CPED STAFF REPORT

Prepared for the City Planning Commission

CPC Agenda Item #6
April 23, 2014
BZZ-6492

LAND USE APPLICATION SUMMARY

Property Location: 1401 Marshall St. NE

Project Name: Encaustic/Chowgirls Rezoning

Prepared By: Aaron Hanauer, Senior City Planner, (612) 673-2494

Applicant: Kieran Folliard, Encaustic LLC

Project Contact: Tyrone Folliard, Encaustic LLC, (612) 227-0004

Request: To allow for a catering business, occasional restaurant, 955-square foot addition and modification to 2013 City Planning Commission condition of approval (removal of curb cut).

Required Applications:

Rezoning	Petition to rezone the property located at 1401 Marshall St. NE from the R3/Multiple Family District to the C1/Neighborhood Commercial District
Expansion of a nonconforming use	To allow for a catering and restaurant use in a nonconforming building

SITE DATA

Existing Zoning	R3/Multiple Family District MR/Mississippi River Critical Area Overlay District
Lot Area	47,923/1.1 acres
Ward(s)	3
Neighborhood(s)	Sheridan Neighborhood Association
Designated Future Land Use	Existing: urban neighborhood Proposed: mixed use
Land Use Features	Marshall Avenue Community Corridor, adjacent to Grain Belt Complex Activity Center
Small Area Plan(s)	*Sheridan Neighborhood Small Area Plan* (draft) *Above the Falls Master Plan Update* (property on the west side of Marshall St. NE

Date Application Deemed Complete	March 27, 2014	**Date Extension Letter Sent**	April 15, 2014
End of 60-Day Decision Period	May 26, 2014	**End of 120-Day Decision Period**	July 25, 2014

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property, 1401 Marshall St., is a 47,923 square foot parcel that contains a 31,054 gross square foot building. Today, the building resembles what it looked like after a 1980 addition. That year, Formac Corporation merged five lots into one and built a large concrete block addition that wrapped around a smaller, two-story, 1907 masonry building that faces 14th Ave. NE.

G&K Services, a uniform rental and facilities production company, owned the subject property and used the building as a fleet maintenance facility from 1988 until 2008. From 2008 until March 2013, G&K Services used the building as a warehouse. In the first part of 2013, Encaustic LLC purchased the property from G&K Services. In June 2013, Encaustic LLC, applied for and received unanimous approval (8-0) from the City Planning Commission for a change of nonconforming use to allow the building to be converted from a warehouse facility to an office, food production and tasting/community room. The Planning Commission's decision was not appealed. The adopted conditions of approval for the change of nonconforming use were as follows:

1. CPED Planning staff review and approval of the final site, landscaping, floor plans and elevations.
2. All site/parking lot improvements shall be completed by June 11, 2015, unless extended by the Zoning Administrator, or the permit shall be revoked for non-compliance.
3. The applicant shall provide a minimum of 14 bike parking spaces to qualify for the bicycle incentive.
4. The proposed trees and shrubs shall meet plant material standards outlined in section 530.200 of the Minneapolis zoning code. The landscaped yard to the north of the driveway along Marshall Ave shall be screened to be in compliance with section 530.170 (b) (2).
5. The applicant shall remove the two curb cuts along 14th Ave NE, subject to the Department of Public Works approval.
6. The applicant shall work with the Department of Public works to add three additional boulevard trees along 14th Ave NE. In addition, the applicant will work with staff to incorporate additional street trees on Marshall St NE.

The applicant has made progress in making the exterior improvements that were outlined in their statement of work and conditions of approval from 2013. To date, the applicant has completed the following work:

- Replaced opaque and glass block window and door openings with clear glazing that allows visibility inside and out of the building along Marshall St. NE and 14th Ave. NE;
- Rehabilitated the 1907 masonry building along 14th Ave. Northeast;
- Added new curbing and pavement to parking area.

The applicant states that they will make the following improvements by the end of 2014 that are in compliance with their 2013 statement of work and planning commission conditions of approval:

- Install landscaping along the Marshall St. NE and 14th Ave. Northeast;
- Remove the curb cut along Marshall St. NE and the eastern curb cut along 14th Ave. NE;
- Paint the entire building in consistent and complementary colors;
- Add trees, shrubs and landscaping as required by Planning Commission;
- Install a minimum of 14 bike parking spaces.

On or about October 30, 2013, the applicant tore down a 4,802 square foot portion of the building along 14th Ave. NE with the intentions of rebuilding. Per Section 531.40 of the Minneapolis zoning code,

if a nonconforming use or structure is discontinued for a continuous period of more than one year, it shall be deemed to be abandoned and may not thereafter be reestablished or resumed. The Zoning Administrator set a deadline of October 30, 2014, to rebuild the structure along 14th Ave. NE. The Zoning Administrator, upon written request, may for good cause shown grant up to a one-year extension of this time limit.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding area of the subject property contains a mix of uses. The site is bordered by low-density residential to the east and multifamily buildings to the northwest (1448 Marshall St. NE) and north (1427 Marshall St. NE). Office uses, including Worrell Design and Studio 1414, are located directly across Marshall St. NE (1400 and 1414 Marshall St. NE). On the southeast side of 14th St. Northeast is Dusty's Bar (1319 Marshall St. NE). The Historic Grain Belt Brewery Complex is located just to the southwest of the subject site. Grain Belt Brewing Company, which started brewing at this location in 1891, went onto become one of the largest beer brewing companies in the Midwest, until brewing ceased operation at its Marshall St. NE location in 1976. Since then, the complex has been repurposed. It currently houses artists' studios, a recording studio and offices.

PROJECT DESCRIPTION. As previously mentioned, in 2013, the applicant proposed that the building have office space, food production space and a community room. The applicant still plans to have this mix of uses, however, they are proposing to replace 4,744 square feet of food production space with a catering production facility and add an occasional restaurant that would be located in a 955- square foot addition.

Chowgirls Killer Catering is proposing to relocate their catering business and occasional restaurant to the subject property due to outgrowing their current location (1222 2nd St. NE). The restaurant would be open approximately four to six times a month including holiday dinners, art openings, community gatherings and special events that are open to the public. In addition, Chowgirls is proposing to use the restaurant space for some private client rentals. These private rentals would be considered a reception/meeting hall accessory to the restaurant, pursuant to meeting the liquor licensing requirements outlined in Chapter 537 Accessory Uses and Structures. Chowgirls main business is off-site catering. The impetus for Chowgirls to open an on-site restaurant at their current location and the proposal at 1401 Marshall St. NE is to meet City of Minneapolis licensing requirements. In order for a catering company to have a liquor license in the City of Minneapolis, the catering business is required to have a store-front dining space that qualifies for liquor sales.

The applicant's vision for the site at 1401 Marshall St. NE continues to be to "create a food production hub for up-and-coming businesses" and "to provide a "space [that] will provide a collaborative environment for food entrepreneurs to grow their ventures, including a shared-services model."

The applicant is also seeking to revise a 2013 Planning Commission condition of approval. As part of the change of nonconforming use application, the Planning Commission added a condition of approval that the applicant shall remove two curb cuts along 14th Ave NE subject to the Department of Public Works approval. At that time, the plan was for all loading and unloading to take place at the northwest end of the building. The applicant is now requesting that the western curb cut along 14th Ave. NE remain. The applicant states that plans are taking place to have a cheese manufacturer take over approximately 5,330 square foot portion of the building at the southwest corner of the building. The curb cut is to allow milk truck deliveries directly into the cheese establishment. The applicant states there would be approximately one truck delivery every other day taking place at or around 7:00am. The applicant states that deliveries would take place entirely in the building and that the milk truck will not be parked on the street. The bay will only be used for milk delivery and the finished cheese products will be sent out the back door in the building's off-street loading area. Public Works reviewed this proposal and stated that

the proposal will not be impacting the right-of-way and that they have no issue with the proposal as long as everything is taking place inside the building.

The proposed project requires two applications. The request to rezone the property from R3/Multiple Family District to C1/Neighborhood Commercial District is required to allow Chowgirls Killer Catering to apply for a liquor license. In order for an establishment in Minneapolis to have a liquor license where liquor would be consumed on the premises, it is required that said district, together with other contiguous districts, contain at least seven acres of zoning that allow for consumption of alcoholic beverages on the premise (City of Minneapolis Charter, Chapter 4, Section 5). Residential zoning districts (e.g. R3/Multiple Family District) do not allow for establishments where alcoholic beverages are consumed on the premise; however, commercial and industrial zoning districts do allow for the consumption of alcoholic beverages on the premise. If successfully rezoned to C1, the subject property combined with the contiguous commercial and industrial zoning districts would be more than seven acres. It should also be noted that catering uses and restaurant uses are permitted uses in the C1 zoning district.

The expansion of nonconforming use application is required per 531.50 (b), which requires an expansion of nonconforming use application for a building addition when there is one or more legal nonconforming uses on the zoning lot. Even though the applicant is proposing to have permitted uses in the C1 zoning district (i.e. catering and restaurant) the food and beverage production facilities are legally established nonconforming uses as the uses exceed the 1,200 square foot area maximum and do not have 15 percent of the floor area devoted to retail or office use (548.30 (f) (2).

PUBLIC COMMENTS. As of April 14, 2014, CPED has received two letters. The Sheridan Neighborhood Association and RSP Architects wrote letters of support of the proposed rezoning and expansion of nonconforming use. 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 at 1401 Marshall St. NE from R3 to C1 based on the following findings:

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

   The applicant is proposing to rezone the property from R3/Multiple Family District to C1/ Neighborhood Commercial District. The R3/Multiple Family District is established to provide an environment of predominantly single and two-family dwellings, cluster developments and smaller multiple family developments on lots. The purpose of the C1/Neighborhood Commercial District is to provide a convenient shopping environment of small scale retail sales and commercial services that are compatible with adjacent residential uses. In addition the C1 zoning district is intended to allow for residential uses and limited production and processing uses.

   The proposed rezoning for the properties at 1401 Marshall St. NE from R3/Multiple Family District to C1/ Neighborhood Commercial District is consistent with the applicable policies of the comprehensive plan. There are three parts of the Minneapolis comprehensive plan's land use chapter that provide guidance for considering a rezoning application: the identified land use features that are part of, adjacent to, or nearby a project site (e.g. community corridor), the future land use map and the general land use policy.

The proposed rezoning from R3 to C1 is consistent with the comprehensive plan's identifiable land use features for the subject property and surrounding area. The subject property is located at the intersection of Marshall St. NE and 14th Ave. Northeast. This is along the Marshall Avenue Community Corridor that spans from 8th Ave. NE to Lowry Ave. NE. Community corridors are supportive of commercial uses (generally small-scale retail sales and services, serving the immediate neighborhood) clustered at intersections and nodes. The subject property is also located across the street from the Grain Belt Activity Center. Activity Centers are a location where it is encouraged to have a mix of uses (including employment, commercial, office and residential) with a citywide and a regional draw. Allowing for the rezoning of the property at 1401 Marshall St. NE from R3 to C1 of 1401 Marshall St. NE will allow for commercial uses at the appropriate location along a community corridor and complement the adjacent activity center. The following land use policies support the proposed rezoning based on the project being along a community corridor and adjacent to an activity center.

- 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.
    - 1.5.2 Facilitate the redevelopment of underutilized commercial areas by evaluating possible land use changes against potential impacts on the surrounding neighborhood.
    - 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.
    - 1.9.2 Support new small-scale retail sales and services, commercial services and mixed uses where Community Corridors intersect with Neighborhood Commercial Nodes.
- Land Use Policy 1.12: Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.
    - 1.12.1 Encourage a variety of commercial and residential uses that generate activity all day long and into the evening.

