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528-530 University Ave SE

### **Requested Approvals**

The project (528-530 University Ave SE) is currently located at the edge of an R5 district on a Community Corridor directly adjacent to a C3A Activity Center, and is a primary commercial property on a Neighborhood Commercial Node as designated in the 2014 Marcy Holmes Neighborhood Association Master Plan. This application is submitted for (1) a request to rezone the property from R5 to C1; (2) Variance request from the requirement to provide twenty-four hour hotel staffing; (3) Variance request to reduce side yard requirement from seven feet to two feet.

### **Project Description – General**

Restaurant Alma has operated with a conditional use permit with an R5 zoning classification at 528 University Ave SE in the Marcy Holmes neighborhood for nearly 16 years, and is owned and operated by neighborhood resident Alexander Roberts. Since buying the property located at 530 University Ave SE in 2013 (528 and 530 are connected), Alma has planned an expansion that will offer a more complete range of food and hospitality services to the immediate area. In addition to continuing to offer dinner service at the Restaurant, Alma will now feature a breakfast through late-night café, take-away coffee and pastries, a signature cocktail and beverage program, a private event space, and a small 5 room inn. It will create over 40 new jobs and add significant livability value to visitors and residents alike in this historic East Minneapolis district. To more fully represent its designation as a property in a Commercial Node and to accommodate full liquor and hotel uses, Alma is requesting to rezone the property to C1.

The project itself consists of interior and exterior improvements to the existing building and property located at 528-530 University Ave SE to include: interior renovation of the building to house a full service café, event space, production kitchen, and offices on the first floor, an inn on the second floor, and improved storage facilities in the basement; exterior improvements will include minor renovations to non-original windows and doors; renovations to the existing parking lot to accommodate improved access to rear exterior doors and a new trash enclosure; minor tuckpointing repair of existing exterior masonry walls. No new square footage will be added by this project to the existing building.

### **Project Intent**

The Owner purchased this property for the intended project to create a local landmark for food and hospitality. The project will expand Alma's mature hospitality atmosphere to provide a wider range of services that meet the everyday desires and needs of a rapidly growing community in this unique, historic section of Minneapolis. There is currently no other business within one mile that offers early morning through late evening food and beverage service targeting all sectors of resident, student, and visitor populations. C1 zoning will make it possible to fill this void by allowing for lodging and full liquor service, amenities that will contribute greatly to this mixed-use concept and, consequently, the cultural vibrancy of the Marcy Holmes neighborhood and East Minneapolis. The stated intent of the owner is to fully retain the historical character of the building while incorporating subtle contemporary interior design elements and strategically placed sustainable technologies.

## ZONING CODE ANALYSIS

528-530 University Ave SE

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### **Requested Approvals**

The project (528-530 University Ave SE) is currently located at the edge of an R5 district on a Community Corridor directly adjacent to a C3A Activity Center, and is a primary commercial property on a Neighborhood Commercial Node as designated in the 2014 Marcy Holmes Neighborhood Association Master Plan. This application is submitted for (1) a request to rezone the property from R5 to C1; (2) Variance request from the requirement to provide twenty-four hour hotel staffing; (3) Variance request to reduce side yard requirement from seven feet to two feet. Analysis below is for C1 Commercial Districts.

### **Historic Designation**

The building, constructed in 1906, is located in the Saint Anthony Falls Historic District, and is designated by the Minneapolis Heritage Preservation Commission (HPC) as contributing feature to that District. No changes are proposed by this project to any original exterior building facades, features, historic circulation patterns, or other contributing features. The project has applied for a Certificate of No Change concurrent with this Application.

### **Table 548-1 Principal Uses in the Commercial Districts**

Table 548-1 permits the uses proposed by this application, including:

- Restaurant, sit down, including the serving of alcoholic beverages, with limited entertainment
- Coffee shop, with limited entertainment
- Hotel, 5-20 rooms

### **548.240 – General District Regulations for C1 District**

- 1) Property Characteristics: The building is two stories (not including basement) and there is no parking between the principal structure and the street.
- 2) Maximum Floor Area: Per Item (1), c., the maximum area of a commercial use shall be 8,000 square feet.
  - Ground floor restaurant and café combined gross floor area (including all support spaces, hallways, stairs, restrooms) = 7,587 GSF
  - Second floor hotel gross floor area (including all support spaces, stairs, hallways) = 2,670 GSF

### **Table 541-1 Specific Off-Street Parking Requirements**

The following are requirements of Table 541-1 for the proposed uses:

- 1) Existing Restaurant Alma (Restaurant, sit down):  
1 space per 500sf of GFA up to 2,000 sf + 1 space per 300 sf of GFA in excess of 2,000 sf.
  - GFA of Restaurant = 3,750
  - $2,000/500 = 4$  spaces
  - $1,750/300 = 6$  spaces
  - Tabular Required Spaces = 10
- 2) New Café Alma (Restaurant, sit down): 1 space per 500sf of GFA up to 2,000 sf + 1 space per 300 sf of GFA in excess of 2,000 sf.
  - GFA of Cafe = 1,900 GFA
  - $2,000/500 = 4$  spaces
  - Tabular Required Spaces = 4

- 3) New Hotel: 1 space per 3 guest rooms + parking equal to 10% of capacity of persons for affiliated uses such as dining or meeting rooms
  - Number of guest rooms = 6
  - $6/3 = 2$  spaces
  - Restaurant and café requirements addressed above
  - Tabular Required Spaces = 2*

**541.210 – Valet Parking**

- 1) Restaurant Alma offers valet parking service 7 days a week during hours of operation hours (5pm-12am). Per this section, off-street parking requirements for Restaurant Alma are satisfied by the valet service.

**541.220 – Bicycle Incentive**

- 1) The property currently provides bike racks accommodating parking for 10 bikes. Per this section, overall number of required spaces may be reduced by one.

REQUIRED PARKING:	
Total of table 541-1 requirements	= 16
Less Restaurant Alma Valet	= -10
Less Bicycle Incentive	= -1
<b>Total Required Parking</b>	<b>= 5 spaces</b>

**Chapter 543 – On-Premise Signs**

There is one proposed sign for the property on the University Ave. façade (see rendering and building elevations).

The proposed sign meets the requirements of Table 543-3 for the C1 District:

- 1.) The proposed sign is 33.75 square feet – less than the 45sf maximum permitted by table
- 2.) The sign is less than the maximum permissible signage amount for this façade: building wall length is 66 linear feet x 1.5 = 99sf allowed.
- 3.) The top of the sign is 14’ above grade, within maximum permissible height.
- 4.) The sign is attached to the building as a wall sign, permissible by table.
- 5.) The sign is lit externally with no backlighting. External lighting is permissible.

## FINDINGS FOR A PROPOSED REZONING OF PROPERTY

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528-530 University Ave SE

### **Requested Approvals**

The project (528-530 University Ave SE) is currently located at the edge of an R5 district on a Community Corridor directly adjacent to a C3A Activity Center, and is a primary commercial property on a Neighborhood Commercial Node as designated in the 2014 Marcy Holmes Neighborhood Association Master Plan. The current application is for a request to rezone the property from R5 to C1.

