

REASON FOR APPEAL

FILE: BZZ-433

1. As stated on the Notice of Public Hearing for Site Plan Review: "Site Plan Review Process is a process where the City Planning Commission reviews the physical design of a property for compliance with applicable standards of the City's Zoning Code, Comprehensive Plan, or other plans adopted by the City Council." It further states that "The intent is to promote development that is compatible with nearby properties, neighborhood character, natural features and adopted city plans, to minimize pedestrian and vehicular conflicts, to reinforce public spaces, to promote public safety, and to visually enhance development."

The Planning Commission's decision did not take any of these stated goals into consideration and in fact ignored them. The proposed business is not compatible with nearby properties and the neighborhood character as evidenced by over one hundred signed protests from neighbors residing across the street. In an area of already serious parking problems, this business caters to clientel, who live outside the community for the most part, bringing more congestion to the site. It does nothing to reinforce public spaces and in fact has the very real impact of preventing such public spaces from being available at the new Cedar/Riverside Light Rail Station. It certainly does not promote public safety and may in fact cause a decline. The project does absolutely nothing to visually enhance development.

In December of 2001, the City of Minneapolis adopted the Franklin-Cedar/Riverside Transit Orientated Master Plan. The Plan informs city policy, guiding changes to the City's Comprehensive Plan, zoning regulations, redevelopment activity, and capital improvement plans. This Plan addresses numerous guidelines, recommendations and design objectives for the affected areas of which this site is a crucial component of the Cedar/Riverside Light Rail Station. They are too numerous to site here, but the approval of this site plan is clearly in conflict with the vast majority of the objectives. The last section of the Master Plan directs City Planning and the MCDA to develop strategies for redevelopment opportunities consistent with the Plan and identify redevelopment priorities based on criteria such as economies of scale, available funding sources, magnitude of impediments to station area plan implementation, and community support. If this site plan is approved it is in direct conflict with these stated goals and will drive a nail in any hope of redevelopment at the Franklin-Cedar/Riverside Station. A plan is under consideration at this very moment that meets, if not exceeds, all the stated goals of the Master Plan. It has been viewed as meeting many, if not all, of the

stated goals for the City, its Comprehensive Plan, The Transit Master Plan and others. This is a matter of major consequences to the area, the Hiawatha Line, the neighborhood, and other interests if the Site Plan as presented is confirmed by the Zoning and Planning Commission and the City Council.

The City Planning Department Report under Section C states that, "the site plan is consistent with applicable development plans or development objectives adopted by the City Council". This is simply not a factual statement.

2. Under the "Access and Circulation" section of the Staff Report, it states that "Public Works has reviewed the parking lot for access and circulation and finds the design acceptable if the proper stall size and drive aisles are provided." This is inaccurate in two areas; first and foremost, the Department of Public Works has not seen the Site Plan that was presented as an Exhibit in the Report as presented by staff. The Site Plan was prepared on January 21, 2002 and an earlier site plan was the one that was viewed by Public Works Department, the Fire Department, Police Department and other departments.

Secondly, you will see in a report later in this Appeal, from Alliant Engineering, stating that the January 21, 2002 site plan design for stall size and number of stalls is inaccurate and does not meet the standards. The site plan in the report is very different from the one viewed by Public Works, Fire and Police Departments and other departments. Both site plans are attached as Exhibits A and B.

Further, the staff report states that it "appears" that the site can provide 63 stalls. This is simply not factual. It even goes on to state that the handicapped spaces do not have proper dimensions. This is accurate.

3. Under Section "C": Conformance with Applicable Development Plans or Objectives Adopted by the City Council. The report states that "a surface parking lot is not the type of desired type of development for a parcel close to the Light Rail station." That is a factual statement and goes on to say, "Parcels immediately adjacent to the station platform should contain uses that promote pedestrian activity and promote either destinations or origins from Light rail and transit systems patrons". The site plan in question not only does not promote these goals but in fact will prevent them from occurring. The staff report goes on to say that the "site plan review is not a process to allow a lot, but rather it is a process to improve a lot". This is simply not true and by allowing this lot the Zoning and Planning Committee will be allowing a use that is in direct conflict with adopted Plans and objectives of the City Council as stated earlier in this appeal.

4. The Alliant Engineering Report attached as Exhibit C, describes and validates our position on the site plan dated January 21, 2002 which was the plan the Planning Commission approved. The report verifies what we have stated and also brings into question the fact that the site plan is not drawn to accurate scale.