The proposed rezoning is also consistent with the future land use vision for this site. The future land use map designates the subject property and surrounding property to the east as urban neighborhood. The comprehensive plan states that urban neighborhood future land uses predominately supports residential uses but also supports nonresidential uses (e.g. neighborhood-serving commercial) at undesignated nodes and around growth centers. The Marshall St. NE and 14th Ave. NE intersection is an undesignated node with commercial and office uses at each corner and is located adjacent to an activity center. Allowing for the subject property to be rezoned to C1 will allow for nonresidential uses at the appropriate place in an urban neighborhood area and is consistent with Land Use Policy 1.9 and 1.12 (see above).

Currently, there is not an adopted small area plan that provides additional guidance for the subject property. However, the proposal is consistent with the draft *Sheridan Neighborhood Small Area Plan* that provides guidance for the subject property and is anticipated to be adopted by the Minneapolis City Council by the end of the year. The draft small area plan proposes to update the future land use for the subject property from urban neighborhood to mixed use. As is encouraged by the mixed use future land use, the proposed C1 zoning will allow for a mix of uses in a building including commercial and office. In addition, the proposed rezoning is complementary to the adjacent *Above*

the Falls Small Area Plan. The eastern extent of the *Above the Falls Master Plan Update* is the western side of Marshall St. NE. The *Above the Falls Small Area Plan* was divided into 18 subareas. The North Grain Belt District subarea is located directly to the west of the subject property. A zoning recommendation for this subarea is to "encourage creative industries and arts oriented uses, to support and strengthen the Northeast Arts District." The proposed C1 zoning, compared to R3 zoning, will allow for more creative industries and arts oriented uses to support and strengthen the Northeast Arts District and the Grain Belt District subarea.

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

   A rezoning from R3 to C1 is in the public interest. It will allow for orderly nonresidential redevelopment in an area that it is encouraged, that being an intersection along a community corridor and adjacent to an activity center. As previously stated, the proposed C1 zoning, compared to R3 zoning, will also allow for creative industries and arts oriented uses to support and strengthen the Northeast Arts District and the Above the Falls Small Area Plan's North Grain Belt District subarea. Furthermore, the C1 zoning, compared to R3 zoning, will support the neighborhood's vision for the site. The *Sheridan Small Area Plan* that is anticipated to be adopted by the end of 2014 is proposing to revise the future land use from urban neighborhood to mixed use. As is encouraged by the mixed use future land use, the proposed C1 zoning will allow for a mix of uses in a building including commercial and office.

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 existing uses within the general area of the property are compatible with the proposed C1 zoning classification. This stretch of Marshall St. NE has a variety of residential and nonresidential uses. To the west of the subject property is an industrial design and product development company, Worrell Design and Studio (1400 and 1414 Marshall St. NE). To the south is Dusty's Bar (1319 Marshall St. NE). The neighboring properties to the north and northwest are multifamily buildings (1427 and 1428 Marshall St. NE), and to the southwest is the Grain Belt Brewery Complex (77-79 13th Ave. Northeast). To the east of the subject property are single and two family residential dwellings that are zoned R2B. The proposed rezoning from R3 to C1 will all allow for compatible residential and nonresidential uses along Marshall St. NE. The purpose of the C1 zoning district is to provide a convenient shopping environment of small scale retail sales and commercial services that are compatible with adjacent residential uses. In addition to commercial uses, residential uses and limited production and processing uses are allowed in the C1 zoning district.

   The zoning classification of the surrounding properties is also compatible with the proposed zoning classification. The five parcels on the south side of 14th Ave., like the subject property, are zoned C1 (108-114 14th Ave. NE, 1319-1327 Marshall St. NE). The neighboring properties to the north are zoned R3. The adjacent properties on the west side of Marshall St. NE are zoned I1/Light Industrial and I2/Medium Industrial, which allow for more intense uses than the proposed C1 zoning district.

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.*

   Reasonable uses are allowed under the current zoning, R3/Multiple Family. However, the R3 zoning is primarily intended for residential uses and is not permissive of commercial uses. There are only fives commercial uses that are conditional or permitted in the R3 zoning district. The proposed C1 zoning would increase the number of commercial uses as permitted or conditional from five to 43,

with the intent of allowing small scale retail sales and services. The C1 zoning district also allows nine residential uses as permitted and conditional and limited production and processing as a conditional use. Given the presence of a large commercial building on the site, development that aligns with the standards of the R3 District is unlikely to occur.

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.*

   There has been a change in the character and trend of development in the area of the properties in question since the property was placed in its present zoning classification. In 1988, the subject site was rezoned from M1-1/Light Industrial to R3 as part of the Sheridan 40-Acre Zoning Study. The site has maintained its R3 zoning status. Since 1988, the immediate area along Marshall St. NE has had a transformation with more artists' studios, office uses and new multifamily residential. The proposed C1 zoning will be complementary and supportive of the mixed-use environment that is taking place in the surrounding area.

FOR REZONINGS ONLY

ZONING PLATE NUMBER. 9

LEGAL DESCRIPTION.

Parcel 1: Lots B and 9, Block 1, Trader's Addition to the Town of St. Anthony; and Lot 4, Bohan's Rearrangement of Lots 14 and 15, Block 1, Trader's Addition.

Parcel 2: That part of Lot 11, Block 1, Trader's Addition to the Town of St. Anthony, described as follows: Beginning at a point on the line dividing said Lot 11 from Marshall St. in the City of Minneapolis, which point is 50 feet northwesterly from the southwesterly comer of said Lot 11; thence southwesterly along said dividing line 50 feet to the southwesterly corner of said lot; thence northeasterly along the southerly boundary of said lot 140 feet; thence in a northerly direction 30 feet to a point which is distant easterly in a straight line 140 feet from the point of beginning; thence southwesterly in a direct line to the place of beginning, according to the plat thereof on file or of record in the office of the Register of Deeds In and for said Hennepin County, Minnesota.

Parcel 3: That part of Lots 11 and 12 in Block 1, Trader's Addition to the Town of St. Anthony, described as follows, to wit: Commencing at the Southwest corner of said Lot 11; thence Easterly along the South line of said lot, a distance of 140 feet; thence Northerly a distance of 30 feet to a point 140 feet distant from a point in the West line of said Lot 11, distant 50 feet Northerly from the Southwest corner of said Lot 11; thence Northerly on the production of said last named 30 foot course produced Northerly in a straight line, a distance of 2.6 feet, to a point taken as and for the point of beginning; thence Northerly to the point of intersection of the line dividing said Lots 11 and 12 with a line parallel to Grand Street, and distant Southwesterly 140 feet therefrom; thence Northwesterly along said line parallel to Grand Street, to a point in said line distant 56 feet from said South line of said Lot 11 measured along said line parallel to Grand Street; thence Westerly to a point In the West line of said Lot 12, distant 66 feet Southerly from the Northwest comer of said Lot 12; thence South along the West line of said Lots 12, and 11, to said point on the West line of said Lot 11, 52.6 feet Northerly from the Southwest corner of said Lot 11; thence Easterly to said point taken as and for the point of beginning, all according to the plat thereof on file or of record in the office of the Register of Deeds in and for said Hennepin County, Minnesota.

Parcel 4: Lot 10, Block 1, Trader's Addition to the Town of St. Anthony, Hennepin County, Minnesota, according to the plat thereof on file or of record in the office of the Hennepin County Recorder.

Parcel 5:That part of Lot 11, Block 1, Trader's Addition to the Town of St. Anthony, Hennepin County, Minnesota, according to the plat thereof on file or of record in the office of the Hennepin County Recorder described as follows: Commencing at the Southwest corner of said Lot 11; thence Easterly along the South line of said lot, a distance of 140 feet; thence Northerly a distance of 30 feet to a point 140 feet distant from a point in the West line of said Lot 11, distant 50 feet Northerly from the Southwest corner of said Lot 11, being the point of beginning of the tract of land to be described; thence Northerly on the production of said last named 30 foot course produced Northerly in a straight line, a distance of 2.6 feet; thence Westerly to a point on the West line of said Lot 11, distant 52.6 feet Northerly from the Southwest corner of said Lot 11; thence Southerly along the West line of said Lot 11, a distance of 2.6 feet; thence Easterly, a distance of 140 feet to the point of beginning.

EXPANSION OF A NONCONFORMING USE

The Department of Community Planning and Economic Development has analyzed the expansion of a nonconforming use application for a 955-square foot building expansion based on the following findings:

1. *A rezoning of the property would be inappropriate.*

   The zoning district that would allow for all of the uses as existing or proposed would be I1/Light Industrial District. A rezoning of the property to the I1/Light Industrial District would not be consistent with the future land use of the subject property, urban neighborhood. The urban neighborhood designation encourages residential and neighborhood-serving commercial uses. The purpose of the I1/Light Industrial District is to support light industrial uses, research and development uses and warehouse uses. In addition, the I1/Light Industrial zoning would not be consistent with the zoning on the east side of Marshall St. NE. There are only three small parcels along Marshall St. NE From 6th Ave. NE to 18th Ave. NE that are zoned industrial. The rest of the parcels along Marshall St. NE are zoned residential, office residential, or commercial.

2. *The enlargement, expansion, relocation, structural alteration or intensification will be compatible with adjacent property and the neighborhood.*

   The proposed building expansion is compatible with adjacent property and the neighborhood. The 955-square foot addition will have two new elevations; an elevation facing Marshall St. NE and an elevation facing the former loading dock area. The addition will be compatible with the adjacent property and the neighborhood with the following features:
   - Incorporates a flat roof, similar to the neighboring residential and nonresidential uses along Marshall St. NE;
   - Reinforces the street wall along Marshall St. NE as it is located within 2 feet of the property line.
   - Adds an entrance that faces Marshall St. NE; currently an entrance is recessed in a covered entry and not visible from the street;
   - Adds window coverage and eyes on the street along Marshall St. NE. The proposed addition will have 31 percent of the elevation be glazing along Marshall St. NE (75 square feet) and 62 percent window coverage on the south elevation (162 square feet). Currently, the Marshall St. NE elevation where the addition is proposed to go does not have windows and the south elevation only has 13 percent window coverage;
   - Adds a durable material to the building. The applicant is proposing Cor-Ten steel siding or a comparable material for the addition.

3. *The enlargement, expansion, relocation, structural alteration or intensification will not result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion.*

   The proposed expansion will not result in significant increases of adverse, off-site impacts. The proposed addition will have a minimal impact on traffic overall. Marshall St. NE is a community corridor with an annual average daily traffic (AADT) count of 8,400 vehicles. The restaurant that will be going into the proposed addition will only be open four to six times a month and will not substantially increase the traffic counts of Marshall St. NE. In addition, the location of the proposed addition, along Marshall St. NE, will reduce vehicle and foot traffic in the low-density residential area to the east. The proposed expansion will not result in parking congestion as the applicant will be meeting their off-street parking requirement (see Table 1 below). The applicant has 23 off-street parking spaces on site. The applicant recently entered into a shared parking agreement with Dusty's Bar across 14th Ave. NE that will provide the subject property access to two off-street parking spaces from 8:30 a.m. until 12:30 a.m. for the next five years (BZZ-6496).

   CPED is supportive of the applicant's proposal to retain the western curb cut along 14th Ave. NE to allow for milk truck deliveries as proposed with the following three conditions: 1. all deliveries take place in the building, 2. vehicles shall not be allowed to be parked on the 14th Ave. NE sidewalk at any time, 3. the loading door if changed shall retain the same level of clear glazing as currently exists.

   Furthermore, the proposed project will not have an adverse impact in terms of noise, dust and odor. The project will be required to meet City of Minneapolis ordinance requirements for these areas and the applicant is proposing to have all refuse storage within the building.

