

Community Planning and Economic Development Department – Planning Section
Rezoning, parking Variance and Major Site Plan Review
BZZ-1604

Date: March 22, 2004

Applicant: Lip to Lip, Inc.

Address of Property: 321 Lincoln Street Northeast, 983 East Hennepin Avenue and 304 Johnson Street Northeast

Contact Person and Phone: Mike Leary, (612) 490-9765

Planning Staff and Phone: Hilary Watson, (612) 673-2639

Date Application Deemed Complete: February 24, 2004

End of 60-Day Decision Period: April 24, 2004

End of 120-Day Decision Period: Not applicable

Ward: 1 **Neighborhood Organization:** Beltrami Neighborhood Council

Existing Zoning: I1

Proposed Zoning: IL (Industrial Living) Overlay District

Proposed Use: Restaurant and a retail store

Previous Actions: None

Concurrent Review:

Rezoning: petition to add the IL (Industrial Living) Overlay District to the existing I1 District for the properties located at 321 Lincoln Street Northeast and 983 East Hennepin Avenue.

Variance: to reduce the required number of off-street parking spaces for a restaurant and a retail store from 81 to 47 (this was noticed for 52).

Major site plan review.

Background: The applicant is proposing to convert the existing building located at 321 Lincoln Street Northeast to a restaurant and a retail store. The properties located at 983 East Hennepin Avenue and 309 Johnson Street Northeast will be made into parking lots for the business. The applicant has indicated that all of the foods served in the restaurant will be one-hundred percent organic. Also within the restaurant there will be a bar that serves organic juices, teas, coffees and alcoholic beverages.

The site is located in the I1 zoning district. The restaurant portion of the building is a permitted use in the I1 zoning district. The retail portion of the building is not permitted in the I1 zoning district. The

Community Planning and Economic Development Department – Planning Section
BZZ-1604

applicant is proposing to add the IL (Industrial Living) Overlay District to the site in order to allow more flexibility in the types of commercial uses that can go into the building while at the same time preserving the underlying industrial zoning for future property owners. This development also requires a parking variance and major site plan review.

Neighborhood Review: In a letter dated October 3, 2003, the Beltrami Neighborhood Council was notified by the applicant of the development. Staff has not received a response from the neighborhood organization.

Attachments:

1. Letter from the property owner
2. Statement of proposed use
3. Variance findings
4. December 5, 2003 e-mail from Council President Paul Ostrow
5. Zoning Map
6. Site, elevation and floor plans
7. Photographs of the site and surrounding area

REZONING

Zoning Plate Number: 15

Legal Description: All of Lot 23 and that part of Lots 18, 19 and 22, lying westerly of the following described line: Beginning at a point on the North line of said Lot 18 distant 65 feet East from the Northwest corner thereof; thence Southeasterly to a point on the South line of said Lot 18 distant 105 feet East from the Southwest corner thereof; thence Southeasterly to a point distant 10 feet South and 7 feet West of the Northeast corner of said Lot 22; thence Easterly parallel with the North line of said Lot 22 to the East line thereof and there terminating,

ALSO

That part of Lot 20 and that part of Lot 21 lying North of the South 19 feet thereof; which lies Westerly of the following described line: beginning at a point on the South line of said Lot 21, distant 67 feet East from the Southwest corner thereof; thence Northwesterly to the Northeast corner of the West 7 feet of said Lot 20 and there terminating, except alley and except highway,

AND

Lots 26, 27 and 30, except street, alley and highway, all in Block 28 of Ramsey Lockwood and Others Addition to St. Anthony, Hennepin County, Minnesota.

Findings as Required by the Minneapolis Zoning Code:

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

The site is located in a light industrial area and is located on East Hennepin Avenue which is a designated Community Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- 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.

The applicant is proposing to convert the existing building located at 321 Lincoln Street Northeast to a restaurant and a retail store. The properties located at 983 East Hennepin Avenue and 309 Johnson Street Northeast will be made into parking lots for the business. This development will strengthen East Hennepin Avenue and the surrounding area by providing a restaurant in the neighborhood. The applicant is proposing to add a new entrance to the building, reconfigure the parking lot and landscape the perimeter of the site.

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

The amendment will allow the property owner to add a retail component to the front portion of the existing building which the applicant is converting to a restaurant. City stakeholders have identified East Hennepin Avenue as a Community Corridor. Approving this rezoning supports the City's decision to support the continued presence of small-scale retail sales and commercial services along Community Corridors.