Under the Drainage section of Alliant's report it states that storm water drainage is not properly addressed on the site plan and will violate City Zoning codes as proposed.

The original site plan submitted several months ago showed 59 parking spaces. The new "Revised Site Plan" shows 63 spaces. The inaccuracies pointed out in Alliant Engineering's report would reduce the number of stalls to something less than 63. It would be 59 in some configuration and possibly less in others.

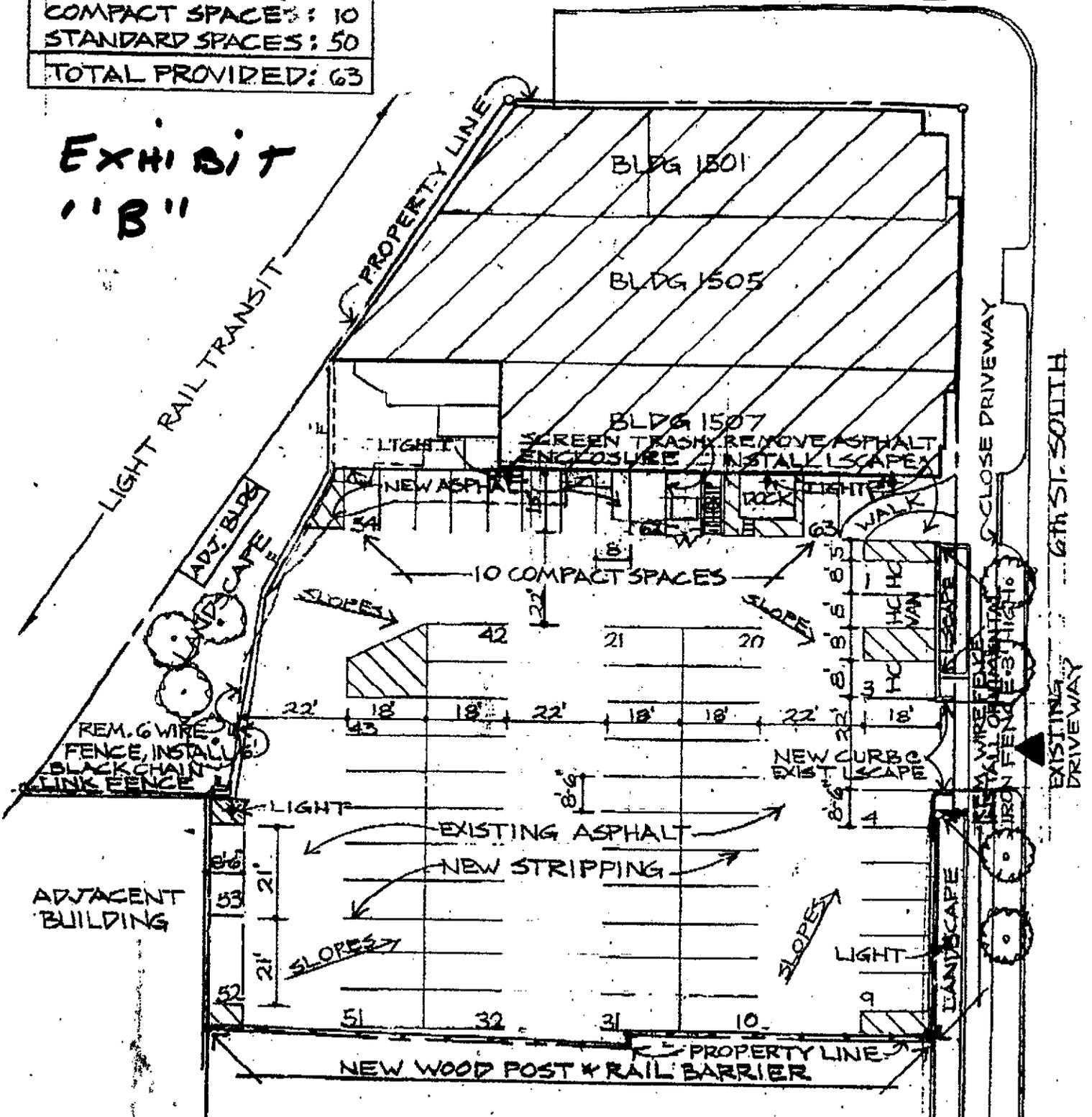
REVISED PLAN

15th AVE. SOUTH

11
CPC
1/29/02

PARKING SUMMARY	
HANDICAP SPACES :	3
COMPACT SPACES :	10
STANDARD SPACES :	50
TOTAL PROVIDED :	63

EXHIBIT
"B"



SITE PLAN

1-21-02

SCALE 1" = 30'

NORTH



BATA RIVERSIDE



Alliant Engineering, Inc.

