

Minneapolis City Planning Department Report

Rezoning, Variance, and Site Plan Review Applications (BZZ-885)

Date: November 4, 2002

Applicant: Goff Holdings, LLC

Address Of Property: 3601 Nicollet Avenue South

Date Application Deemed Complete: September 30, 2002

End of 60 Day Decision Period: November 29, 2002

Contact Person and Phone: Mitch Booth – C.M. Architecture 612-547-1312

Planning Staff and Phone: Jim Voll 612-673-3887

Ward: 8 **Neighborhood Organization:** King Field Neighborhood Association

Existing Zoning: C1 Neighborhood Commercial District

Proposed Zoning: C2 Neighborhood Corridor Commercial District

Zoning Plate Number: Zoning Plate Number 25

Legal Description: Lots 43-46, Block 2, Dunsmoors Rearrangement of 2nd Nicollet Avenue Addition

Proposed Use: Mixed-use retail and residential building.

Proposed Variance: Variance from the required 24 parking spaces down to 12 spaces.

Appropriate Section(s) of the Zoning Code: Chapter 525, Article VI, Zoning Amendments; Chapter 525, Article IX, Variances, specifically Section 525.520(7); and Chapter 530 Site Plan Review.

Background: Goff Holdings, LLC is proposing a three-story mixed use building at the southeast corner of East 36th Street and Nicollet Avenue South. Currently the site is vacant. The building will have two commercial uses on the first floor, three apartments on the second floor, and one apartment on the fourth floor. The proposed commercial uses will be a sub sandwich shop and a coffee shop. Both require site plan review and approval. Coffee shops and sit-down restaurants are permitted uses in the C1 and C2 districts. Fast food restaurants require a conditional use permit and are required to be located in a storefront building existing on the effective date of the zoning code (1999) in the C1 and C2 Districts.

Minneapolis City Planning Department Report
BZZ-885

Drive-through facilities are not allowed in the C1 District, but are allowed in the C2 District. The applicant is requesting a rezoning to the C2 District to allow a drive-through for the coffee shop. The proposed uses require 24 parking spaces. Four are required for the apartments and 20 are required for the two commercial uses. The King Field neighborhood group has not yet provided its recommendation to staff. It will be provided at the Planning Commission meeting, if available.

REZONING

Findings As Required By The Minneapolis Zoning Code:

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

The Minneapolis Plan designates this portion of Nicollet Avenue South as a Community Corridor. The plan states the following about Community Corridors: “Community Corridors are locations that support new residential development at medium density and increased housing diversity in our neighborhoods. They support limited commercial uses, which are measured against their impacts on residential character, such as the production of fumes or noise or negative aesthetics. Design and development along these streets is oriented towards the pedestrian experience. The streets, which form the spine of the community corridors, carry fairly high volumes of traffic, but must balance vehicular travel against residential quality of life. These streets are also important identifiers and travel routes for neighborhood residents and pass-through traffic.” It has the following implementation steps for Community Corridors:

Implementation Steps

Strengthen the residential character of Community Corridors by developing appropriate housing types that represent variety and a range of affordability levels.

Promote more intensive residential development along these corridors where appropriate.

Require that street design for these corridors preserves and enhances the strong residential character and pedestrian orientation of these streets while maintaining the street’s capacity to carry current volumes of traffic.

Discourage the conversion of existing residential uses to commercial uses, but encourage the development of mixed use residential dwelling units in commercial buildings where appropriate.

Support the continued presence of small scale retail sales and commercial services along Community Corridors.

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

Prioritize transit advantages to Community Corridor streets, and encourage the routing of express transit service to these streets wherever possible.

Where commercial development occurs on community corridors the most appropriate zoning classification is the C1 District. In some instances the C2 district can also be an appropriate district on a community corridor. However, the C2 district allows a wider range of more intense commercial uses such as drive-throughs and auto service uses. Auto service uses that are allowed in the C2 District, with a conditional use permit, that would not be allowed in C1 District, include minor automobile repair, convenience stores, and car washes. In addition, this site is over 12,000 square feet, which is the minimum lot size necessary for automobile related uses and drive-throughs.