Table 1. Vehicle Parking Requirements Per Use (Chapter 541)

	Minimum Parking Requirement	Applicable Reductions	Total Minimum Requirement	Proposed
Food production*	20	2	18	--
Catering	5	1	4	--
Office/showroom	4	1	3	
Restaurant, sit down (less than 1,000 sq. ft.	0	0	0	--
Tasting room (less than 1,000 sq. ft.)	0	0	0	
Total	29	--	25	25

* includes the 4,800 square foot building addition the applicant tore down

4. *The enlargement, expansion, relocation, structural alteration or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.*

   The proposed expansion will improve the appearance of the project site and will improve the appearance and stability of the neighborhood as outlined in Finding 2 of the Expansion of Nonconforming Use application above. The proposed addition will reinforce the street wall along Marshall St. NE, add an entrance facing Marshall St. NE, substantially increase glazing levels along the street, use durable materials and have a flat roof similar to the neighboring structures. In addition, the building will be well below the maximum floor area ratio (FAR) of 1.7 in the C1 zoning district; the building after the addition would have an FAR of 0.7 (32,004 square feet building on a 47,923

square foot lot). The height of the proposed addition at 21 feet, which is well below the zoning district height maximum of 35 feet.

5. *In districts in which residential uses are allowed, the enlargement, expansion, relocation, structural alteration or intensification will not result in the creation or presence of more dwelling units on the subject property than is allowed by the regulations of the district in which the property is located.*

   As proposed, the project parcel would be zoned C1/Neighborhood Commercial District. The C1 zoning district allows residential uses. However, the proposed expansion will not result in the creation or presence of additional dwelling units.

6. *The enlargement, expansion, relocation, structural alteration or intensification will not be located in the Floodway District.*

   The proposed addition is not located in the Floodway District. However, the subject property is located in the Mississippi River Critical Area Overlay District. The proposed development is in compliance with the Mississippi River Critical Overlay District requirements that new development not be built on a bluff or within 40 feet of the top of a bluff. The subject property is located approximately 578 feet away from the Mississippi River; development within 300 feet of the Mississippi River is required to meet the regulations contained in the Shoreland Overlay District.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the rezoning application:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the findings and **approve** the rezoning of the properties located at 1401 Marshall St. NE from the R3/Multiple Family District to the C1/Neighborhood Commercial District.

Recommendation of the Department of Community Planning and Economic Development for an expansion of a nonconforming use:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the expansion of a nonconforming use located at 1401 Marshall St. NE, subject to the following conditions:

1. All deliveries taking place in the loading area along 14th Ave. NE shall take place in the building. Delivery vehicles shall not be allowed to be parked on the 14th Ave. NE sidewalk at any time. The loading door along 14th Ave. NE if changed shall retain the same level of clear glazing as currently exists.
2. If the applicant does not rebuild the portion of the building that was torn down in October 2013, the applicant shall landscape and screen the parking area along 14th Ave. NE to be in compliance with Section 530.170.
3. An accessory reception/meeting hall shall meet the liquor licensing requirements outlined in Chapter 537 Accessory Uses and Structures.

ATTACHMENTS

1. Zoning map, aerials and rezoning comparison
2. Statement of purpose, notification and statement to findings
3. Public comments
4. Images: before and after and current
5. Plan set: survey, site plan/building floor plan, catering and restaurant floor plan, elevations, rendering

Encaustic LLC (Kieran Folliard) 3

NAME OF APPLICANT WARD

200 100 0 200 400

Future Land Use

1401 Marshall Street NE

FILE NUMBER
BZZ-6492

Rezoning Comparison

	Multiple Family Districts R3	Commercial Districts C1
	Multiple Family District (Medium Density)	Neighborhood Commercial District
FAR		
Base FAR Maximum	**1.00**	**1.70**
20% bonus for enclosed, underground or structured parking	0.20	0.34
20% bonus for 50% ground floor commercial	n/a	0.34
20% bonus for 20% affordable units	0.20	0.34
Total possible FAR	**1.40**	**2.72**
Required lot area per dwelling unit (sq. ft.)	1,500	N/A
Possible DU Bonuses:		
20% bonus for enclosed, underground or structured parking	Y	Y
20% bonus for 50% ground floor commercial		Y
20% bonus for 20% affordable units	Y	Y
Base building height maximum (in stories)	2.5	2.5/3
Maximum size of retail store (sq. ft.)	0	8,000
Maximum Lot Coverage	50%	n/a
Maximum Impervious Surface Coverage	65%	n/a
Yard Requirements		
Front	20	0
Interior side or rear[1]	5 (+2X)[1]	5+2X[2]
Corner Side	8 (+2X)[1]	0
Drive-through permitted?	N	N

Notes:
1 - (2X) is added for uses that are not SFDs, 2FDs, or CRFs serving 1-6 persons
2 - For residential uses and hotels

United States • MN • Hennepin Co. • Minneapolis • Northeast
16th Ave NE
16th Ave NE
Grand St NE
NE California St
NE Main St
NE 15th Ave
subject property
Marshall St NE
23
Main St NE
14th Ave NE
14th Ave NE
Grand St NE
14th Ave NE
14th Ave NE
13th Ave NE
NE Ramsey St
Marshall St NE
13th Ave NE
23
Main St NE
13th Ave NE
25 m
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World • United States • MN • Hennepin Co. • Minneapolis • Northeast
NE Main St
NE Main St
Main St NE
Main St NE
Main St NE
NE 17th Ave
16th Ave
NE 15th Ave
14th Ave NE
13th Ave
NE California St
Grand St NE
Grand St NE
NE Grand St
subject property
13th Ave NE
Marshall St NE
23
14th Ave NE
16th Ave NE
Marshall St NE
23
Marshall St NE
23
NE Marshall St
NE Ramsey St
NE Ramsey St
13th Ave NE
Water St NE
100 feet
25 m
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Subject: 1401 Marshall Street NE Proposed Use Narrative

INTRODUCTION:

Encaustic LLC, an enterprise by Kieran Folliard (2GINGERS® Irish Whiskey, Cara Irish Pubs), purchased the property at 1401 Marshall Street NE in Minneapolis on March 15, 2013. The vision for the building is to create a food production hub for up-and-coming businesses. The space provides a collaborative environment for these food entrepreneurs to grow their ventures, including a shared-services model. On June 10, 2013, the Planning Commission unanimously approved Encaustic's application for Change of Nonconforming Use, allowing for food production at 1401 Marshall.

Current Plans:

Red Table Meat Company LLC, led by award-winning Minneapolis chef and salumiere Mike Phillips, has recently finished construction on its production facility and is presently undertaking USDA certification; Red Table plans to be producing sometime in April 2014.

Skyway Creamery LLC, led by former Caves of Faribault cheesemaker Rueben Nilsson, is a nascent cheese production facility that will be housed at 1401 Marshall; Skyway is currently in the ideation phase and hopes to break ground on a build-out by May 1, 2014.

The Digging LLC (f/k/a Driven Donkey LLC) offices out of 1401 Marshall and is the consulting firm born from the people who brought you 2GINGERS® Irish Whiskey. The Digging provides business services to the food producing partners in the building, including marketing, event planning and promotion, accounting, legal, HR, administrative, and sales.

Future Plans:

Recently, Encaustic LLC announced an exciting new partnership with **Chowgirls, Inc.** The goal is to have Chowgirls up and running at 1401 Marshall by the end of 2014.

Chowgirls is a ten-year-old, award-winning catering company with a focus on serving Minnesota-sourced fare that's seasonal, sustainable, and organic. For more than five years, Chowgirls have been working out of a small kitchen at 1222 2nd Street NE, which has grown to include its offices and a gallery-style space for client rentals, art openings, pop-up dinners, and community gatherings, called Parlor. With the opening of Parlor, Chowgirls were able to acquire a liquor license, which has allowed them to cater in venues previously off limits.

However, 1401 Marshall's current Residential District zoning designation does not allow for the Minneapolis liquor license that Chowgirls requires in order to maintain their fantastic operations. Therefore, Encaustic LLC is proposing to rezone from R3 to C1.

Subject: Rezoning application update
Date: Friday, March 21, 2014 4:32:46 PM Central Daylight Time
From: Tyrone Folliard
To: jacob.frey@minneapolismn.gov

Good afternoon Councilmember Frey,

I am writing you this e-mail as a follow-up to our previous conversations regarding Encaustic LLC's plans for 1401 Marshall Street NE, as well as to fulfill a requirement of the General Land Use Application we plan on filing with the City this upcoming Monday. As you know, our plan is to create a food production hub in Northeast Minneapolis where local artisans are able to practice their craft. Thus far, this includes Red Table Meat Co. (a producer of dry-cured, Italian-style pork products) and Skyway Creamery (a nascent cheese-producing company that we are in the process of creating). There is also ample space for community-related events. Last week, we were thrilled to announce that we have signed a lease with Chowgirls. They are looking to move their entire operation over to our building, including their kitchen, offices, and Parlor for occasional events. However, the lease is contingent upon a number of occurrences, chief among them being the rezoning of our property. In order for Chowgirls to continue their success they must expand into a larger kitchen, such as 1401 Marshall can provide, but they must be able to obtain a liquor license; in order to obtain a liquor license, they must be housed in a property that is zoned either Commercial or Industrial. 1401 Marshall Street NE is currently zoned Residential (R3), so we are hoping to rezone to Commercial (C1). Additionally, we will need to file an Expansion of Nonconforming Use because Chowgirls are looking to add an additional 750 feet or so into the building.

We greatly appreciate your continued support in our various endeavors. Please feel free to reach out to me at any time:

Tyrone Folliard
General Counsel
Encaustic LLC
1401 Marshall Street NE, Suite 200
Minneapolis, MN 55413
(612) 703-6862
tyrone.folliard@encausticllc.com

Best,

Tyrone

--

Tyrone Folliard I General Counsel

ENCAUSTIC, LLC

612.703.6862 direct

tyrone.folliard@encausticllc.com

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Subject: Rezoning application update
Date: Friday, March 21, 2014 4:30:02 PM Central Daylight Time
From: Tyrone Folliard
To: Adam Axvig

Good afternoon Adam,

I am writing you this e-mail in your capacity as President of the Sheridan Neighborhood Organization (SNO) as a follow-up e-mail to our previous conversations regarding Encaustic LLC's plans for 1401 Marshall Street NE, as well as to fulfill a requirement of the General Land Use Application we plan on filing with the City this upcoming Monday. As you know, our plan is to create a food production hub in Northeast Minneapolis where local artisans are able to practice their craft. Thus far, this includes Red Table Meat Co. (a producer of dry-cured, Italian-style pork products) and Skyway Creamery (a nascent cheese-producing company that we are in the process of creating). There is also ample space for community-related events. Last week, we were thrilled to announce that we have signed a lease with Chowgirls. They are looking to move their entire operation over to our building, including their kitchen, offices, and Parlor for occasional events. However, the lease is contingent upon a number of occurrences, chief among them being the rezoning of our property. In order for Chowgirls to continue their success they must expand into a larger kitchen, such as 1401 Marshall can provide, but they must be able to obtain a liquor license; in order to obtain a liquor license, they must be housed in a property that is zoned either Commercial or Industrial. 1401 Marshall Street NE is currently zoned Residential (R3), so we are hoping to rezone to Commercial (C1). Additionally, we will need to file an Expansion of Nonconforming Use because Chowgirls are looking to add an additional 750 feet or so into the building.

We greatly appreciate your continued support in our various endeavors. Please feel free to reach out to me at any time:

Tyrone Folliard
General Counsel
Encaustic LLC
1401 Marshall Street NE, Suite 200
Minneapolis, MN 55413
(612) 703-6862
tyrone.folliard@encausticllc.com

Best,

Tyrone

--

Tyrone Folliard | General Counsel

ENCAUSTIC, LLC

612.703.6862 direct

tyrone.folliard@encausticllc.com

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EXPANSION OF NONCONFORMING USE - STATEMENT:

(1) A rezoning of the property would be inappropriate

Rezoning the property to an Industrial District would be inappropriate, because it is not in line with the vision of the draft Small Area Plan for the property's particular area and because members of the Sheridan Neighborhood Organization have stated that they would not support Industrial zoning, although they do support Commercial zoning for 1401 Marshall Street NE.