### **Findings Supporting a Re-Zoning of the Property from R5 to C1**

- 1) Rezoning 528-530 University Ave SE to C1 is consistent with the applicable policies of the comprehensive plan for the City of Minneapolis. As noted on future land use maps and in the Marcy Holmes 2014 Master Plan, the property is in a designated Commercial Node on a community corridor. As such, it is one of a limited number of businesses that is serving a large surrounding area and provides a transition between medium and high-density areas. C1 provides for a “convenient shopping environment of small scale retail sales and commercial services that are compatible with adjacent residential uses.” The project is consistent with this, as well as the City’s plans for Neighborhood Commercial Nodes. Additionally, the project is directly oriented to pedestrian traffic, located as it is on the 6<sup>th</sup> Ave SE bike route, a major bus transit route, and within walking distance of Father Hennepin Park and the Stone Arch Bridge.
- 2) Rezoning the property to C1 is in the public interest. Currently, what the Marcy Holmes 2014 Master Plan has designated as a Commercial Node consists of four R5 properties, two of which operate as commercial service businesses under conditional use permits. The Node is surrounded by high and medium density housing, with more high-density housing developed each year. C1 zoning will allow expanded services for this population on an otherwise commercially barren stretch of University Ave SE, bringing a mix of uses and functions to serve the needs of current and future users without requiring conditional use permits. The Marcy Holmes Neighborhood Association has publicly supported rezoning this property to C1.
- 3) The existing uses of property in the general area surrounding 528-530 University Ave SE are compatible with the proposed C1 zoning for this property. C1 provides for small scale commercial services that are compatible with adjacent residential uses. Immediately adjacent to the property are four medium and high density residential properties, with more being constructed in the surrounding area. C1 zoning would allow the property to provide the level of services appropriate for residential density of this kind, and is compatible with its designation as operating within a Commercial Node. Further, it provides an appropriate transition between the C3A Activity center directly to the south and the light-density residential area two blocks north.
- 4) For the past 16 years Restaurant Alma has operated with a conditional use permit under the existing R5 zoning. This is no longer a reasonable zoning designation for this property as it seeks to expand its services. Neither full liquor nor a hotel are permitted under R5 zoning, and it would be unreasonable for conditional use permits to be required at a property already designated by the neighborhood association as a primary commercial services provider for the immediate surrounding area.
- 5) The Marcy Holmes neighborhood, particularly the area immediately adjacent to 528-530 University Ave SE, has seen enormous change in the past 3 years; several new medium and heavy density condominium and apartment complexes have been constructed within a three block radius of the property, with more being currently developed along 2<sup>nd</sup> St SE and Main Street. Industrial zoning designations are slowly being converted to C3A to accommodate these uses. C1 zoning would bring this property into an appropriate classification for its role as a provider of commercial services for this rapidly expanding district, as well as provide a transition into the adjacent R5 district.

**REQUESTED VARIANCE FROM THE REQUIREMENT TO PROVIDE A 24-HOUR STAFFED HOTEL LOBBY/OFFICE**

528-530 University Ave SE

**Summary of Variance Request:**

The project (528-530 University Ave SE) requests approval of the following variance:

Hotel Lobby and Staffing: In Section 520.20, development standards require that any hotel “shall include an office and/or lobby that is staffed twenty-four (24) hours per day.” Due to difficulties inherent in the property that do not allow for a 24-hour access lobby, the project requests a variance to permit an on-call, off-site hotel attendant between the hours of 2:00am and 5:00am.

All guests will receive keys to access the secure after-hours hotel entrance and their room at any time. Between 5:00am to 2:00am the building will be staffed with trained personnel. During the three hours between 2:00am and 5:00am should guests need assistance, the on-call staff member is within five minutes of the property to provide immediate assistance.

**Findings:**

- 1) *Practical Difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having and interest in the property and are not based on economic considerations alone:*

The proposed variance is due to unique circumstances presented by the property. The practical difficulties inherent in the redevelopment of this modest sized building into any viable business demands optimization of all spaces within the building. The small size of the existing building does not afford adequate space for a dedicated 24-hour staffed access lobby/office in addition to the other service areas necessary for its operations. Additionally, the location of building entries are required to be maintained to preserve historic circulation patterns around the building. These entries are located such that they further the practical difficulties of having a dedicated 24-hour hotel office/lobby.

- 2) *The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan:*

The spirit and intent of the ordinance is to ensure that guests at a hotel have access to a staff member at all times during their stay. An on-call attendant that can respond very quickly to any situation between 2:00am and 5:00am will be a suitable alternative that will provide the service that guests require. Outside of these times, on-site staff will be trained to assist guests in any manner necessary.

- 3) *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public of those utilizing the property or nearby properties:*

The proposed variance will in no way alter the character of the locality and will not be detrimental to the health, safety, or welfare of the general public. Each room will include a house phone that has a pre-programmed staff access line. Should any issue or request arise between 2:00am and 5:00am it can be addressed using this phone line. The on-call staff member will be within five minutes driving distance of the property and therefore able to quickly respond to any situation.

## **REQUESTED VARIANCE TO PERMIT A TWO FOOT SIDE YARD**

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528-530 University Ave SE

### **Summary of Variance Request:**

The project (528-530 University Ave SE) requests approval of the following variance:

548.140 – Yard Requirements, Section (b), part (2) – *Side Yard Requirements*: “Where a side lot line abuts a side or rear lot line of a structure used for permitted or conditional residential purposes, a yard of not less than five (5) plus two (2) feet for every story above the first floor shall be provided along such side lot line.”

The Project property is one story above the first floor, and as such requires a seven (7) foot side yard. Due to difficulties inherent in the property, the project requests a variance to permit a side yard of two (2) feet near the rear of the property to permit a new, screened refuse enclosure.