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 entire block that the site is located on is zoned I1. The block is bordered by I1 zoning to the north and east, I1 and I2 zoning to the south and I1 and R5 zoning to the west. Adjacent uses include Interstate 35W, a mixture of industrial uses and a mixture of single and two-family dwellings. The IL (Industrial Living) Overlay District is established to encourage the rehabilitation and reuse of existing industrial structures and to provide for limited residential and retail uses in the I1 and I2 Industrial Districts where such uses are compatible with other uses in the area. Given the purpose of the IL Overlay District, the varying zoning classifications and the mixture of the adjacent land uses the proposed IL Overlay District is compatible with the immediately surrounding area.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are reasonable uses of the property permitted under the I1 zoning district. The I1 zoning district is a light industrial district. Permitted uses in the I1 district include, but are not limited to, the following:

- Light industrial uses.

- Greenhouse, wholesale.
- Self service storage.
- Art gallery.
- Office supply sales and service.
- Restaurant, sit down, including the serving of alcoholic beverages with general entertainment.
- Clinic, medical or dental.
- Community garden.

Adding the IL Overlay District to the site allows more flexibility in the types of commercial uses that can go into the building while at the same time preserving the underlying industrial zoning for future property owners.

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.

Under the 1963 Zoning Code, the subject property and the surrounding area was zoned similarly as it is today.

VARIANCE - to reduce the required number of off-street parking spaces for a restaurant and a retail store from 81 to 47

Findings as Required by the Minneapolis Zoning Code for the Variance:

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.

Parking variance: The applicant is seeking a variance to reduce the required number of off-street parking spaces for a restaurant and a retail store from 81 to 47. This application was noticed as a variance from 81 to 52 but staff has determined that the 5 parking spaces located on the north side of the building along the alley are not legal parking spaces as there are overhead garage doors located along the wall that need to be accessed and therefore cannot have parking spaces in front of them. The applicant has indicated that the property located at 304 Johnson Street Northeast was purchased to help meet the parking requirement generated by the restaurant and the retail space. Although the parking requirement is not being met the applicant has said that the business model that was done for this development indicates that more than enough parking is being provided. In addition, the applicant anticipates that many customers will arrive by means other than a car as East Hennepin Avenue is a major bus route, there are several people who work at the surrounding businesses and there is a residential neighborhood located northwest of the site.

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.

Parking variance: The proximity to a bus route and the surrounding businesses is a unique circumstance that is not generally applicable to other properties in the I1 zoning district.

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.

Parking variance: Staff does not believe that the parking variance will alter the essential character of the neighborhood as the majority of the required parking spaces are being provided on site. In addition, the proposed hours of operation for the restaurant and retail space are between 8 am and 10 pm which are mainly when the nearby businesses are open.

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.

Parking variance: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- 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 FACADE

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- The area between the building and the lot line shall include amenities.**
- The building shall be oriented so that at least one (1) principal entrance faces the public street.**
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or**

interior of the site, within the principal building served, or entirely below grade.

- For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.
- Entrances and windows:
- Residential uses shall be subject to section 530.110 (b) (1).
- Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING SECTION RESPONSE

- The placement of the building is existing and no major modifications are proposed. The building is setback 104 feet from East Hennepin Avenue and between 0 and 21 feet from Lincoln Street Northeast. The applicant is proposing to add an entrance to the building on the south side facing East Hennepin Avenue which will serve as the principal customer entrance. The applicant is proposing to paint the entire exterior of the building and add an entrance canopy over the proposed entrance.
- The exterior material of the entire building is painted concrete block. The percentage of windows required for the first floor of the building that faces East Hennepin Avenue and Lincoln Street Northeast is 30 percent. The applicant has indicated that windows will be added to the side of the building that faces East Hennepin Avenue (please note that the windows are not shown on the elevations). Staff is recommending that there be at least 30 percent windows on the side of the building that faces East Hennepin Avenue. No changes to the Lincoln Street Northeast elevations are proposed.
- Parking is located in various areas on the site. The main parking area is located between the building and East Hennepin Avenue. There are additional parking areas just east of the main parking area on the east side of the alley and on the west side 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.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING SECTION RESPONSE

- The applicant is proposing to construct a 5-foot wide walkway along the north edge of the main parking area. Staff is recommending that the walkway connect to the public sidewalk along Lincoln Street Northeast.
- According to the applicant, the public boulevard located along Lincoln Street Northeast is partly asphalt, cement and grass. The applicant is proposing to tear up the entire boulevard and replace it with grass and additional trees. Staff is recommending that the applicant work with the Public Works Sidewalk department to determine what the City would prefer for the boulevard.
- Along Lincoln Street Northeast there are three curb cuts and along East Hennepin Avenue there are two curb cuts. With the reconfiguration of the parking areas one of the curb cuts along Lincoln Street Northeast will be relocated. The curb cut located in the middle of the block along Lincoln Street Northeast leads to an existing parking area. The remaining three curb cuts do not lead to a parking area and therefore staff is recommending that they be closed.
- During the winter months snow will be stored on the site.