(2) The expansion will be compatible with adjacent property and the neighborhood

Expansion of the space and nonconforming use at 1401 Marshall to include more space for Chowgirls is compatible with the adjacent property, because both Chowgirls and the current uses (Red Table Meat Company, Skyway Creamery, and The Digging) at 1401 Marshall combine the components of food production and office space. This expansion is compatible with the neighborhood, because the surrounding area is a mixture of commercial uses interspersed with residential buildings. Furthermore, expansion is in line with the draft Small Area Plan for the immediate neighborhood, as the Plan envisions mixed-use of residential and commercial uses.

(3) The expansion will not result in significant increases of adverse off-site impacts such as traffic, noise, dust, odors and parking congestion

The food production and occasional dining components of the expansion will be no more intense in terms of noise, dust, and odors than the current food production that is allowed under Encaustic's nonconforming use permit; a catering facility will be no more adverse than a meat or cheese production facility, as is shown by the limited noise, dust, and odors generated at Chowgirls' current facility just blocks away from 1401 Marshall.

Based upon the occasional (approximately once per month) regularity of events at their business, traffic and parking will not be significantly, adversely affected. The property allows for the necessary number of parking spaces for all proposed uses at 1401 Marshall without the need for a variance or the like. Currently, Chowgirls relies on street parking at their 1222 2nd Street NE facility and they have not had any significant parking issues with the surrounding neighborhood; 23 off-street parking spaces at 1401 Marshall allows ample parking for staff and guests that is not provided at their current facility.

(4) The expansion, because of structural alteration or intensification, will improve the appearance or stability of the neighborhood

Encaustic LLC is working with Wynne Yelland of LOCUS Architecture to design the expansion, which will incorporate sustainable design, community participation, innovative construction, and detailed craftsmanship. Mr. Yelland will assist Encaustic and Chowgirls in executing design and construction that both compliments and improves the aesthetic of the neighborhood. Encaustic proposes to highlight particular unique features of the existing building structure, such as the oldest portion of the building located on 14th Avenue Northeast, by utilizing creative paint techniques to make such sections stand out.

For the past number of years, the building has sat in a state of relative disrepair with a rather drab exterior appearance. Encaustic is confident that it can revitalize the appearance of the building in a manner that will greatly improve the immediate surrounding area and be a source of pride for the Sheridan neighborhood.

(5) In districts in which residential uses are allowed, the expansion will not result in the creation or presence of more dwelling units or rooming units on the subject property than is allowed by the regulations of the district in which the property is located

The subject property has no dwelling units or rooming units, and there are no such units proposed.

(6) The expansion will not be located in the Floodway District

1401 Marshall Street NE, Minneapolis, MN 55413 is not located in the Floodway District.

Applicant: Tyrone Folliard o/b/o Encaustic LLC
Property Address: 1401 Marshall Street NE, Minneapolis, MN 55413
Project Name: Encaustic/Chowgirls Rezoning

After the close of the hearing on a proposed amendment, the city planning commission shall make findings with respect to the following and shall submit the same together with its recommendations to the zoning and planning committee of the city council:

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

To the extent that the Sheridan Small Area Plan, which is currently in draft form and has been approved by the Sheridan Neighborhood Organization (SNO) but not finalized by the City, may serve as a comprehensive plan, rezoning 1401 Marshall Street NE from Residential (R3) to Commercial (C1) is consistent with the Plan. The Small Area Plan, including the "Future Land Use" section, encourages a mix of uses throughout Sheridan. Specifically, the Plan calls for a mixed use, especially Commercial and Residential, along the Marshall Street NE corridor. At Section III (Land Use and Housing), page 25 of the Plan, the map shows that 1401 Marshall Street NE is called out as proposed Mixed Use, "to allow for more flexibility in the redevelopment of these parcels…."

Additionally, the Sheridan Small Area Plan puts a strong emphasis on retaining and growing locally-owned business, of which Encaustic LLC and Chowgirls, Inc. certainly qualify.

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

This amendment is in the public interest. Encaustic LLC, seeks to rezone in order to house Chowgirls Killer Catering, a beloved, local catering company; it is in the best interests of the Sheridan neighborhood to maintain the presence of such a fantastic locally-owned business who, in turn, strongly supports other local businesses.

1401 Marshall is a community-oriented building whose owners seek to have neighbors and community members feel welcomed into the space. Encaustic desires for the community to tour through the building and see where and how their food is being produced.

Lastly, Encaustic's application for rezoning has received the resounding support of the Sheridan Neighborhood Organization (SNO), whose Board has written a glowing letter of support for the rezoning. Ward 3 City Councilmember Jacob Frey has also stated his support for this rezoning application. This strong desire on the behalf of the local community and neighborhood to rezone indicates that rezoning is far from being solely in the interest of the property owner, but is rather largely in the interest of the public.

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 existing uses for the property are food production and office space; food production currently includes meat production via Red Table Meat Company. Food production is currently allowed based upon a Change of Nonconforming Use permit issued by the City to Encaustic LLC in June 2013. The food production currently located on the property fits nicely under the proposed C1 designation, as does the existing office space.

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 property at 1401 Marshall Street NE is presently zoned Residential (R3), which is a far cry from the obvious nature of the building. At over 25,000 square feet, the building is anything but residential. The nature of the building is and always has been more suited to commercial and/or industrial purpose. The building is not suitable for residential purposes and, to the best of the Applicant's knowledge, such uses have never before been proposed or entertained.

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.**

It is the Applicant's belief that, when the property was initially zoned Residential decades ago, the zoning classification was implemented based solely on the fact that the building is contiguous only to residential buildings (not including business that are across streets). Again, to the best of the Applicant's knowledge, the Applicant does not believe that the property was ever intended to be a residential building. Much has changed over the decades since zoning occurred, but it is clear that the future of the surrounding area is mixed-use: Commercial and Residential.

SHERIDAN
Neighborhood
Organization

Dear Councilmember Frey,

I'm writing to you on behalf of the Sheridan Neighborhood Organization to inform you that our organization unanimously and enthusiastically passed a resolution at our March 24th, 2014 meeting to formally support both the Rezoning from R3 to C1 and the expansion of the nonconforming use sought by Encaustic LLC for the 1401 Marshall Street NE site. Our board fully supports Encaustic and Chowgirls and their shared vision for the location at 1401 Marshall St. NE. Furthermore, their willingness to engage with the neighborhood and communicate with our community is a model we hope other businesses, existing or prospective, emulate. Tyrone Folliard from Encaustic, and Ted Carling from Chowgirls have been proactive in reaching out to the neighborhood, sought community input, and addressed any and all concerns; we laud them for their effort. Chowgirls has been viewed as an asset to the neighborhood, and we are happy they will continue to grow in our community.

Thank you for your consideration,

Adam Axvig
President, Sheridan Neighborhood Organization

Dear Planning Commission,

I am writing in support of property owner Encaustic LLC for the proposed rezoning from Residential District (R3) to Commercial District (C1) and Expansion of Nonconforming Use for the property at 1401 Marshall Street Northeast.

This rezoning is necessary for the growth of one of the Sheridan neighborhood's most successful businesses, Chowgirls Killer Catering, to continue their growth and to move into the 1401 Marshall property. Chowgirls requires a liquor license to carry out their events (off-site weddings, parties, etc.) and the current zoning of the building does not allow for one.

Until its purchase by Encaustic, the 1401 Marshall property—located one block away from my offices with RSP Architects—had been vacant and rundown. I am excited to see a pillar of the Northeast business community in the ten-year-old Chowgirls Killer catering bring their energy and vitality to the corner and to further sink their roots into the Northeast neighborhood.

This building will be a hub for community involvement and local food production, and will allow Chowgirls to continue their success. Please approve this change in zoning to allow this development in the Sheridan neighborhood.

Sincerely,

Derek McCallum, AIA, LEED AP BD+C
Associate Principal
R S P A R C H I T E C T S
1220 Marshall Street N.E.
Minneapolis, MN 55413
612.677.7100 main
612.360.1538 cell

Before and After Images

Before
Date: June 2011

After

Before

After

Before

After

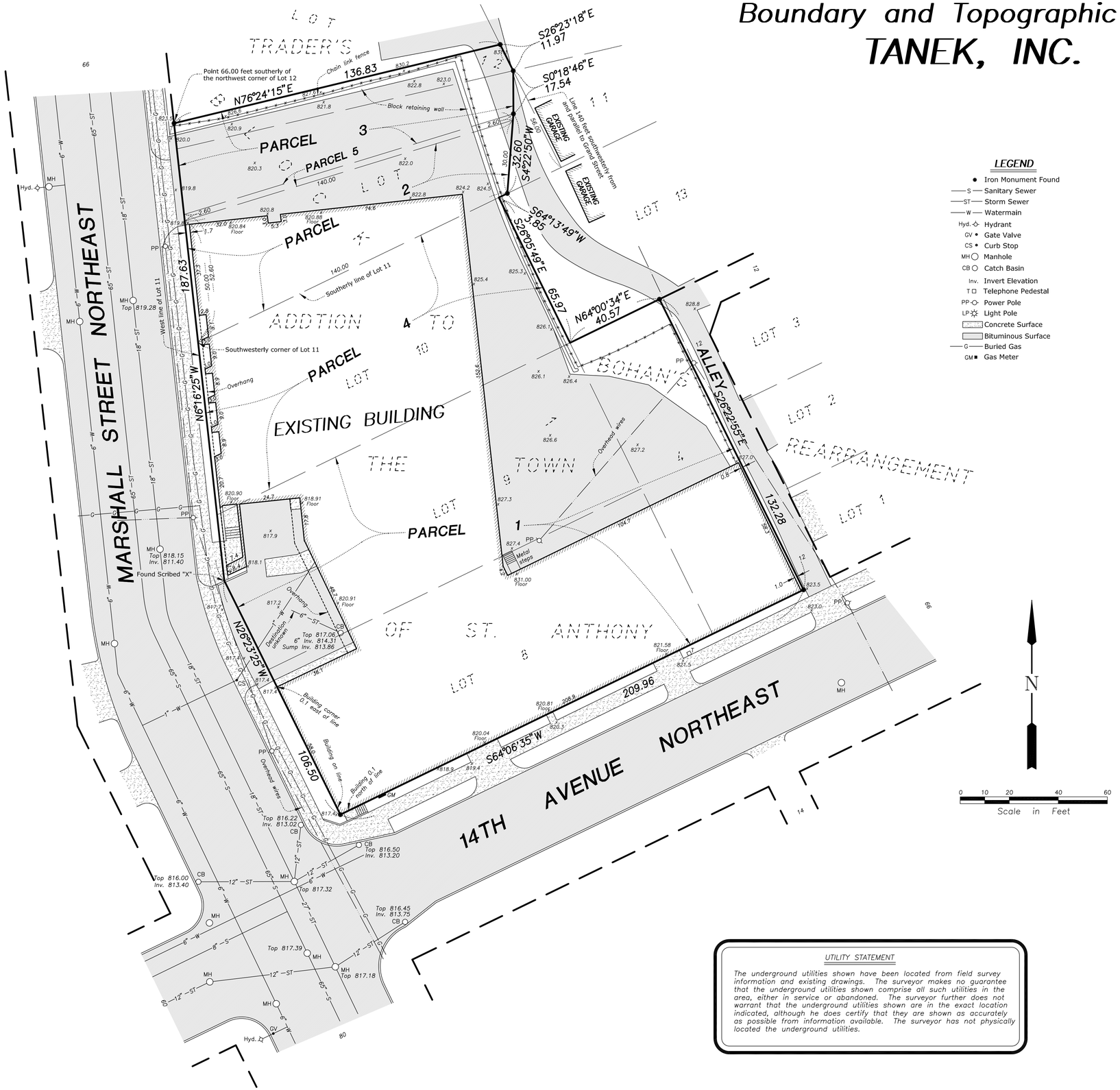
CITY VIEW
ELECTRIC
www.cityviewelectric.com

3
MST
071

1401

1401
Marshall

Boundary and Topographic Survey for:
TANEK, INC.