### **Findings:**

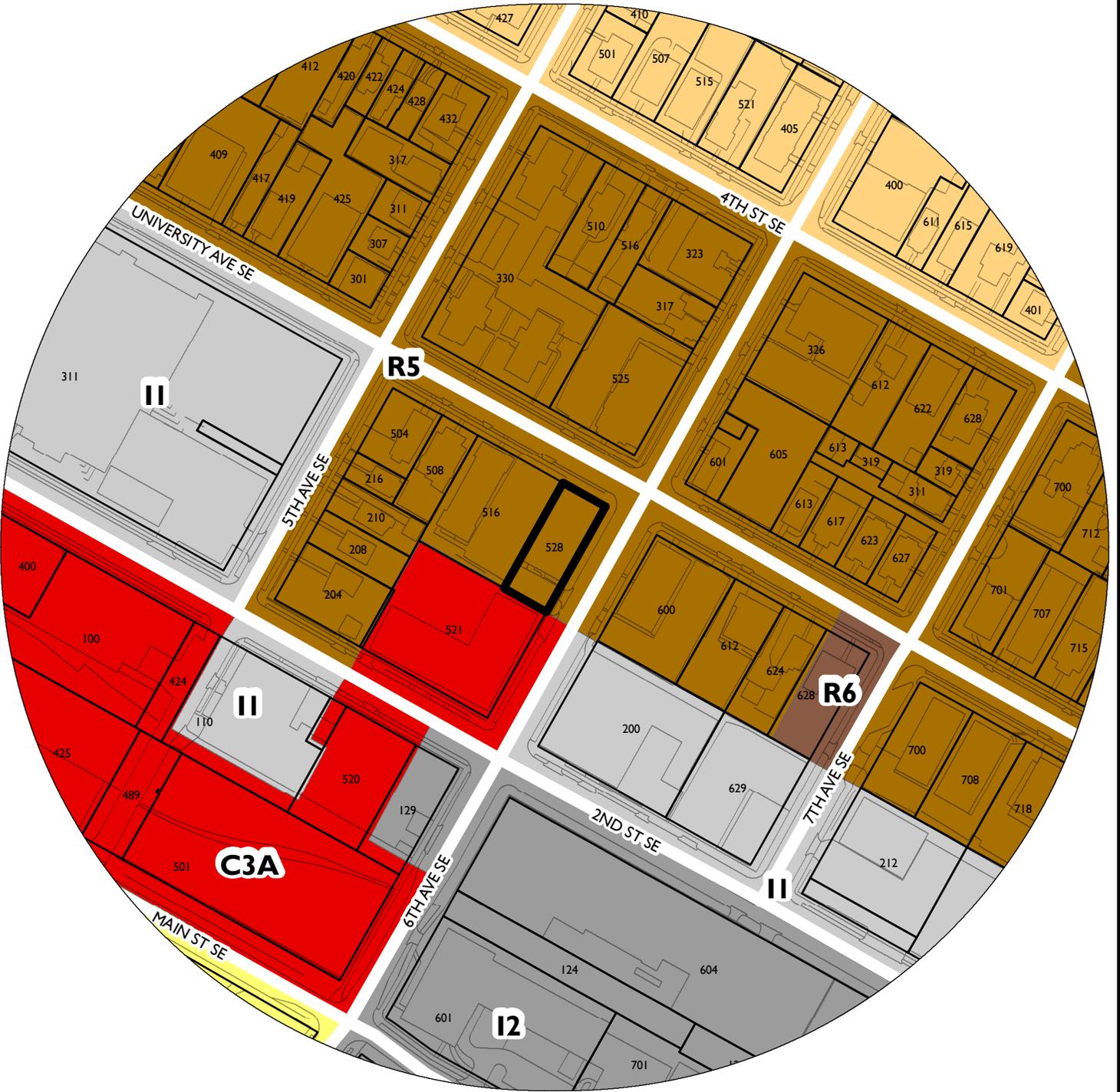
- 1) *Practical Difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone:*  
The proposed variance is due to unique circumstances presented by the property. The rear portion of the property is an existing parking lot with a steep slope of 11% from the entry off of 6<sup>th</sup> Ave to the side yard at the opposite end of the lot near the side yard in question. A new, screened refuse enclosure is proposed adjacent to the side yard location at the top of the slope where the site is most level and adjacent to the existing building service entry. This screened enclosure is necessary for proper operation of the property and to meet zoning code requirements. The location adjacent to the side yard is the only location on the property which provides functional and safe access from the building, allows for the required minimum number of parking stalls on the property, affords the necessary maneuverability for refuse removal, and minimizes visibility and other impacts to surrounding properties and the public way.
- 2) *The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan:*  
The spirit and intent of the ordinance is to provide necessary refuse storage in a safe manner which does not adversely impact the integrity of the property, surrounding properties, District, or public way. The proposed location of the fully screened trash enclosure represents the safest, most practically functional solution having the least impact on the District, public way, or surrounding properties.
- 3) *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public of those utilizing the property or nearby properties:*  
The proposed variance permits the trash enclosure to be in the most practical, safest, and least visually impactful location afforded by the existing site conditions. The enclosure will be fully screened, as distant as possible from the public way, with refuse removal performed fully on-site. The screened enclosure and associated reduction in the side yard will not materially impact or impair the adjacent property.