LANDSCAPING AND SCREENING

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).**
- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**
- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**
- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the**

parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.

- **All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING SECTION RESPONSE

- According to the applicant, once the project is complete approximately 20 percent of the site not occupied by the building will be landscaped (please see the attached landscaping plan). The zoning code requires that there be at least 18 trees and 86 shrubs planted on the site. The applicant is proposing to have 11 trees and 84 shrubs on the site. The applicant is also proposing to have an additional two trees planted in the boulevard along Lincoln Street Northeast. Staff is recommending that additional trees and shrubs be added to the site in order to be in compliance with the zoning code requirement.
- The applicant is not proposing to have any fencing located on the site. The zoning code requires that there be screening between the parking spaces on the west side of the building and the boulevard along Lincoln Street Northeast. Staff is recommending that a decorative fence be located in this area in order to be in compliance with the zoning code requirements. The dumpster, which is located on the east side of the building, also needs to be screened. Staff is recommending that the dumpster be enclosed by a fence.

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.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING SECTION RESPONSE

- No lighting plan was submitted as part of this development. Staff is recommending that the applicant submit a lighting plan that shows footcandles and elevations of the light fixtures.
- This building should not block views of important elements in the city.
- This building should have minimal light and air effects on the surrounding area.
- This building should have minimal wind effects on the surrounding area.
- The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. To ensure the welfare of the customers and employees of the restaurant and the retail store and the residents of the surrounding area the Crime Prevention Specialist is recommending that there be proper lighting located throughout the site.
- This site is neither historic nor located in a historic district.

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

ZONING CODE

With the approval of the rezoning, the parking variance and the major site plan review this development will be in conformance with the applicable regulations of the I1 zoning district.

THE MINNEAPOLIS PLAN

The site is located in a light industrial area and is located on East Hennepin Avenue which is a designated Community Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- 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.

The applicant is proposing to convert the existing building located at 321 Lincoln Street Northeast to a restaurant and a retail store. The properties located at 983 East Hennepin Avenue and 309 Johnson Street Northeast will be made into parking lots for the business. This development will strengthen East Hennepin Avenue and the surrounding area by providing a restaurant in the neighborhood. The applicant is proposing to add a new entrance to the building, reconfigure the parking lot and landscape the perimeter of the site.

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

No small area plans for this area of Minneapolis have been adopted by the City Council.

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.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING SECTION RESPONSE

- Alternative compliance is not warranted for this development.

RECOMMENDATIONS

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

The Community Planning and Economic Development Department – Planning Section recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to add the IL (Industrial Living) Overlay District to the existing I1 District for the properties located at 321 Lincoln Street Northeast and 983 East Hennepin Avenue.

Recommendation of the Community Planning and Economic Development Department – Planning Section for the variance:

The Community Planning and Economic Development Department – Planning Section recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the required number of off-street parking spaces for a restaurant and a retail store from 81 to 47 for the property located at 321 Lincoln Street Northeast, 983 East Hennepin Avenue and 304 Johnson Street Northeast.

Recommendation of the Community Planning and Economic Development Department – Planning Section for the site plan review:

The Community Planning and Economic Development Department – Planning Section recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for a restaurant and a retail store located at 321 Lincoln Street Northeast, 983 East Hennepin Avenue and 304 Johnson Street Northeast subject to the following conditions:

Community Planning and Economic Development Department – Planning Section
BZZ-1604

1. There shall be at least 30 percent windows on the side of the building that faces East Hennepin Avenue.
2. The walkway along the north edge of the main parking area shall connect to the public sidewalk along Lincoln Street Northeast.
3. Any unused curb cuts on the site shall be closed. The final site plan shall be marked to reflect this.
4. The applicant shall work with the Public Works Sidewalk department to determine what type of boulevard would be preferred along Lincoln Street Northeast.
5. Additional trees and shrubs shall be added to the site in order to be in compliance with the zoning code requirement.
6. A decorative fence shall be located between the parking spaces on the west side of the building and the boulevard along Lincoln Street in order to be in compliance with the zoning code requirements. Staff shall review and approve the final fence design.
7. The dumpster shall be enclosed. Staff shall review and approve the design of the dumpster enclosure.
8. The applicant shall submit a lighting plan that shows footcandles and elevations of the light fixtures.
9. The Community Planning and Economic Development Department – Planning Section shall approve the final site, landscaping and elevation plans.
10. The applicant shall obtain an encroachment permit from the Public Works Department for any work done in the right-of-way.
11. All site improvements shall be completed by March 22, 2005, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
12. 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 exterior building permits are issued.