LEGEND

- Iron Monument Found
- Sanitary Sewer
- Storm Sewer
- Watermain
- Hydrant
- Gate Valve
- Curb Stop
- Manhole
- Catch Basin
- Invert Elevation
- Telephone Pedestal
- Power Pole
- Light Pole
- Concrete Surface
- Bituminous Surface
- Buried Gas
- Gas Meter

NOTES

* Bearings shown are based on the Hennepin County Coordinate System.
* Utilities shown are from information furnished by the City of Minneapolis and Center Point Energy in response to Gopher State One Call Ticket No. 130940946 and are verified where possible.
* Contact Gopher State 1 for utility locations before any construction shall begin. Phone 651-454-0002.
* Area = 47,628 square feet (1.09 acres).

PROPERTY DESCRIPTION

Parcel 1:
Lots 8 and 9, Block 1, Trader's Addition to the Town of St. Anthony; and Lot 4, Bohan's Rearrangement of Lots 14 and 15, Block 1, Trader's Addition.
(Torrens Property - Certificate of Title No. 719067)

Parcel 2:
That part of Lot 11, Block 1, Trader's Addition to the Town of St. Anthony, described as follows:

Beginning at a point on the line dividing said Lot 11 from Marshall Street in the City of Minneapolis, which point is 50 feet northwesterly from the southwesterly corner of said Lot 11; thence southwesterly along said dividing line 50 feet to the southwesterly corner of said lot; thence northeasterly along the southerly boundary of said lot 140 feet; thence in a northerly direction 30 feet to a point which is distant easterly in a straight line 140 feet from the point of beginning; thence southwesterly in a direct line to the place of beginning, according to the plat thereof on file or of record in the office of the Register of Deeds in and for said Hennepin County, Minnesota.
(Torrens Property - Certificate of Title No. 719067)

Parcel 3:
That part of Lots 11 and 12 in Block 1, Trader's Addition to the Town of St. Anthony, described as follows, to wit:

Commencing at the Southwest corner of said Lot 11; thence Easterly along the South line of said lot, a distance of 140 feet; thence Northerly a distance of 30 feet to a point 140 feet distant from a point in the West line of said Lot 11, distant 50 feet Northerly from the Southwest corner of said Lot 11; thence Northerly on the production of said last named 30 foot course produced Northerly in a straight line, a distance of 2.6 feet, to a point taken as and for the point of beginning; thence Northerly to the point of intersection of the line dividing said Lots 11 and 12 with a line parallel to Grand Street, and distant Southwesterly 140 feet therefrom; thence Northwesterly along said line parallel to Grand Street, to a point in said line distant 56 feet from South line of said Lot 11 measured along said line parallel to Grand Street; thence Westerly to a point in the West line of said Lot 12, distant 66 feet Southerly from the Northwest corner of said Lot 12; thence South along the West line of said Lots 12, and 11, to said point on the West line of said Lot 11, 52.6 feet Northerly from the Southwest corner of said Lot 11; thence Easterly to said point taken as and for the point of beginning, all according to the plat thereof on file or of record in the office of the Register of Deeds in and for said Hennepin County, Minnesota.
(Torrens Property - Certificate of Title No. 719067)

Parcel 4:
Lot 10, Block 1, Trader's Addition to the Town of St. Anthony, Hennepin County, Minnesota, according to the plat thereof on file or of record in the office of the Hennepin County Recorder.
(Abstract Property)

Parcel 5:
That part of Lot 11, Block 1, Trader's Addition to the Town of St. Anthony, Hennepin County, Minnesota, according to the plat thereof on file or of record in the office of the Hennepin County Recorder described as follows:

Commencing at the Southwest corner of said Lot 11; thence Easterly along the South line of said lot, a distance of 140 feet; thence Northerly a distance of 30 feet to a point 140 feet distant from a point in the West line of said Lot 11, distant 50 feet Northerly from the Southwest corner of said Lot 11, being the point of beginning of the tract of land to be described; thence Northerly on the production of said last named 30 foot course produced Northerly in a straight line, a distance of 2.6 feet; thence Westerly to a point on the West line of said Lot 11, distant 52.6 feet Northerly from the Southwest corner of said Lot 11; thence Southerly along the West line of said Lot 11, a distance of 2.6 feet; thence Easterly, a distance of 140 feet to the point of beginning.
(Abstract Property)

I hereby certify that this survey was prepared by me or under my direction and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 24th day of July, 2013

REHDER & ASSOCIATES, INC.

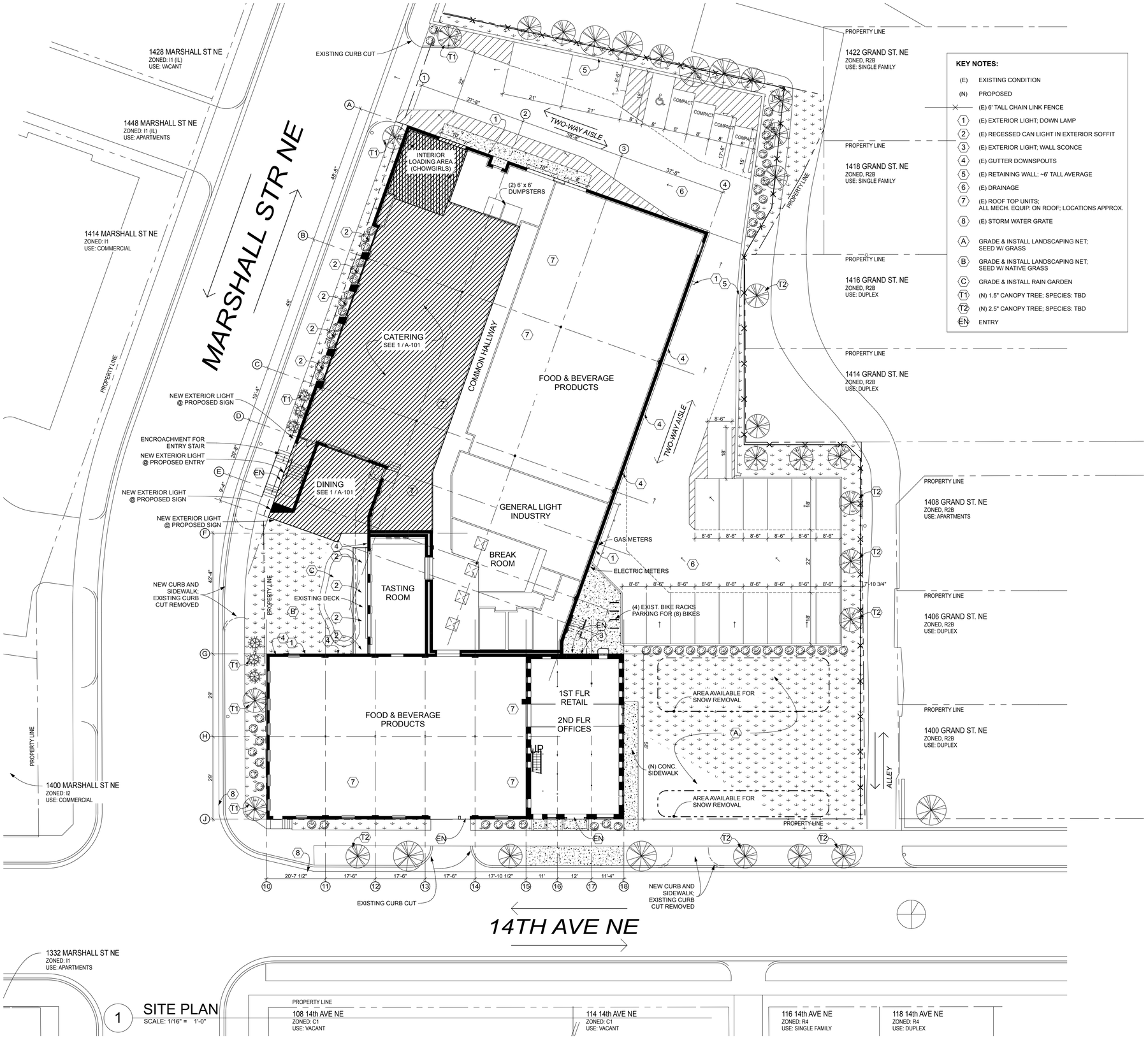
Thomas J. Adam, Land Surveyor
Minnesota License No. 43414

UTILITY STATEMENT

The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated, although he does certify that they are shown as accurately as possible from information available. The surveyor has not physically located the underground utilities.

Rehder and Associates, Inc.
CIVIL ENGINEERS AND LAND SURVEYORS
3440 Federal Drive • Suite 110 • Eagan, Minnesota • Phone (651) 452-5051

JOB: 134-2626.010



1 SITE PLAN
SCALE: 1/16" = 1'-0"

KEY NOTES:

(E)	EXISTING CONDITION
(N)	PROPOSED
	(E) 6' TALL CHAIN LINK FENCE
1	(E) EXTERIOR LIGHT; DOWN LAMP
2	(E) RECESSED CAN LIGHT IN EXTERIOR SOFFIT
3	(E) EXTERIOR LIGHT; WALL SCONCE
4	(E) GUTTER DOWNSPOUTS
5	(E) RETAINING WALL; ~6' TALL AVERAGE
6	(E) DRAINAGE
7	(E) ROOF TOP UNITS; ALL MECH. EQUIP. ON ROOF; LOCATIONS APPROX.
8	(E) STORM WATER GRATE
A	GRADE & INSTALL LANDSCAPING NET; SEED W/ GRASS
B	GRADE & INSTALL LANDSCAPING NET; SEED W/ NATIVE GRASS
C	GRADE & INSTALL RAIN GARDEN
T1	(N) 1.5" CANOPY TREE; SPECIES: TBD
T2	(N) 2.5" CANOPY TREE; SPECIES: TBD
EN	ENTRY

GENERAL NOTES:

1. SURFACE WATER DRAINAGE PATTERN INDICATED BY ARROWS ON PAVED AREAS.

2. PARKING & LOADING SPACES TO BE MARKED WITH 4" WIDE WHITE PAINT STRIPES ON PAVEMENT.

3. ALL BUILDING & TENANT TRASH IS HANDLED & STORED INSIDE THE BUILDING

4. FIRE HYDRANTS: THERE ARE NO HYDRANTS LOCATED ON THE PROPERTY. NEAREST HYDRANTS ARE ACROSS MARSHALL FROM NW CORNER OF SITE, AT THE SW CORNER OF MARSHALL & 14th AVE, ANS SW CORNER OF GRAND & 14th AVE.