**Alexander Roberts**

**3rd**

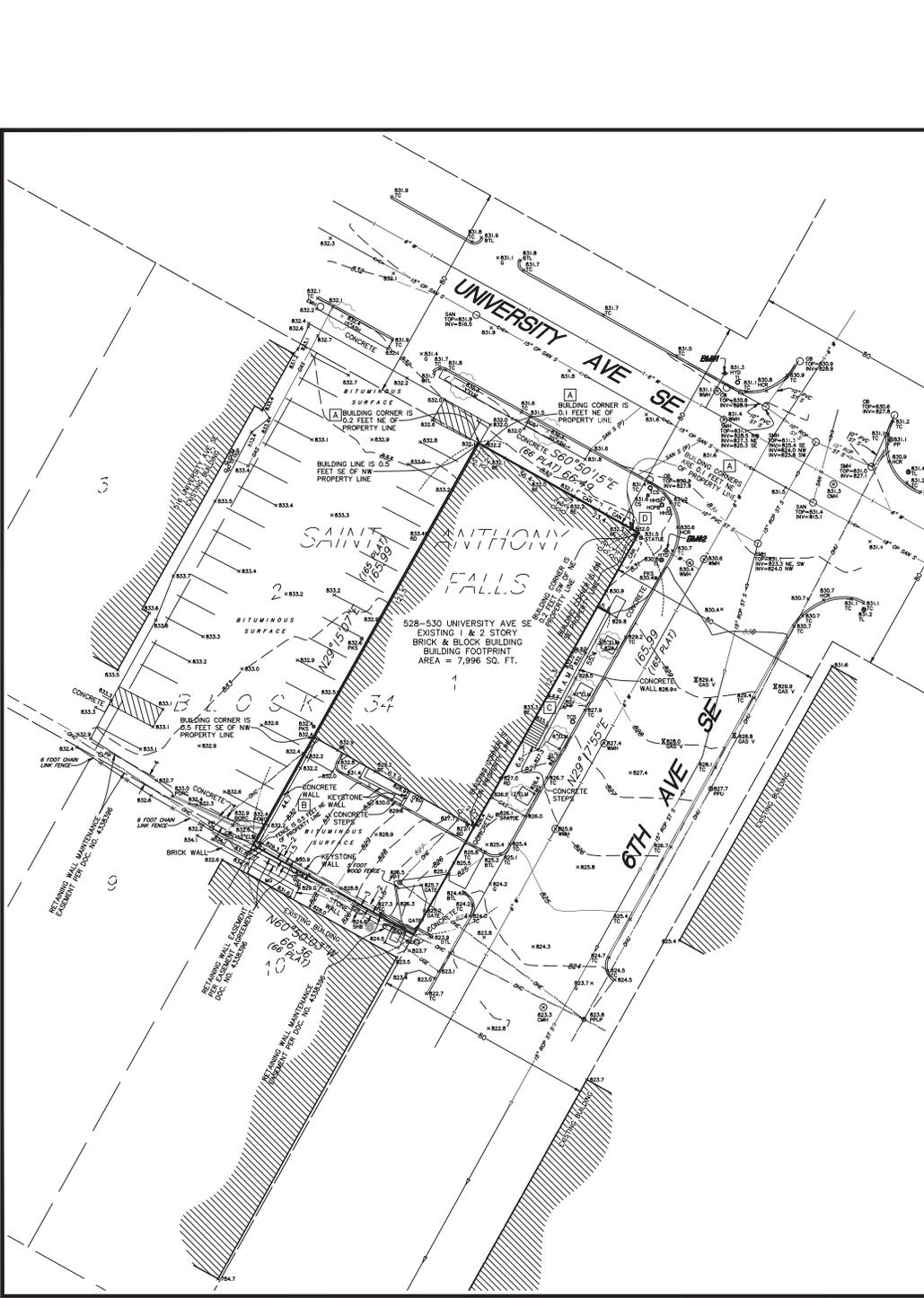
NAME OF APPLICANT

WARD



PROPERTY ADDRESS  
**528 University Ave SE**

FILE NUMBER  
**BZZ-7292**



**DESCRIPTION OF PROPERTY SURVEYED**  
 (Per Certificate of Possessory Title Certificate Number 865165)  
 Lot 1, Block 34, St. Anthony Falls, Hennepin County, Minnesota.

**GENERAL NOTES**

- 1.) This survey was prepared without the benefit of current title work. Easements, appurtenances, and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a current title insurance commitment or attorney's title opinion.
- 2.) Survey bearing and coordinate basis: Hennepin County coordinate system

**AREA**

Area = 11,026 sq. ft. or 0.253 acres

**UTILITY NOTES**

- 1.) Utility information from plans and markings was combined with observed evidence of utilities to develop a view of the underground utilities shown hereon. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, excavation may be necessary.
- 2.) Other underground utilities of which we are unaware may exist. Verify all utilities critical to construction or design.
- 3.) Some underground utility locations are shown as marked onsite by those utility companies whose locators responded to our Gopher State One Call, ticket number 142301386.
- 4.) Contact GOPHER STATE ONE CALL at 651-454-0002 (800-252-1166) for precise onsite location of utilities prior to any excavation.

**LIST OF POSSIBLE ENCROACHMENTS**

The following list of possible encroachments is only the opinion of this surveyor; should not be interpreted as a legal opinion and should not be interpreted as a complete listing.

- A) Possible encroachments are indicated on survey with boxed letters as listed below.
- A.) Building corners along northeast property line
  - B.) Fence along southwest property line
  - C.) Ramp, steps and concrete retaining wall along southeast side of building
  - D.) Canopies extend 2.7 feet over the northeast property line and over the southeast property line (typical) along northeast and southeast side of building.

**BENCH MARKS (BM)**  
(NGVD 1929)

- 1.) Top of top nut of fire hydrant at the northwest quadrant of University Ave SE and 6th Ave SE  
Elevation = 834.75 feet
- 2.) Top of top nut of fire hydrant at the southwest quadrant of University Ave SE and 6th Ave SE  
Elevation = 834.58 feet

I hereby certify that this sketch, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 29th day of August, 2014  
 SUNDE LAND SURVEYING, LLC  
 By: *Leonard F. Carlson*  
 Leonard F. Carlson, P.L.S. Minn. Lic. No. 44890



Revision	By	Date
	N.A.	

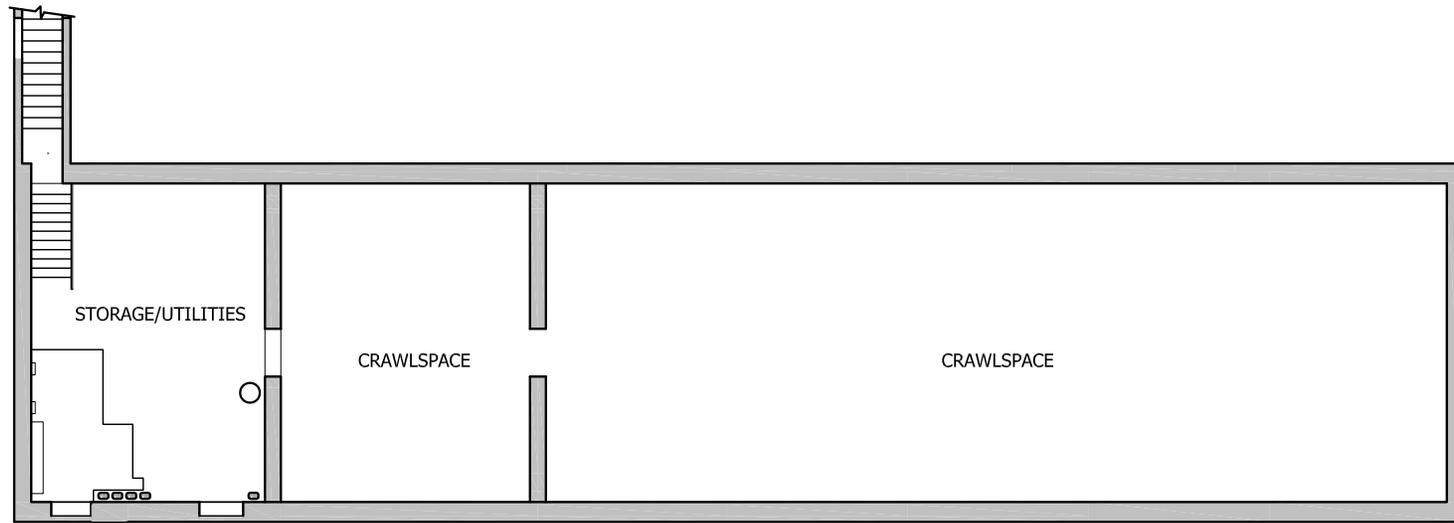
Drawing Title:  
**BOUNDARY, LOCATION, TOPOGRAPHIC  
 and UTILITY SURVEY FOR:  
 JAMES DAYTON DESIGN, LTD  
 528-530 UNIVERSITY AVE SE**

**SUNDE**  
 LAND SURVEYING  
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 West Office:  
 Mandan, North Dakota 701-663-2562

Project: 2014-135      Bl./Pg: 835/73      Date: 08/29/2014  
 Township: 23      Range: 24      Section: 23  
 File: 2014135001.DWG      Sheet: 1 of 1