C2 zoning on a parcel of this size could allow uses that are more intense than the small-scale commercial services envisioned for community corridors and could have impacts on surrounding residential properties beyond those of the uses allowed in the C1 district. In this case the C2 District is not in conformance with the goals of the comprehensive plan. If the site stays zoned C1, the development could be built as proposed, with the exception of the drive-through, which would not be allowed in the C1 District.

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

The rezoning is in the interest of the applicant.

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.

All four corners of the intersection are zoned C1 and contain commercial uses. There are residential uses to the south and east of the site. The proposed development is compatible with surrounding uses, with the exception of the proposed drive-through, which may have negative impacts on surrounding properties such as increased traffic and noise.

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 C1 district allows a wide range of commercial uses.

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.

While there have been improvements made to commercial and residential properties in the area there has not been a change that would indicate the area should be upzoned to a more intensive commercial district.

VARIANCE (to reduce the required parking from 24 spaces to 12 spaces)

Findings Required by the Minneapolis Zoning Code:

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

The proposed use will include four apartments. This will require four parking spaces. The commercial on the first floor will consist of a restaurant and a coffee shop that require 10 spaces each. In total, 24 parking spaces are required. Under the proposed site design only 12 spaces are available and it appears that the handicapped accessible space will not meet city standards. In general, the city has granted parking variances for coffee shops and small restaurants when they serve pedestrian trade from the surrounding neighborhood, but not when they are destination points for the entire city. There will be pedestrian trade for this use, but the presence of the drive-through indicates that a significant amount of the traffic will be from a wider area than the neighborhood. In addition, the drive-through causes the need for the 45 degree parking which allows fewer spaces than if 90 degree parking spaces were utilized.

If the drive-through were eliminated, 19 parking spaces could be provided. Then the variance that would be needed would only be for five parking spaces, which could be justified by pedestrian activity to the site from the surrounding neighborhood and the adjacent bus route. There is not an undue hardship and it appears that reasonable use of the site is possible with a smaller 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.**

The site is flat and square, so there is no unique physical characteristic. The need for the variance is caused by the applicants desire to have to restaurants on the site and a drive-through which limits the amount of space available for parking. This is a condition that could be applied to almost any commercial property in the city.

- 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 zoning code allows for a parking variance of up to 20 percent in most cases. However, a variance of up to 100 percent can be granted where there is evidence of pedestrian oriented trade. In general, the city has granted parking variances for coffee shops and small restaurants when they serve pedestrian trade from the surrounding neighborhood, but not when they are destination points for the entire city. There will be pedestrian trade for this use, but the presence of the drive-through indicates that a significant amount of the traffic will be from a wider area than the neighborhood. Granting a variance of greater than 20 percent (5 spaces) to allow a drive-through does not meet the intent of the pedestrian oriented parking variance.

- 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 proposed variance may increase parking on the public streets, but should not increase the danger of fire or be detrimental to the public welfare or safety.

SITE PLAN REVIEW

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.

The building is located up to the property lines on the street frontages. The area between the building and the public sidewalk will contain landscaping and an outdoor seating area. The principal entrances to the building face Nicollet Avenue. The building contains architectural detail and will have the required

Minneapolis City Planning Department Report
BZZ-885

30 percent windows facing the Nicollet and 36th Street frontages. The east side frontage facing the parking lot does not contain the required 30 percent windows. There are windows on the second and third floors to provide “eyes on the street”, but additional architectural detail and the addition of some windows is necessary to grant alternative compliance from the required 30 percent windows. The exterior materials are compatible on all four sides of the building.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

Public Works and the Fire Department have reviewed the parking layout and access and find them acceptable. Twenty-four parking spaces are required and 12 are provided. The applicant is requesting a variance to eliminate the other 12 spaces. One handicapped accessible parking space is required and one is provided. However, the handicapped accessible space does not meet city standards and will need to be redesigned to meet these standards. The front entrances open onto the public sidewalk. Staff recommends that the walkway on the south and east sides of the site be extended to the public sidewalks on 36th Street and Nicollet Avenue. In addition, if the rezoning is denied, staff recommends that the parking layout be redesigned from a 45-degree configuration to a 90-degree configuration. There is very little room for snow storage on the site, so a snow storage and removal plan is required at the final site plan stage.

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, or a hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).**
- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may**

Minneapolis City Planning Department Report
BZZ-885

include architectural features such as benches, kiosks, or bicycle parking.

- 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.