5. TRANSIT STOPS: NEAREST BUS STOP IS 3 BLOCKS EAST AT 13th AVE & 2nd STR

SITE INFORMATION:

SITE INFO
R3 ZONING DISTRICT, MISSISSIPPI RIVER CRITICAL OVERLAY

LOT SIZE	47,923 SF
BUILDING FOOTPRINT w/ PROPOSED ADDITION	25,179 SF
IMPERVIOUS SURFACE w/ PROPOSED ADDITION	12,839 SF

LANDSCAPE COUNTS

20% OF SITE NOT OCCUPIED BY BUILDINGS = 4,550 SF
(47,923 - 25,179) x .2

CANOPY TREES REQ'D: 4,550 / 500 = 10
SHRUBS REQ'D: 4,550 / 100 = 46

WITHIN PROPERTY
TREES 10 4 EXISTING, 6 NEW
SHRUBS 48 48 NEW

ON ADJACENT CITY PROPERTY (BETWEEN BUILDING & SIDEWALK)
TREES 3(or4) EXISTING, 9 NEW
SHRUBS 24 PROPOSED
** WORK WITH PARK BOARD ON REPLACEMENT OF BOULEVARD TREES

PARKING CALCULATION

TOTAL PARKING PROPOSED	23 STALLS
TOTAL REQUIRED	18 STALLS
(NEW) CATERING: 5,700 SF	3 STALLS
(5,700-4,000)/500 = 3	
(NEW) DINING: 750 SF	
UNDER 1,000 SF EXEMPTION	
FOOD & BEV PRDCTS: 5,461 SF	5 STALLS
5461 / 1000 = 5	
GEN LIGHT INDUSTRY: 1,295 SF	2 STALLS
1295 / 1000 = 1 (2 MIN.)	
FOOD & BEV PRDCTS: 4,486 SF	4 STALLS
4486 / 1000 = 4	
TASTING ROOM: 724 SF	
UNDER 1,000 SF EXEMPTION	
GENERAL RETAIL: 1,994 SF	2 STALLS
IN EXCESS OF 4,000 (2 MIN.)	
OFFICES: 1,994 SF	2 STALLS
IN EXCESS OF 4,000 (2 MIN.)	

LOCUS ARCHITECTURE

LOCUS ARCHITECTURE, LTD.
708 WEST 40TH ST
MINNEAPOLIS, MN 55409

612.706.5600

WWW.LOCUSARCHITECTURE.COM

ENCAUSTIC, LLC
ENCAUSTIC / CHOWGIRLS REZONING

1401 MARSHALL ST NE
MINNEAPOLIS, MN 55413

MARK	DATE	DESCRIPTION
	03/27/14	REZONING APPLICATION
	04/03/14	PDR APPLICATION

DRAWN BY: *LOCUS*

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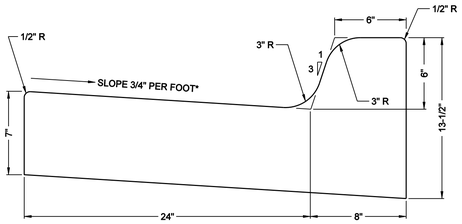
SHEET TITLE

SITE PLAN

NOT FOR CONSTRUCTION

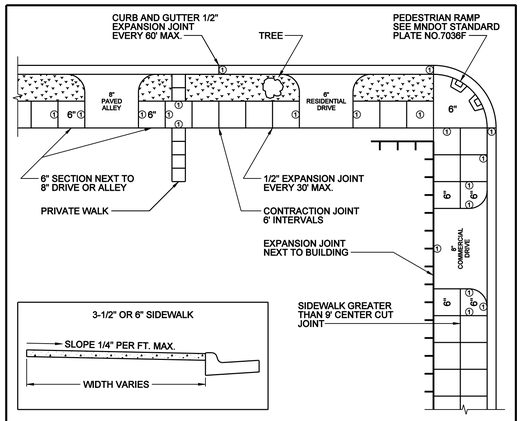
A-100A

/Volumes/LocusFiles/Projects/Encaustic Building/Encaustic Building ArchiCAD 17/Chowgirls 20140402 REZONING Site Plan Curbcut at 14th Remove Marshal.pln



*SLOPE NOT TO EXCEED 1:20 AT CURB RAMPS

MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS		B-624 CURB AND GUTTER	STANDARD PLATE NO. ROAD-1003
DRAWN: JFC	DATE: 9/10/07		
APPROVED: GAS	DATE: 5/19/08		



NOTE:
1. EXPANSION MATERIAL REQUIRED (SEE MNDOT SPEC BOOK, 2301.3K JOINT CONSTRUCTION).
FIRST SECTION NEXT TO COMMERCIAL DRIVEWAY OR ALLEY 6" THICK.
1/2" THICK EXPANSION JOINTS AT 30' INTERVALS (MAXIMUM).
EXPANSION TO BE USED WHEN SIDEWALK ABUTS BUILDING.
CONTRACTION JOINT TO BE CENTERED ON SIDEWALK WIDER THAN 9'.
CONTRACTION JOINT TO BE PLACED EVERY 6' OR LESS.

MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS		TYPICAL SIDEWALK AND DRIVEWAY CONSTRUCTION	STANDARD PLATE NO. ROAD-2003
DRAWN: JFC	DATE: 9/10/07		
APPROVED: GAS	DATE: 5/19/08		

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ENCAUSTIC, LLC

ENCAUSTIC / CHOWGIRLS REZONING

1401 MARSHALL ST NE
MINNEAPOLIS, MN 55413

MARK	DATE	DESCRIPTION
	03/27/14	REZONING APPLICATION
	04/03/14	PDR APPLICATION

DRAWN BY: LOCUS

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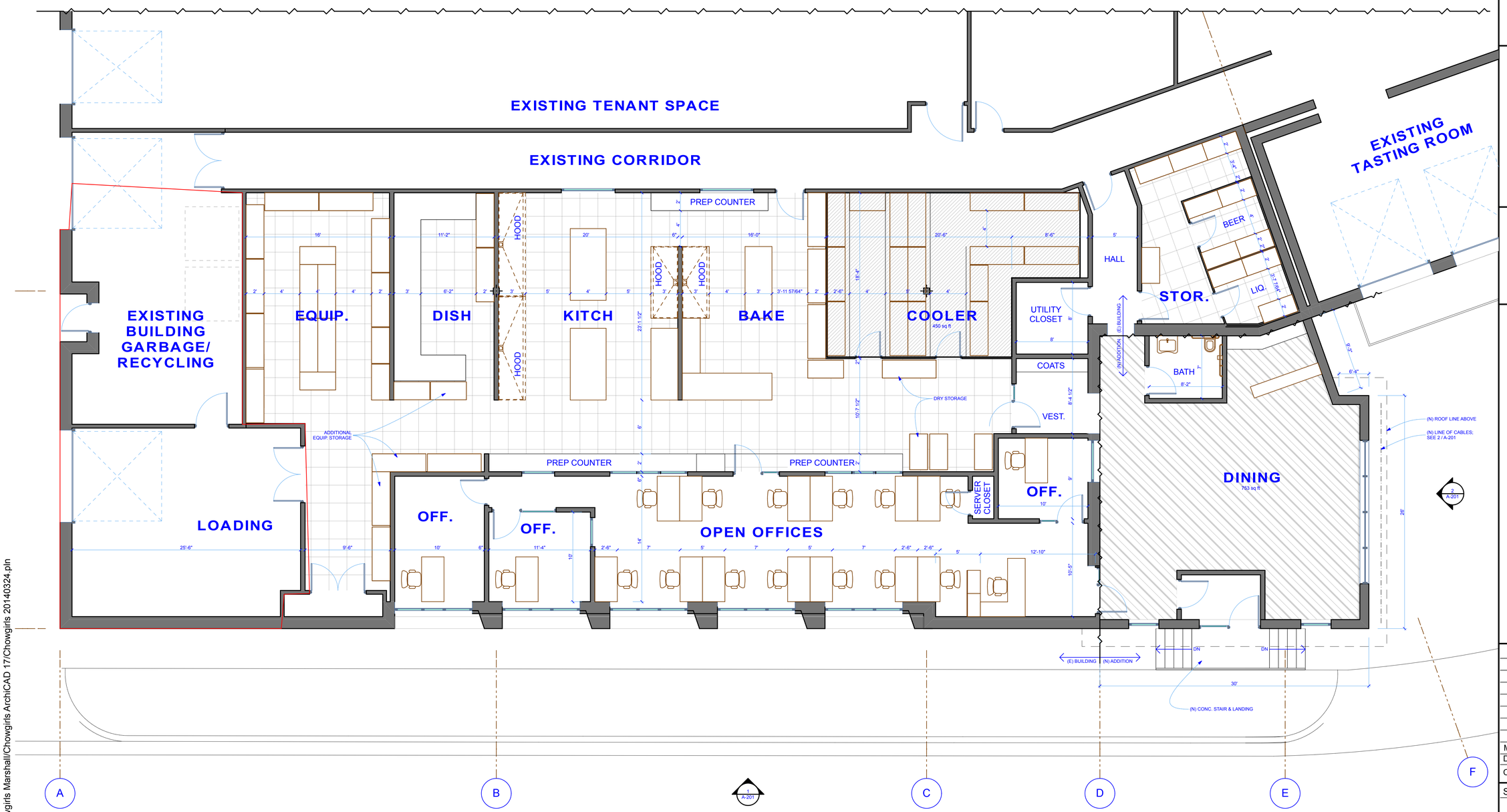
SHEET TITLE

SITE PLAN DETAILS

NOT FOR CONSTRUCTION

A-100B

/Volumes/LocusFiles/Projects/Encaustic Building/Encaustic Building ArchiCAD 17/Chowgirls 20140402 REZONING Site Plan Curbcut at 14th Remove Marshal.pln



1 FLOOR PLAN - SCHEMATIC

SCALE: 3/16" = 1'-0"

/Volumes/LocusFiles/Projects/Chowgirls Marshall/Chowgirls ArchiCAD 17/Chowgirls 20140324.pln

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ENCAUSTIC, LLC

ENCAUSTIC / CHOWGIRLS REZONING

1401 MARSHALL ST NE
MINNEAPOLIS, MN 55413

MARK	DATE	DESCRIPTION
	03/24/14	REZONING APPLICATION

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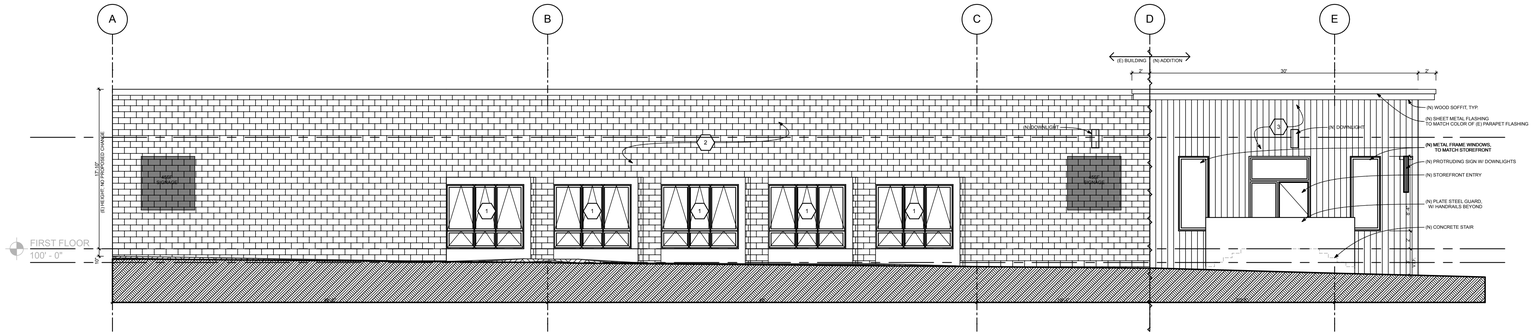
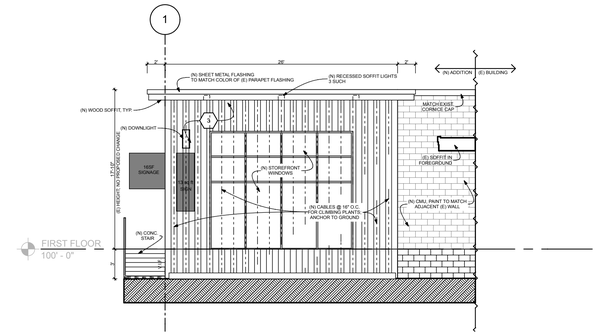
SHEET TITLE

