

## Minneapolis Planning Department

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### MEMORANDUM

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DATE: November 26, 2002

TO: Council Member Gary Schiff, Chair, Zoning and Planning Committee  
Zoning and Planning Committee members

FROM: Jim Voll - City Planning Department

SUBJECT: Appeal of the City Planning Commission's decision for property located at  
3601 Nicollet Avenue South (BZZ-886).

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Mitch Booth, for Goff Holdings, has filed an appeal of the City Planning Commission's denial of a parking variance and the Commission's recommendation of denial for the rezoning from C1 to C2 at its meeting of November 4, 2002. The property is located 3601 Nicollet Avenue South. The Commission voted 5 to 3 to deny the rezoning; 7 to 1 to deny the full parking variance and to approve a smaller parking variance; and 7 to 1 to approve the site plan. The appeal was filed on November 12, 2002. Minutes for the meeting will be available for the Z&P hearing.

The appeal states that the property owner has written covenants into the deed to prevent the site from being utilized for automotive uses. The City does not enforce or track covenants or deed restrictions, so future enforcement of this restriction would be difficult. The C2 District allows a wider range of uses than the C1 District beyond the automobile service uses. They include: currency exchanges, secondhand goods stores, small engine repair, tattoo parlors, liquor stores, meeting halls, theaters, community residential facilities, supportive housing, dry cleaning establishments, film and video production, commercial laundries, and printing and publishing.

The appeal states that the rezoning to C2 is necessary to allow the building to be 43' feet 6 inches tall. The C1 District limits the heights of buildings to 35 feet. However, with a density bonus for a mix-used building the structure can go up to 42 feet. The appeal states that 42 feet would not allow a well proportioned building and that a height of 43 feet 6 inches is necessary. The applicant's drawing shows the building at 40 feet and the parapet wall extending to 43 feet 6 inches. It is only the parapet that extends beyond the 42 foot limit in the C1 District with a density bonus. Section 548.100 of the code exempts parapet walls not exceeding three feet in height from the height limitations (see attached sections of the code). Therefore, the proposed building height is allowed under the C1 District and a rezoning is not necessary for the proposed height. The building and uses the developer has proposed are allowed under the C1 zoning with the exception of the drive-through window.

The appeal states that the required parking is 18 spaces. However, the required parking for the facility, based on the information supplied by the applicant, would be 24 spaces. Four spaces for the apartments (one for each of the four apartments) and 20 for the two commercial tenants. The applicant has stated that the tenants would be a sub shop and a coffee shop. These uses have a higher parking requirement than general retail. The restaurant spaces would require ten spaces each, but general retail would require four spaces each. To grant a parking variance of greater than twenty percent (5 spaces) the City has to make a finding of pedestrian oriented traffic. Staff believes it is possible to make this finding and in general the City has granted larger variances for coffee shops and restaurants that draw from the surrounding area.