Approximately one percent of the site is landscaped. If the landscaping in the right-of-way is included, then 20 percent of the site will be landscaped. Landscaping in the right-of-way requires an encroachment permit. The required number of bushes and trees are provided. The City's landscaping consultant has reviewed the plan and finds it acceptable. The parking lot will be bounded by the required 6-inch by 6-inch continuous concrete curbing where necessary. Staff recommends that it be waived on the east side to allow for on-site retention of stormwater. If the curbing is waived a decorative fence should be placed along the alley to prevent access to the site from the alley.

ADDITIONAL STANDARDS:

- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- Site plans shall minimize the blocking of views of important elements of the city.
- Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- Buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260.
- Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

Lighting will comply with Chapters 535 and 541. The parking area will be screened to the standards of the code and to prevent headlights from shining on residential properties. The new building will not block important views of the city and will not generate wind currents at ground level or shadow public spaces or adjacent properties. The City's CPTED officer has recommended that all plantings follow the 3' – 7' rule to allow visibility into the site.

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

ZONING CODE:

Specific Development Standards: Section 536, Specific Development Standards, requires the premises, all adjacent streets, sidewalks, and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for the purposes of removing litter.

Hours of Operation: Hours of operation allowed under the C1 Neighborhood Commercial District and the C2 Neighborhood Corridor Commercial District are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday. The applicant proposes that the commercial uses will be open from 6:00 a.m. to 10:00 p.m. daily.

Signage: The signage plans are not yet finalized. The signage shown on the building elevations exceeds the size allowed by the zoning code, but it is only shown as an example of what the signage may look like. The applicant is aware that all new signage is required to meet the requirements of the zoning code or a variance may be necessary and that all new signage requires a permit from the zoning office.

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. A dumpster enclosure is provided.

Window obstructions: Section 543.350. Window signs. Window signs shall be allowed, provided that such signage shall not exceed thirty (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. Window signs shall be included in the calculation of the total permitted building sign area, except as provided for temporary signs in section 543.330.

MINNEAPOLIS PLAN:

See the rezoning section of the staff report.

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

The Nicollet Avenue Task Force Report, adopted by the City Council on April 7, 2000, designates this corner of 36th and Nicollet as an Investment Area. The plan states that investment areas “have an

existing level of commercial activity and an established latent identity that can support and be enhanced by increased density, activity, and public realm improvements.” The redevelopment of this parcel as a mixed use commercial and residential is in conformance with this goal of the plan. The plan makes no specific recommendation as to the appropriateness of a drive-through in this area.

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.**

Alternative compliance is necessary to allow the required landscaping to be located in the right-of-way along East 36th Street and to allow for a reduction in the required 30 percent windows on the east side of the building. Additional architectural detail and the provision of some windows are required to allow for the alternative compliance to reduce the 30 percent window requirement. An outdoor seating area has been provided as an amenity and landscaping is provided in the right-of-way in lieu of the required 20 percent landscaping on site.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

REZONING

The City Planning Department recommends that the City Planning Commission and City Council adopt the above findings and **deny** the rezoning application from the C1 District to the C2 district for property located at 3601 Nicollet Avenue South.

VARIANCE

The City Planning Department recommends that the City Planning Commission adopt the above findings and **deny** the variance application for 12 parking spaces and in lieu thereof **approve** a variance for 5 parking spaces for property located at 3601 Nicollet Avenue South subject to the approval of the site plan review.

SITE PLAN REVIEW

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for property located at 3601 Nicollet Avenue South subject to the following conditions:

- 1) Approval of the rezoning and parking variance for the applicant's design or approval of a five-space parking variance for the staff alternative.
- 2) Staff review and approval of the final site, landscaping, and snow storage plans. All site improvements shall be completed by October 30, 2003 (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 3) If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before permits may be issued and construction may begin.
- 4) Provision of walkways on the south and east sides of the building that connect with the public sidewalk on 36th Street and Nicollet Avenue.
- 5) The applicant considers joining Metro Transit's adopt-a-shelter program (612-349-7688) for maintaining the bus stop in front of the site.
- 6) Provision of a handicapped (van) accessible parking space that meets city requirements.
- 7) Provision of additional windows and architectural detail on the first floor of the east facade in lieu of the required 30 percent windows.
- 8) Provision of a decorative wrought iron type fence along the alley to prevent alley access to the site.