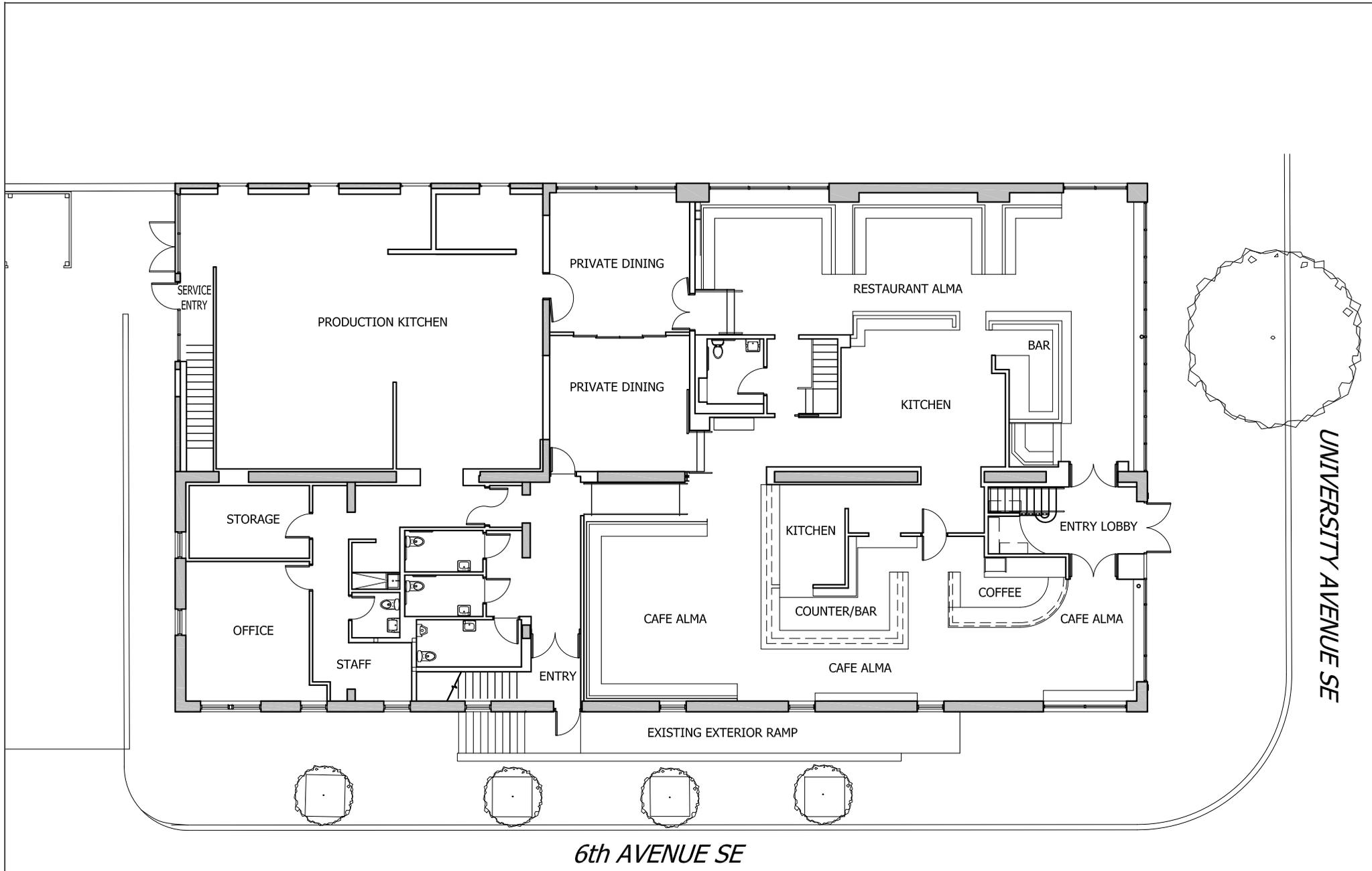
TRUE NORTH



PROJECT NORTH

# 528-530 UNIVERSITY AVE SE - BASEMENT FLOOR PLAN

scale:  $\frac{1}{16}$ " = 1'-0"



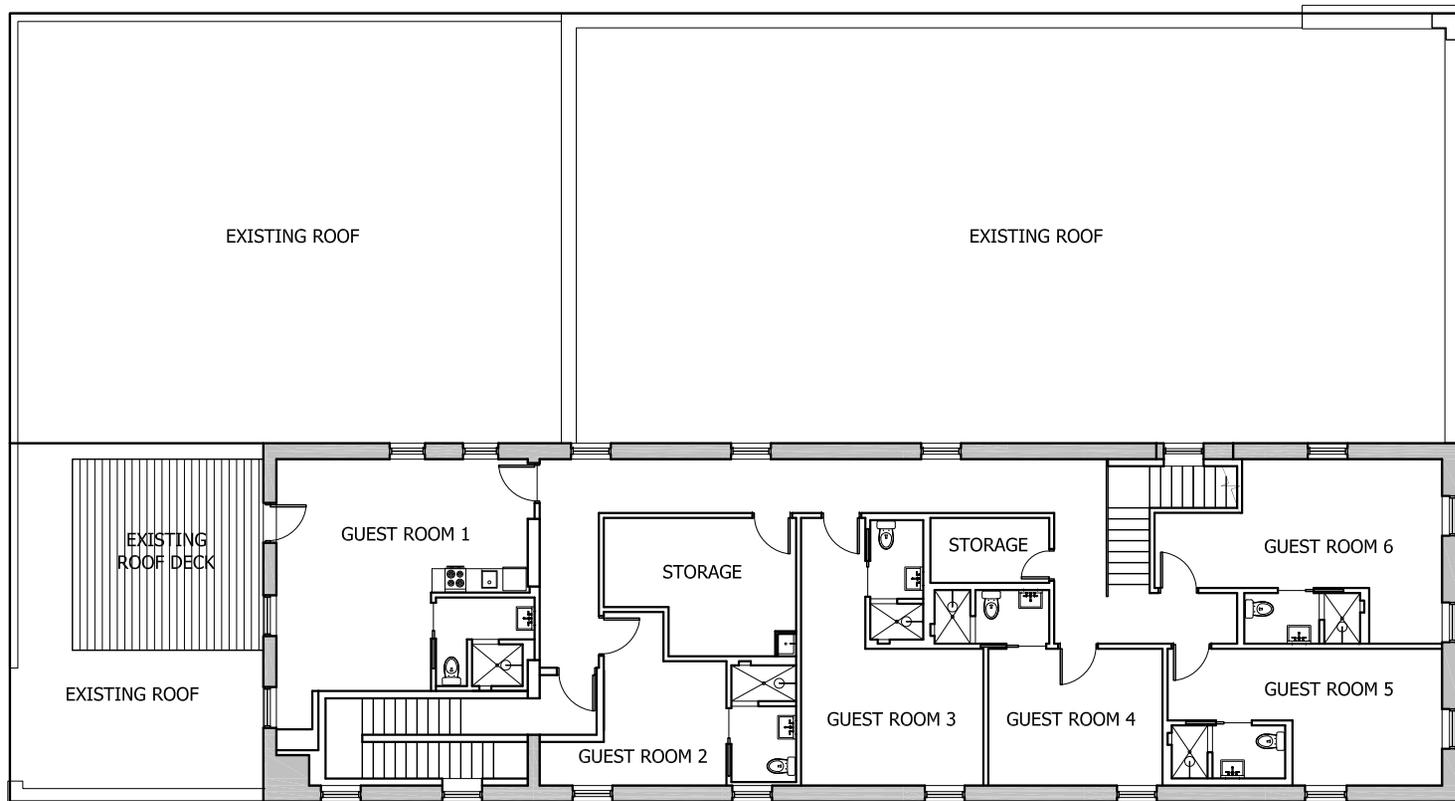
TRUE NORTH



PROJECT NORTH

**528-530 UNIVERSITY AVE SE - FIRST FLOOR PLAN**

scale: 1/16" = 1'-0"