PROPOSED FLOOR PLAN
FOR CHOWGIRLS CATERING

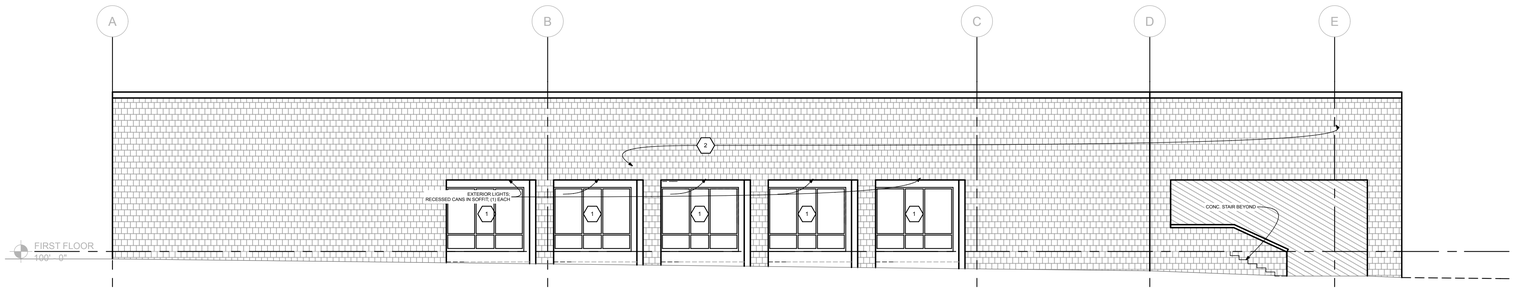
NOT FOR CONSTRUCTION



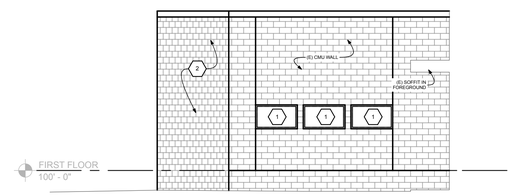
1 ELEVATION - NORTHWEST (MARSHALL STREET) **- PROPOSED**
SCALE: 1/8" = 1'-0"



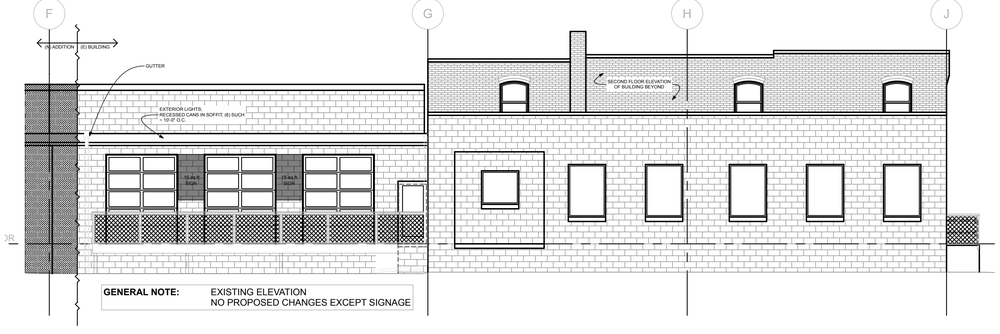
2 ELEVATION - SOUTH**- PROPOSED**
SCALE: 1/8" = 1'-0"



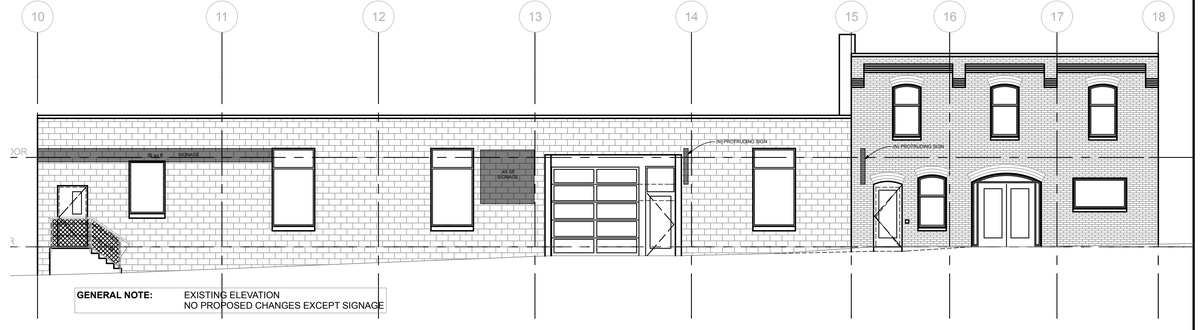
3 ELEVATION - NORTHWEST (MARSHALL STREET) **- EXISTING**
SCALE: 1/8" = 1'-0"



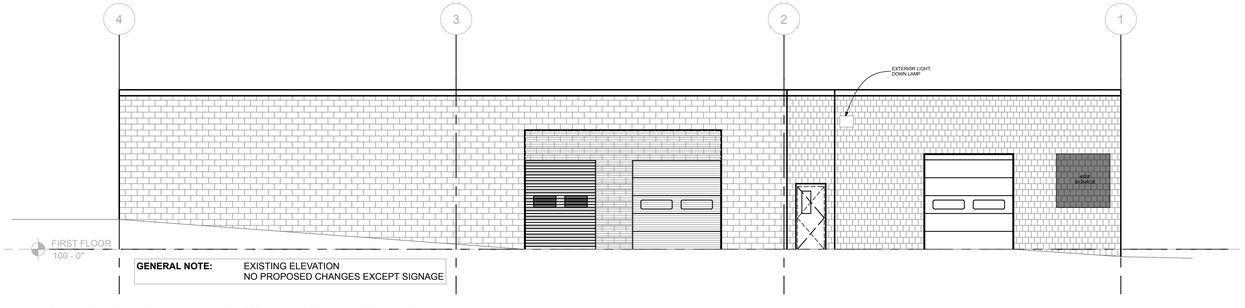
4 ELEVATION - SOUTH**- EXISTING**
SCALE: 1/8" = 1'-0"



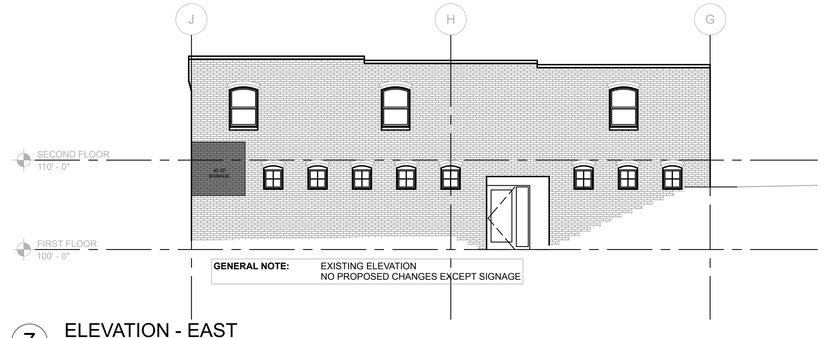
5 ELEVATION - WEST (MARSHALL STREET)
SCALE: 1/8" = 1'-0"



6 ELEVATION - SOUTH (14TH AVENUE)
SCALE: 1/8" = 1'-0"



8 ELEVATION - NORTH (14TH AVENUE)
SCALE: 1/8" = 1'-0"



7 ELEVATION - EAST
SCALE: 1/8" = 1'-0"

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ENCAUSTIC, LLC

ENCAUSTIC / CHOWGIRLS
REZONING

1401 MARSHALL ST NE
MINNEAPOLIS, MN 55413

ELEVATION KEY NOTES:

(E) EXISTING CONDITION
(N) PROPOSED
1 (E) ALUMINUM FRAME WINDOWS
2 (E) CONCRETE BLOCK EXTERIOR
3 (N) CORRUGATE STEEL SIDING; CORTEN FINISH

MARK	DATE	DESCRIPTION
	03/24/14	REZONING APPLICATION

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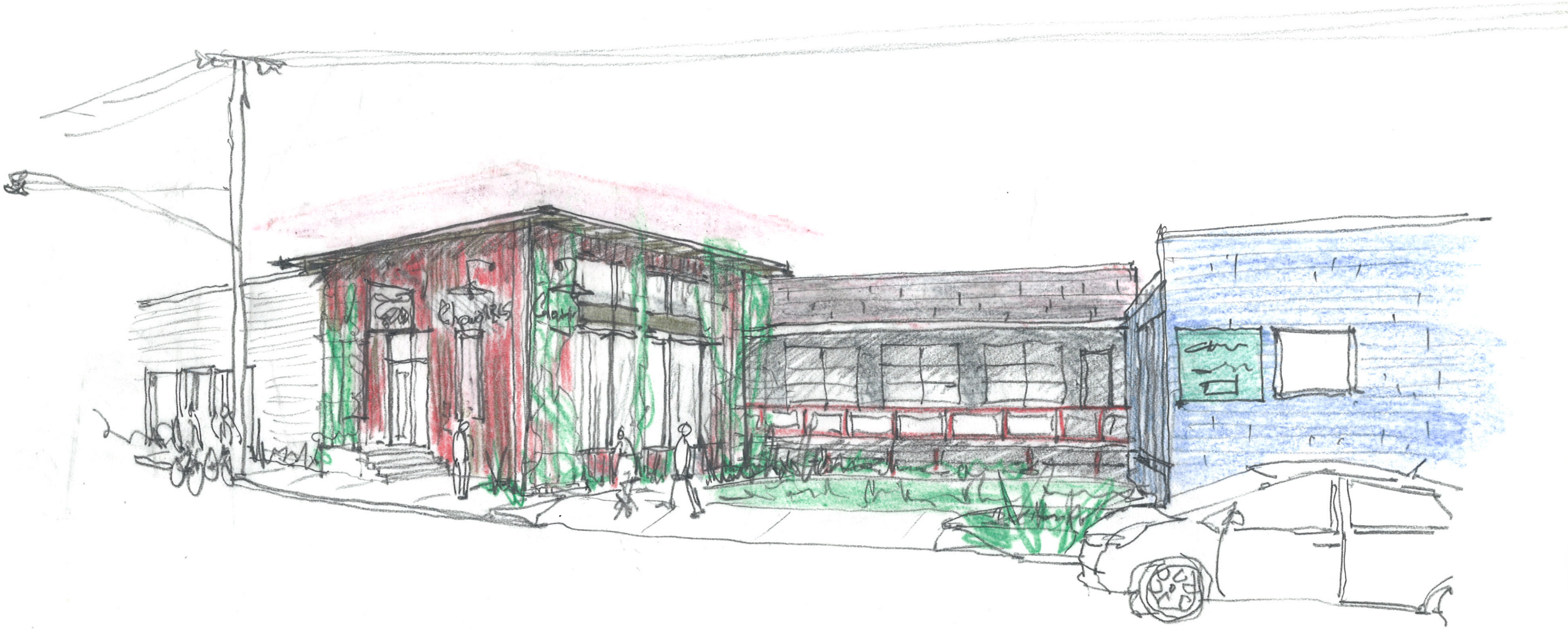
SHEET TITLE

ELEVATIONS

NOT FOR CONSTRUCTION

/Volumes/LocusFiles/Projects/Chowgirls Marshall/Chowgirls ArchiCAD 17/Chowgirls 20140324.pln



4/23 CPC meeting
Agenda #6
Letter 1

April 17th, 2014

To the Minneapolis Planning Commission.

I am a co-owner of The Anchor Fish & Chips restaurant in the Sheridan Neighborhood of Northeast Minneapolis. The Anchor has been based on 13th Avenue NE since our opening in October 2009. Long before 2009 and ever since that time, Kieran Folliard has been a friend and mentor to those of us at The Anchor. We have thoroughly enjoyed watching his past successes from the Irish pubs, to 2 GINGERS Irish Whiskey, and now to the food hub at 1401 Marshall Street NE.

