

**Minneapolis City Planning Department Report**

Rezoning, Site Plan Review, & Variance Applications  
BZZ-831

**Date:** October 7, 2002

**Applicant:** Belai Mergia

**Address Of Property:** 3860 Minnehaha Avenue South

**Date Application Deemed Complete:** September 13, 2002

**End of 60 Day Decision Period:** November 12, 2002

**Applicant Waive 60 Day Requirement:** No

**Contact Person and Phone:** Belai Mergia 612-270-6911

**Planning Staff and Phone:** Gary Dorek 612-673-2587

**Ward: 9**      **Neighborhood Organization:** Longfellow Community Council

**Existing Zoning:** OR1

**Proposed Zoning:** C1

**Zoning Plate Number:** 33

**Legal Description:** Not available

**Proposed Use:** Coffee shop, specialty grocery store, and single family residence

**Previous Actions:** None

**Concurrent Review:** The proposed development requires site plan review and rezoning from OR1 to C1.

**Appropriate Section(s) of the Zoning Code:** Chapters 525, 530, & 548

Minneapolis City Planning Department Report  
BZZ-831

**Background:** The property consists of a 2-space, 1,277 square-foot storefront commercial building, attached to a 2-story residential structure. There is also a large garage on the site, and 9 surface parking spaces. When the new zoning code was adopted in 1999, the zoning was changed from R1A to OR1. The applicant purchased the property on May 30, 2002, under the belief that the property was properly zoned for his proposed coffee shop/ specialty grocery use. He was later informed by the zoning office that the existing OR1 zoning would not allow the proposed uses, and has now applied for the rezoning to C1 (see attached letters). The size of the proposed grocery store (403 square feet) does not meet licensing requirements that the grocery store have a minimum area of 2,000 square feet. However, the applicant has indicated that it will be an ethnic store, specializing in Ethiopian foods, and is therefore not required to meet the minimum area standard. The Licensing Department will regulate the store for compliance. The zoning office initially required a variance of required parking, but has since determined that the combination of grandfather rights (9 spaces) and spaces provided on-site (9 spaces), meet the required 18 parking spaces for the uses. The City Attorney has certified that the applicant has received the consent of 2/3 of the property owners within 100' of the site. The Longfellow Community Council recommends denial of the rezoning (see attached letter).

REZONING

Rezoning from OR1 to C1

**Findings As Required By The Minneapolis Zoning Code:**

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

Minnehaha Avenue South is designated as a Community Corridor in the Marketplaces: Neighborhoods chapter of the Minneapolis Plan. Commercial uses on these corridors should not overwhelm the primarily residential character of the corridor, and are normally found in storefront clusters or nodes along the length of the corridor. Commercial uses should be small-scale, with minimal off-site impacts on the surrounding residential uses, and serve the nearby neighborhoods. The proposed small coffee shop and ethnic grocery store would be appropriate for this site on a Community Corridor.

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

The rezoning is solely to allow the applicant to open and operate the particular type of commercial use that he proposes, which are not permitted under the existing OR1 zoning classification. The type of uses allowed in the C1 district, however, are appropriate for a Community Corridor, and rezoning will facilitate continued viability of the commercial space.

**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 three lots adjacent to the north side of the site are single-family homes zoned R1A., as are the residential uses west of the alley. There are multi-family apartments to the south across East 39<sup>th</sup> Street, which are zoned R6. On the east side of Minnehaha Avenue South, APA Medical is located on the NE corner of the intersection, and Sosa Foods on the SE corner of the intersection. Both of these commercial uses are zoned C1. The applicant states that the storefront portion of the building was previously used for fabric sales, and for a bicycle shop before that. The site is surrounded on three sides by residentially zoned and used property, and there is a single-family residence connected to the commercial storefront on the site. The uses permitted in the C1 districts are generally compatible with residential areas on a commercial corridor. The small size of the storefront commercial space, and the compatibility enhancements required in the site plan review process, will maintain compatibility with other property in the area. The operating hours permitted in the C1 zoning district are compatible with residential uses, and there is no request for extension of operating hours, which would require a CUP. The property has been used for retail commercial uses in the past, without problems being reported to City staff.

**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 storefront commercial space can be used for various small office and institutional uses under the existing OR1 classification. Retail and coffee shop uses are not allowed in the OR1 district. The existing residential use is permitted in both the OR1 and C1 zoning districts. The storefront nature of the commercial space, and the location on a mixed-use Commercial Corridor, make the type of small-scale retail uses permitted in the C1 district appropriate at this site.