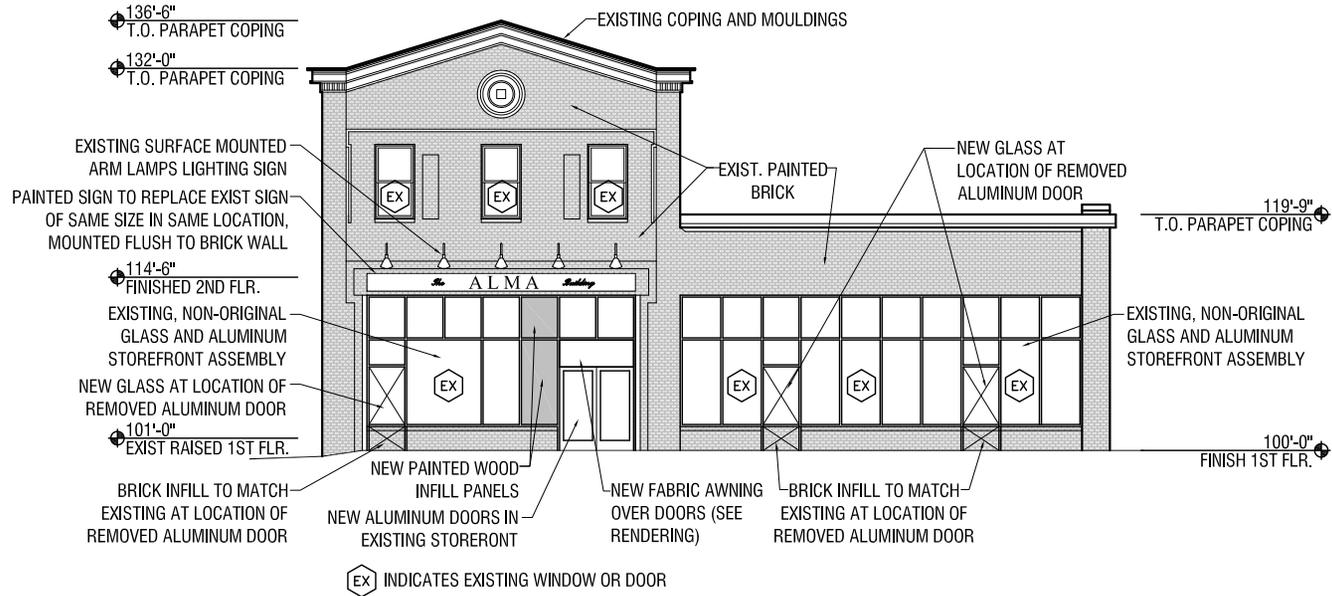
TRUE NORTH



PROJECT NORTH

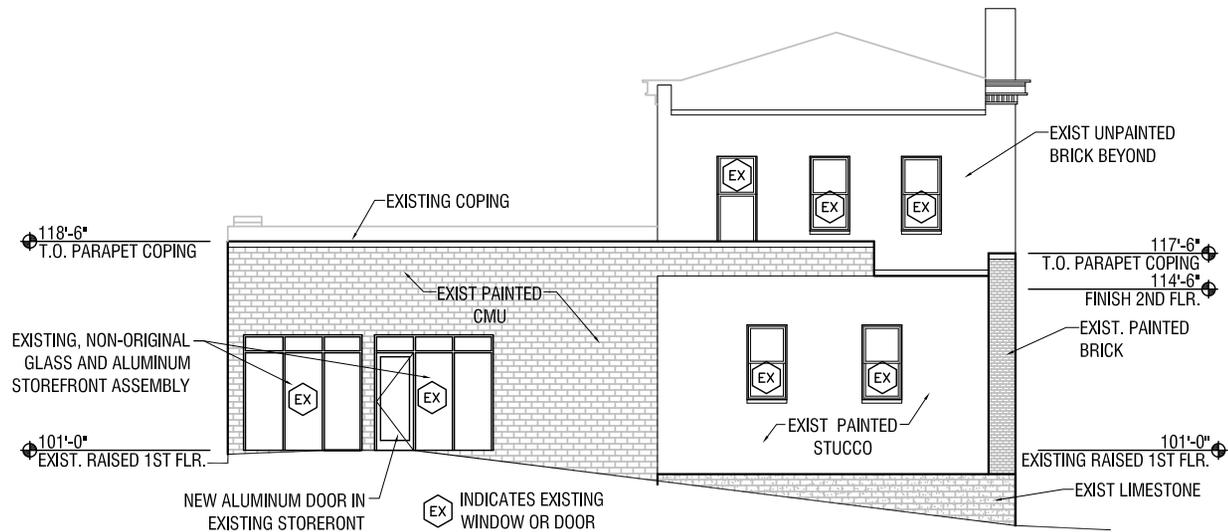
# 528-530 UNIVERSITY AVE SE - SECOND FLOOR PLAN

scale:  $\frac{1}{16}'' = 1'-0''$



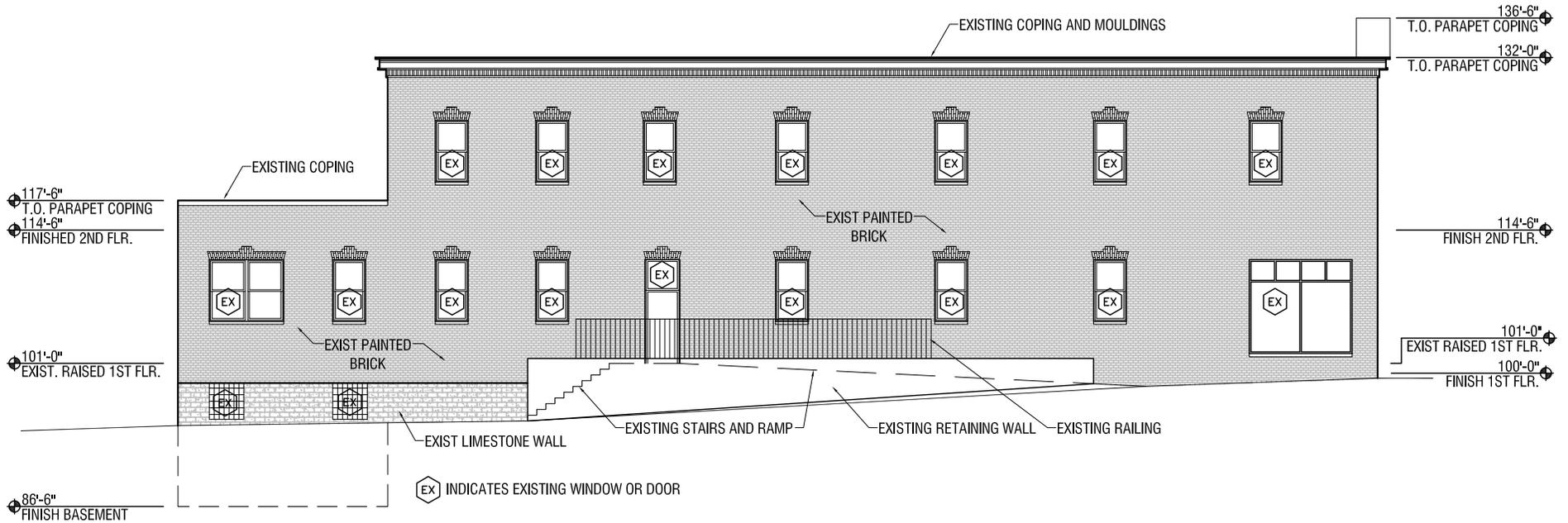
## EAST ELEVATION (University Ave. Facade)

scale: 1/16" = 1'-0"