February 4, 2002

EXHIBIT
"C"

Mr. Jim Bartlett
MIC Developers
P.O. Box 3982
Minneapolis, MN 55403

RE: Baja Riverside Site Plan Review

Dear Jim:

As requested, Alliant Engineering, Inc. has reviewed the current Site Plan prepared for the Baja Riverside project dated January 21, 2002 and located in the City of Minneapolis. It is the understanding of our office that the current Site Plan was presented to the City of Minneapolis Planning Commission on January 28, 2002 based on the findings of the Minneapolis City Planning Department Report (BZZ-433) dated January 28, 2002 prepared by City Staff.

As specified by your office, we have reviewed the aforementioned Site Plan to verify compliance with the City of Minneapolis Zoning Code dated 2000 relative to on-site parking and drainage. Our review is based upon a copy of the current Site Plan submitted for Site Plan Review, which appears to have been drawn at a scale of one (1) inch equal to thirty (30) feet.

PARKING

Alliant Engineering, Inc. has reviewed the proposed lot geometry to verify compliance with the City of Minneapolis Zoning Code. The minimum permitted parking space and drive aisle dimensions can be found in Chapter 541 – OFF-STREET PARKING AND LOADING; table 541-4.

As a result of our review, we have discovered issues which should be considered.

- The horizontal dimension string running through the body of the parking field has discrepancies in length based on the required stall depths. It should be noted that the two parallel and vertical banks of parking stalls located within the central portion of the parking field each are required to be thirty-six (36) feet in width (18'+18'). The west (left) bank measures thirty-five (35) feet while the east (right) bank measures thirty-three (33) feet across which is a difference of two (2) feet. While this may be the result of preparing the Site Plan by hand the difference is significant due to the limited space available to provide the required parking. Furthermore, the total of the dimension string required along the bottom of the parking field furthest away from the proposed restaurant based on the current lot configuration is 164.5 feet (8.5'+22'+18'+18'+22'+18'+18'+22'+18') while the lot width measures approximately 159 feet +/- . Therefore, a reduction in parking and/or landscaping should be anticipated. It also our opinion that the drawing is not drawn to scale.

- The horizontal dimension string running through the body of the parking field appears to begin a few feet into the proposed landscape areas located adjacent to 6th Street South at the parking lot entrance. This will result in the handicapped parking stalls being less than eighteen (18) feet which is required by the City of Minneapolis Zoning Code. Shifting of the dimension string further to the west (left side of the drawing sheet) may result in a reduction of parking.
- The parallel parking stall identified as "52" on the Site Plan and located near the bottom left corner of the parking field will be extremely difficult to access due to its proximity to the south (bottom) property line if a vehicle is already occupying stall no "53".

DRAINAGE

The current Site Plan proposes to sheet drain stormwater across the proposed parking field towards the parking lot entrance and onto 6th Street South right-of-way. As a result, approximately 2.5 cubic feet per second (approximately 19 gallons per second) of stormwater will be concentrated at the parking lot entrance and drain across the sidewalk for a rainfall event with a return frequency of one year which is common.

The City of Minneapolis Zoning Code, Section 541.310 states "Water from the parking area shall not drain across a public walkway."

It is the understanding of our office that the Project Site or areas adjacent to it may become a light rail transit hub sometime in the future. It should be anticipated that a significant amount of pedestrian traffic may result and possibly use the 6th Street South sidewalk. Stormwater runoff, which conflicts with pedestrian movements within and surrounding the site, should be minimized when possible.

Alliant Engineering, Inc. appreciates the opportunity to have provided you with our comments pertaining to on-site parking and drainage of the Baja Riverside project. Please feel free to call me at 612-758-3085 should you have any questions or comments. We have attached a copy of the current Site Plan prepared for the Baja Riverside project dated January 21, 2002 which is the basis of our review.