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

The area is a stable mix of small-scale commercial uses in nodes along Minnehaha Avenue, surrounded by residential uses of various densities. There are no significant development trends that are altering the character of the area. This site was zoned R1A until the new zoning code was adopted in 1999, when the zoning was changed to OR1. Previous commercial use of the space would have been a legal nonconforming use.

SITE PLAN REVIEW

**Required Findings for Major Site Plan Review**

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)

**Section A: Conformance with Chapter 530 of Zoning Code**

**BUILDING PLACEMENT AND FAÇADE:**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- 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:
  - Nonresidential uses shall be subject to section 530.110 (b) (2).

The existing storefront building is located on the Minnehaha Avenue property line, with the doors opening onto the sidewalk. The parking is located on the south side of the building, and behind the building. The front of the storefront is brick, the south side is concrete block with a mural, and the west and north sides are residential with painted lap siding. The storefront doors and windows provide approximately 45% transparent area.

**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.

Minneapolis City Planning Department Report  
BZZ-831

The front doors open onto the sidewalk, and the parking lot driveways provide access to the sidewalk on East 39<sup>th</sup> Street. No alley access is proposed. Snow will be stored on site and removed as required.

**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).
- 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.

Minneapolis City Planning Department Report  
BZZ-831

The code requires 1,536 square feet (20%) of landscaped area. The site plan provides approximately 2,300 (30%) of landscaping. The code requires 5 canopy trees and 8 shrubs. The plan shows two trees, 17 shrubs, and hedges between the parking areas and the sidewalks and lot boundaries to provide screening as required in 530.160[c]. The site plan also indicates provision of a fence along the north property line to screen the adjacent residential use. The final landscape plan must add 3 trees, provide detail on the species and size of the landscape materials, and show the fence type and height. The parking areas are bounded by 6" x 6" continuous concrete curbs as required. Landscaping will be installed and maintained as required in section 530.220.

**ADDITIONAL STANDARDS:**

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
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- **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.**

Exterior lighting is in compliance with the standards of chapters 535 and 541. The parking lot is screened by fencing and hedges. The existing building does not block views, cause shadows, or generate wind currents. The site is not historically designated.

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

**ZONING CODE:** The code requires rezoning, site plan review, and a parking variance.

**Specific Development Standards:**

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

The applicant is aware of this requirement.

**Hours of Operation:**

Hours of operation allowed under the proposed C1 zoning are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday.

The applicant will conform to the permitted hours.

**Dumpster screening:**

Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses.

Refuse will be stored inside the building.

**Window obstructions:**

543.350. Window signs. Window signs shall be allowed, provided that such signage shall not exceed thirty (30) percent of the window area, whether attached to the window or not, and shall not block views into and out of the building at eye level. Window signs shall be included in the calculation of the total permitted building sign area, except as provided for temporary signs in section 543.330.

There are no signs or other obstructions in the windows that are required to be removed to comply with this section.

**Signage:**

There are no freestanding signs on site. All new signage is required to meet the requirements of the code.

**MINNEAPOLIS PLAN:** Minnehaha Avenue South is designated as a Community Corridor in the Marketplaces: Neighborhoods chapter of the Minneapolis Plan. Commercial uses on these corridors should not overwhelm the primarily residential character of the corridor, and are normally found in storefront clusters or nodes along the length of the corridor. Commercial uses should be small-scale, with minimal off-site impacts on the surrounding residential uses, and serve the nearby neighborhoods. The proposed small coffee shop and ethnic grocery store would be appropriate for this site on a Community Corridor.

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

There are no development plans for this area 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.**

Alternative compliance is not required for this site plan.

**VARIANCE**

Zoning staff has determined that a total of 18 parking spaces are required by code, and the site has grandfather rights to 9 spaces. The applicant has provided 9 spaces in the parking lot, so a parking variance is not required, and the application should be returned to the zoning office.

**RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:**

**REZONING**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the application for rezoning from OR1 to C1 at 3860 Minnehaha Avenue South.

Minneapolis City Planning Department Report  
BZZ-831

SITE PLAN REVIEW

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review at 3860 Minnehaha Avenue South, with the following conditions:

- 1) The Planning Department shall review and approve the final site and landscaping plans.
- 2) The final site plan shall show:
  - a) Addition of 3 canopy trees, for a total of 5 trees.
  - b) Detailed information of the species and size of the proposed plant materials.
  - c) Description of the size and type of fence on the north property line.
- 3) The applicant shall provide a performance bond in an amount equal to 125% of the cost of site improvements by December 21, 2002, or the permit may be revoked for noncompliance.
- 4) All site improvements shall be completed by November 1, 2003, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

VARIANCE

The City Planning Department recommends that the City Planning Commission **return the application to the zoning office.**