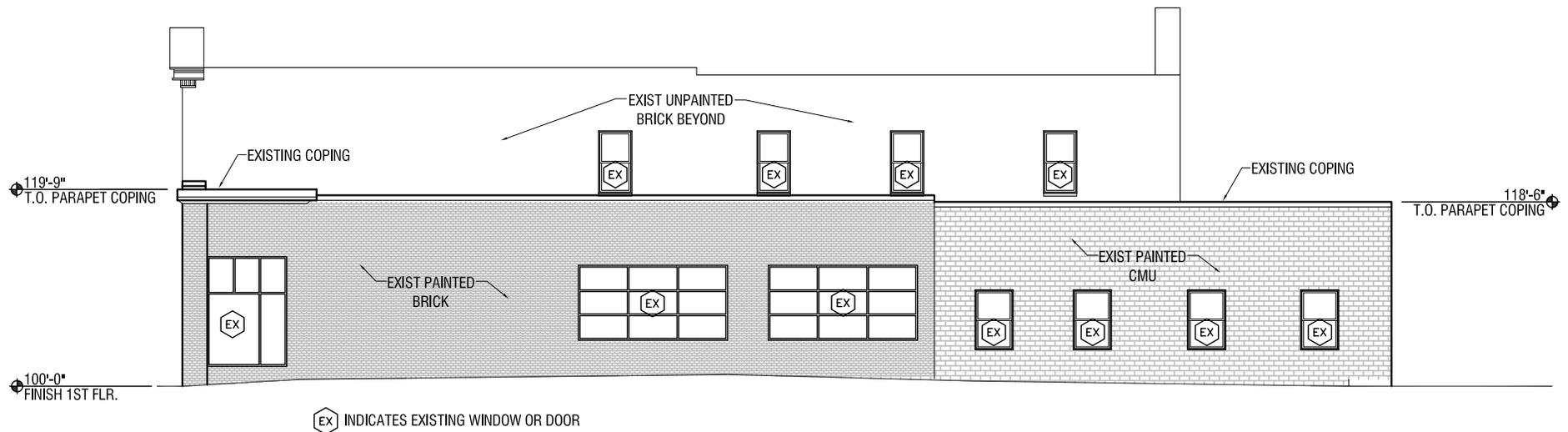
## WEST ELEVATION

scale: 1/16" = 1'-0"



## SOUTH ELEVATION (6th Ave. Facade)

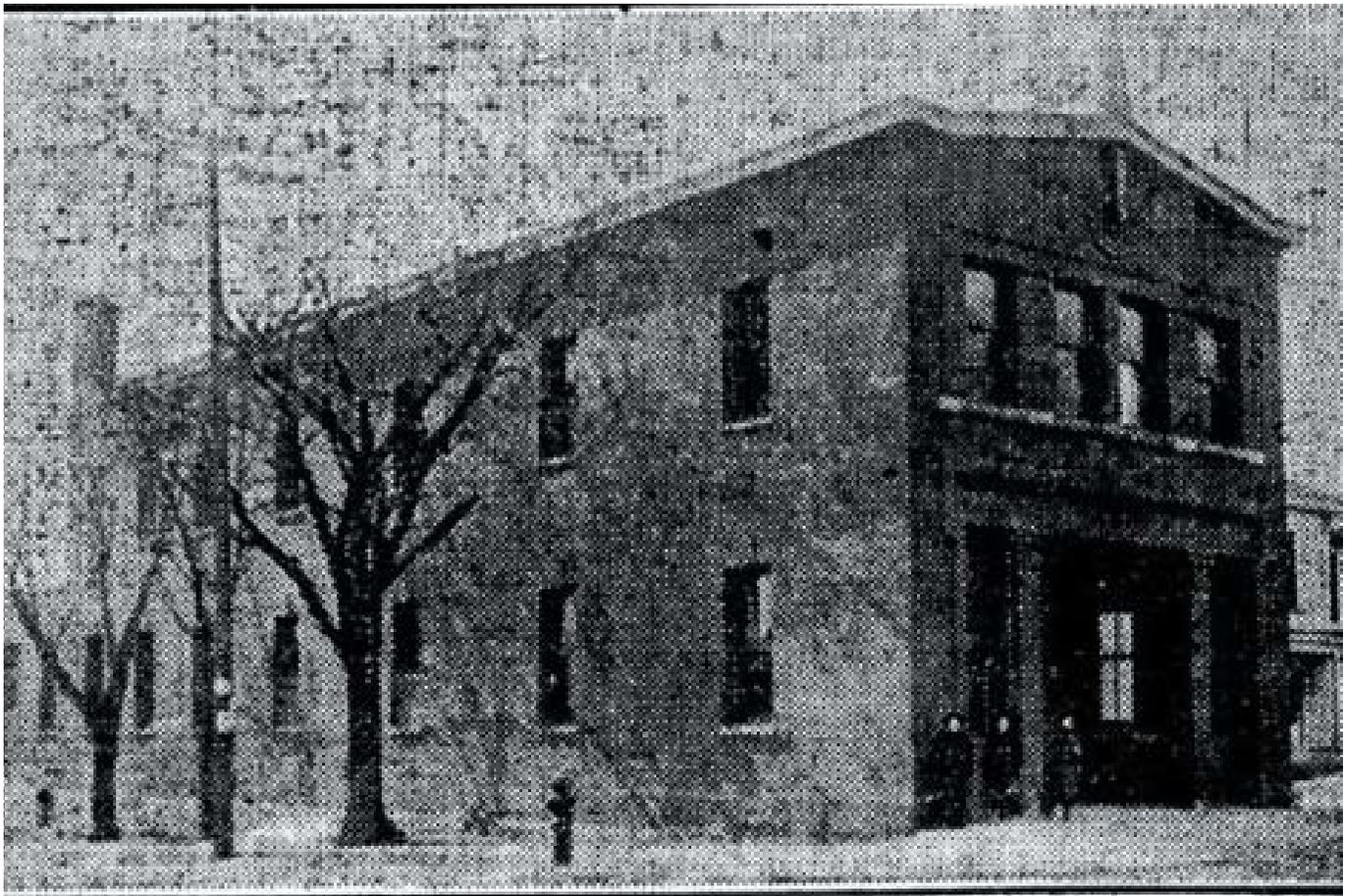
scale: 1/16" = 1'-0"



## NORTH ELEVATION

scale: 1/16" = 1'-0"

# 528-530 UNIVERSITY AVE SE - BUILDING ELEVATIONS



**528-530 UNIVERSITY AVE. SE, circa 1906**

*Building was originally constructed as Fire Insurance Patrol and Salvage Corp. No. 2*