We have no doubt that this building and all of its residents will be a great success. Additionally, we have enjoyed a good relationship with our neighbors, Chowgirls, whom we are excited to hear will be joining Kieran and his team in the new building. The dedication of this venture to incorporate all things local is admirable and will stamp Northeast even more as a place of integrity and extremely attractive for visitors.

We fully support the various projects undertaken at 1401 Marshall Street and we support their current application before the Planning Commission to rezone.

If you have any questions please don't hesitate to contact me at my number below.

Kind regards,

Kathryn Hayes
Co Owner
The Anchor Fish & Chips
302, 13th Ave NE
Mpls 55413
612 860 2046 (cell)

4/23 CPC meeting
Agenda #6
Letter 2

Hanauer, Aaron M.

From: Marcus Lienhard <marcuslienhard@hotmail.com>
Sent: Tuesday, April 22, 2014 9:20 PM
To: Hanauer, Aaron M.
Subject: RE: Your Re-zoning letter

Aaron,

We met with Tyrone and Carrie Nicklow (President of The Digging) over at 1401 yesterday afternoon. They explained to us the changes that are occurring over at the property and their vision for the company. We realize that this will pass and support this direction, however we want to have a few things considered at the meeting as they review the property.

We (our Association/development of 10 units) would like them to require 1401 to do something beyond painting the exterior of the building on the west and north elevations. The north and west elevations of the property transition into the more residential area of Marshall and it is the side of the building that faces our properties and the other five units that are planned for the lot next to us. We feel that they should be required to address the aesthetics of the of side of the building facing Marshall Street (west where the Chowgirls changes are proposed) and the North side of the building where the loading doors are. Use of alternative materials and design features should be used to transition into a more residential feel of the area north of the building and to soften the impact of this soon to be commercial building.

If you have any questions please feel free to contact me, via email or phone 612.309.2739.

Thanks,
Marcus and Melissa Lienhard

From: Aaron.Hanauer@minneapolismn.gov
To: marcuslienhard@hotmail.com
Subject: RE: Your Re-zoning letter
Date: Mon, 21 Apr 2014 19:59:29 +0000

Hi Marcus,

Answers in red.

Aaron

The proposed restaurant has 750 square feet of seating area, **How many seats will this accommodate? Approximately 50 seats.**

Therefore, if approved, the applicant will need to meet hours of operation for a restaurant, **The applicant would be able to operate from 6:00am to 1:00am for their occasional restaurant. They have stated it would be open approximately 4-6 times a month for restaurant events with some additional private events.**

4/23 CPC meeting
Agenda #6
Letter 3

MINNEAPOLIS
NORTHEAST
FARMERS MARKET
EST. 2000

April 18, 2014

To Minneapolis Planning Commission and Business License Department:

The board of the Northeast Minneapolis Farmers Market would like to express their full support and endorsement of Chowgirls Killer Catering and the business that they will be conducting in the building at 1401 Marshall St. NE, Minneapolis, MN 55413, including being able to operate with a City of Minneapolis Liquor License by rezoning the building from residential (R3) to commercial (C1).

Our organization has been fortunate to be supported by Kieran Folliard and his businesses (including building owner Encaustic LLC, building manager The Digging, and 2 Gingers) for the past three years. Northeast Minneapolis and the City of Minneapolis would benefit from Mr. Folliard's vision to create a community food building.

Likewise, Chowgirls has supported the Northeast Minneapolis Farmers Market for five years, offering sponsorship as well as assistance with fundraising events. In addition to donating supplies and food to our fundraisers, Chowgirls has helped ensure we have the proper licensing for these events.

Businesses like these help us to fulfill our mission to provide "a safe, accessible and friendly environment for the community to conduct commerce and encourage a socialization alternative…. We enhance the livability of the neighborhood and foster sustainability in the Northeast Community."

In summary, we urge the Planning Commission to grant Encaustic the property rezoning from R3 to C1 and Expansion of Nonconforming Use, as well as the Business License department to approve Chowgirls for a liquor license in this new location.

Thank you,

Tony Anastasia
Board President
Northeast Minneapolis Farmers Market

4/23 CPC meeting
Agenda #6
Letter 4

COFFEE HOUSE PRESS
79 THIRTEENTH AVENUE NE, SUITE 110, MINNEAPOLIS, MINNESOTA 55413
PHONE (612) 338-0125 FAX (612) 338-4004 COFFEEHOUSEPRESS.ORG

April 17, 2014

To whom it may concern,

I am the publisher and executive director of Coffee House Press, a publishing house located in Northeast Minneapolis in the Grain Belt Complex near Marshall and 13th Ave. NE. We were very happy to move to the neighborhood six years ago, and plan to say a long time. We have worked with Chowgirls on a number of occasions and can attest that they are a wonderful business to work with. We love having them nearby and consider them one of the anchor tenants of the neighborhood.

I would like to express my full support and endorsement of Chowgirls Killer Catering and the business that they will be conducting in the building at 1401 Marshall St. NE, Minneapolis, MN 55413, including being able to operate with a City of Minneapolis Liquor License by rezoning the building from residential (R1) to commercial (C3).

I'm excited to have Kieran Folliard and his businesses (including building owner Encaustic LLC and building manager The Digging) in the neighborhood. Mr. Folliard has a proven record of success with his Twin Cities restaurants and his Irish whiskey brand, 2 Gingers. Our neighborhood and the City of Minneapolis would benefit from his vision to create a community food building as it supports local businesses, creates jobs, and improves an under-utilized property. As a mixed-use area, Marshall Street is an ideal location for this sort of enterprise.

Furthermore, Chowgirls has been a community supporter since its inception in 2004, offering assistance for events for a number of neighborhood organizations including Coffee House Press, Sheridan Neighborhood Organization, East Side Neighborhood Service, Eastside Food Co-op, Northeast Minneapolis Farmers Market, Northeast Minneapolis Arts Association, The Ritz Theatre, Minneapolis Chamber of Commerce, Marcy Open School, New City School, Yingua Academy... just to name a few! When they acquired their liquor license in 2011, we noticed an increase in their support of the community. Over the past few years, Chowgirls has assisted Coffee House Press with numerous fundraisers, ensuring the events are properly licensed for food and alcohol.

In their current location, Chowgirls has contributed to the vibrancy of the 13th Avenue Business Corridor, bringing new visitors to the neighborhood for the art and creative dining experiences. In addition to the jobs Chowgirls has created over the years, a number of their employees have relocated to Northeast Minneapolis to be nearer to their workplace.

In summary, I urge the Planning Commission to grant Encaustic the property rezoning from R3 to C1 and Expansion of Nonconforming Use, as well as the Business License department to approve Chowgirls for a liquor license in this new location.

Best,

Chris Fischbach, Publisher

4/23 CPC meeting
Agenda #6
Letter 5

To Whom It May Concern:

I would like to express my full support and endorsement of Chowgirls Killer Catering and the business that they will be conducting in the building at 1401 Marshall St. NE, Minneapolis, MN 55413, including being able to operate with a City of Minneapolis Liquor License by rezoning the building from residential (R3) to commercial (C1).

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Their presence in the 13th Avenue business cooridor has contributed to its vibrancy, bringing more jobs, active residents who choose to live and work in the same neighborhood, and another place to enjoy unique experiences with arts and food. I can only imagine what their relocation to Marshall Street will do to enliven that part of the neighborhood, along with Michael Phillips' Red Table Meat Co., and I personally live just two blocks from 1401 Marshall St. NE.

In summary, I urge the Planning Commission to grant Encaustic the property rezoning from R3 to C1 and Expansion of Nonconforming Use, as well as the Business License department to approve Chowgirls for a liquor license in this new location.

Thank you,

Dean Vaccaro
1523 California St. NE
Minneapolis, MN 55413

4/23 CPC meeting
Agenda #6
Letter 6

MINNEAPOLIS
CITY OF LAKES

JACOB FREY
Council Member – Third Ward

350 South 5th Street –Room 307
Minneapolis, MN 55415-1383

Office 612-673-2203
Fax 612-673-3940
TTY 612-673-2157

www.minneapolismn.gov/ward3
jacob.frey@minneapolismn.gov

April 23, 2014

Dear Planning Commission:

I am writing on behalf of Encaustic LLC, owner of 1401 Marshall Street NE, who currently has applications for Rezoning and Expansion of Nonconforming Use before the Commission. As Councilmember for the ward in which 1401 Marshall resides, I wish to express my strong support for Encaustic's operations and for their present land use applications. A couple of weeks back I took a tour through their building, and was able to see and hear everything that is planned for this space, and I must say that I'm pleased to have such a business in my ward.

The land use applications before the Planning Commission will allow for Chowgirls Catering, another business in my district, to move their fantastic operation from a small, cramped kitchen into the spacious building at 1401 Marshall, which will in turn allow them to prosper within the City of Minneapolis. Chowgirls is a terrific asset to the Northeast Minneapolis community and I wish for them to remain in our community for as long as they desire. Approving these applications will allow them to do so.

On March 24th, I had the pleasure of attending the Sheridan Neighborhood Organization's (SNO) monthly meeting. SNO is an active and exemplary organization in Northeast. At that meeting, a representative from Encaustic and a representative from Chowgirls presented their vision for the future of the building at 1401 Marshall Street NE, and I was pleased to see the Organization's enthusiastic and unanimous support for the present applications.

I would respectful ask that you approve the applications before you from Encaustic LLC, both for Rezoning from a Residential District (R3) to a Commercial District (C1).

Sincerely,

Jacob Frey
Minneapolis City Councilmember, Ward 3
350 S. 5th St., Room 307
Minneapolis, MN 55415
612-673-2203
jacob.frey@minneapolismn.gov

call 311 Minneapolis
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NORTHEAST MINNEAPOLIS
Chamber of Commerce
An Affiliate of the Minneapolis Regional Chamber of Commerce

4/23 CPC meeting
Agenda #6
Letter 7

April 23, 2014

City of Minneapolis-Planning Division
Zoning Administration
250 S. 4th St., Room 300
Minneapolis, MN 55415

To Whom it May Concern:

Please consider this a letter support for the proposed zoning changes for 1401 Marshall from an R1 to a C3.

The removal of the existing residential zoning status seems more than appropriate for an existing structure with early 31,000 square feet. The purchase of the property and responsible renovation of the building by Encaustic LLC has turned an eyesore into an asset. The folks at Encaustic LLC, have been consistent supporters and investors in the City of Minneapolis and Northeast Minneapolis and continue to demonstrate this year after year.

The current and proposed tenants add more small businesses and jobs to the area which supports the current expansion and growth of Northeast's economic climate. This includes the relocation of Chow Girls Killer Catering to the new "Food Building" which requires this zoning change in order to support their current liquor license. This legacy women-owned business continues to grow exponentially and this is an important next step in their business growth.

Please make every effort to make this zoning change.

On behalf of the Northeast Minneapolis Chamber Board of Directors,

Christine Levens

Christine Levens
President
Northeast Minneapolis Chamber of Commerce

4/23 CPC meeting
Agenda #6
Letter 8

From: M Byrnes
To: Hanauer, Aaron M.
Subject: 1401 Marshall St. NE
Date: Wednesday, April 23, 2014 2:05:53 PM

Hello Aaron

I will be unable to attend the public hearing today regarding the rezoning of 1401 Marshall St. NE. Even though I can't make it to the meeting I would like to state my clear support of this activity.

Both Chow Girls and Encaustic are local entities that are true assets the this community. Along with this rezoning both organizations can and will continue to improve our neighborhood.

Regards,

Mark Byrnes
136 14th Ave NE