**528-530 UNIVERSITY AVE. SE, circa 1936**

*Building was home to Gar Wood Industries for several decades*



**528-530 UNIVERSITY AVE. SE, View from University and 6th Ave SE**

*The portion of the building at left which previously housed Dunn Bros. will become Cafe Alma with Inn at Alma above*



**528-530 UNIVERSITY AVE. SE, University Ave. Facade**

*Existing Restaurant Alma is at right*



**528-530 UNIVERSITY AVE. SE, View from University Ave.**  
*Parking lot at right is adjacent private property and is not parking for the project building*

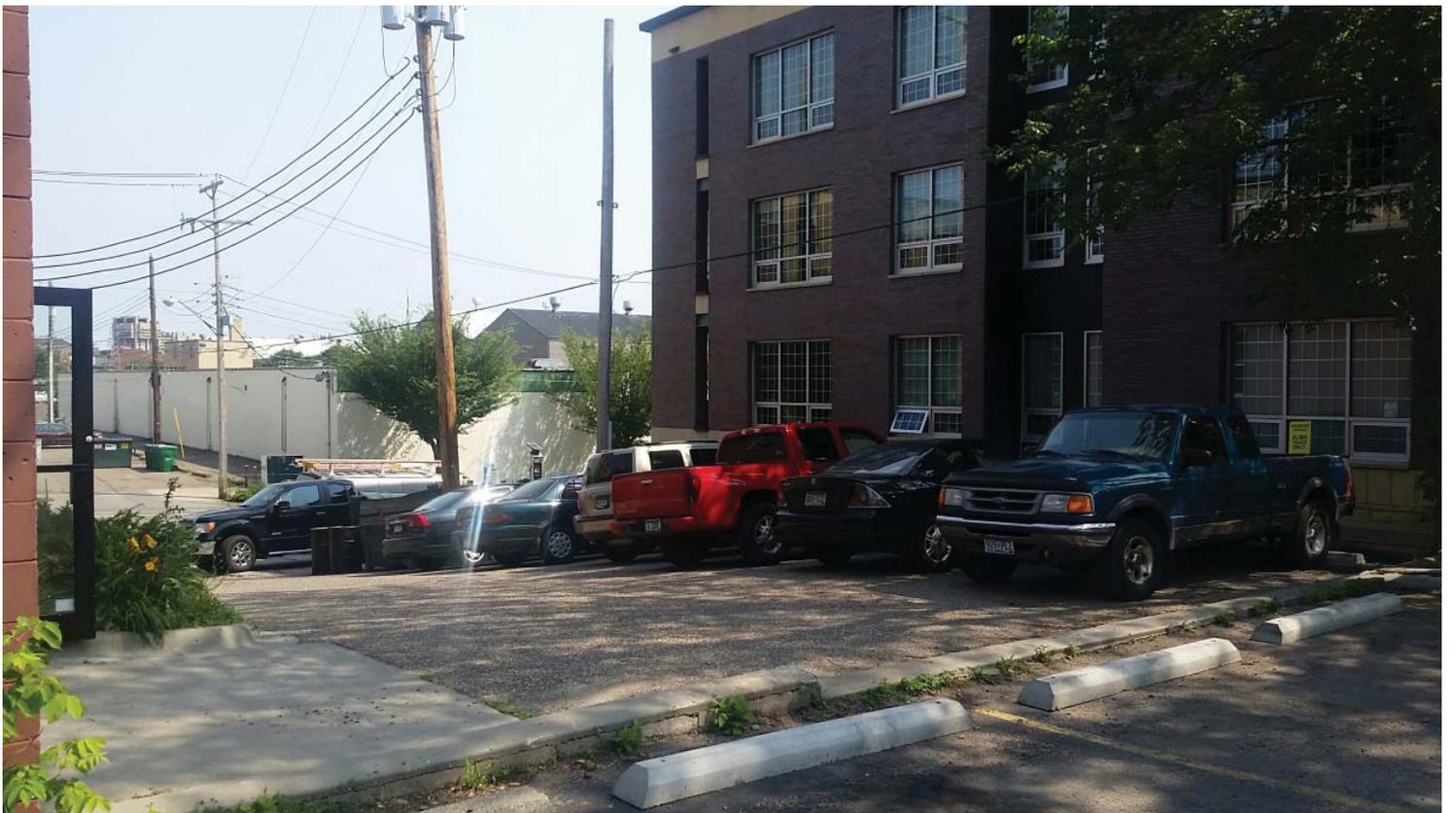


**NORTH ELEVATION OF 528-530 UNIVERSITY AVE. SE,**  
*View from adjacent private parking lot. This lot is NOT parking for the project building*



**REAR FACADE OF 528-530 UNIVERSITY AVE. SE**

*Parking lot for the property is at right*



**PARKING LOT FOR 528-530 UNIVERSITY AVE. SE**

*View from parking lot of adjacent property*



**PARKING LOT FOR 528-530 UNIVERSITY AVE. SE**, *View from 6th Ave S*  
*Existing trash enclosure is at left. Note existing utility pole in parking area.*



**REAR AND SOUTH SIDE OF 528-530 UNIVERSITY AVE. SE**, *View from 6th Ave SE*  
*Parking lot for the property is at left*



MARCY  
HOLMES

HISTORIC NEIGHBORHOOD

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December 30, 2014

**Council Member Jacob Frey**  
Minneapolis City Hall  
350 South 5th Street | Room 307  
Minneapolis, MN 55415-1383

**Re: Restaurant Alma Expansion**

Dear Jacob:

At our December 2nd MHNA Land Use Committee meeting Alex Roberts updated us on his plan to expand Restaurant Alma, create a bakery/coffee shop and establish a small boutique Inn. Alex informed us that a C3A zoning designation is the only zoning designation which permits a "Hotel" and he asked us for our support. All committee members present were positive and very enthusiastic about Alex's concept for this property, including the Inn, but were not supportive of a zoning change to C3A.

Alex's corner, as well as the other corners at 6th Ave SE and University Ave. SE, are defined in our recently adopted master plan as a "Neighborhood Commercial Node", an intersection where higher density and mixed use development makes sense. Surrounding this intersection are lower density residential properties. We feel that the C1 designation provides an appropriate density for this Node, whereas a C3A designation is better left for higher density areas like Activity Centers. Also a change to C3A opens the possibility for future uses that were deemed undesirable by this committee. A motion of non-support for the zoning change was heard, seconded and unanimously approved. This motion also asked that the City investigate creative ways to make this unique and desirable Inn concept a permitted or conditional use in the C1 designation. A one-size-fits-all Hotel definition is just doesn't make sense and is not in our best interests.

We urge you to work with us to make this happen because we feel that this is a concept in sync with our current urban culture. A concept that is neighborhood sized, locally created and operated, and that would transfer well into other neighborhood nodes. After all didn't we create the Zoning Code? We should, by rights, be able to change it.

We look forward to working with you on this,

Janet Morse  
MHNA President

cc: Alex Roberts  
Steve Poor, Zoning Administration & Enforcement Manager, Community Planning & Economic Development, City of Minneapolis