Sincerely,



Clark Wicklund, PE
Alliant Engineering, Inc.

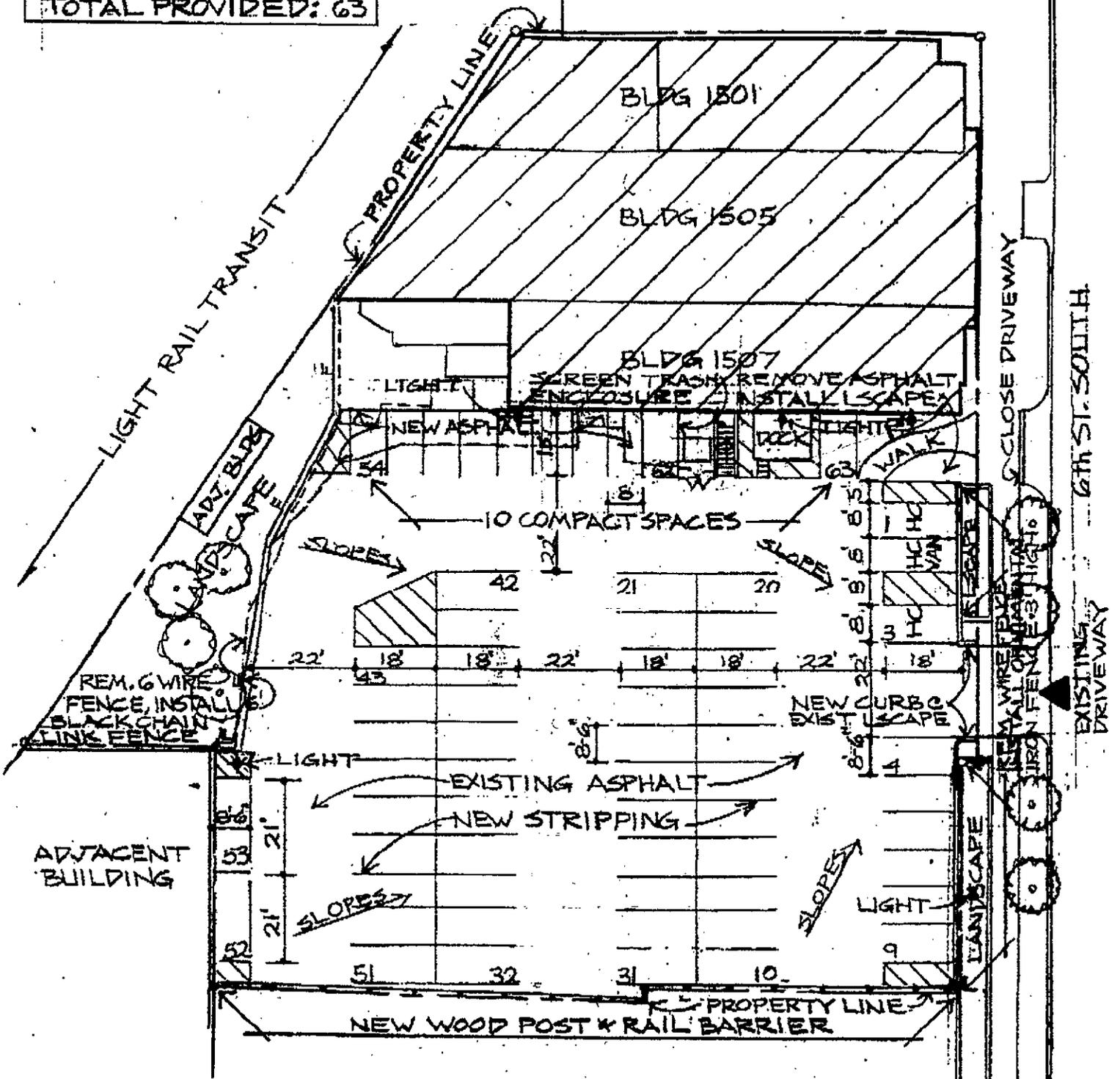
CC: File

REVISED PLAN

15th AVE. SOUTH

11
CPC
1/28/02

PARKING SUMMARY	
HANDICAP SPACES:	3
COMPACT SPACES:	10
STANDARD SPACES:	50
TOTAL PROVIDED:	63



SITE PLAN

1-21-02

SCALE 1"=30' NORTH



BAJA RIVERSIDE

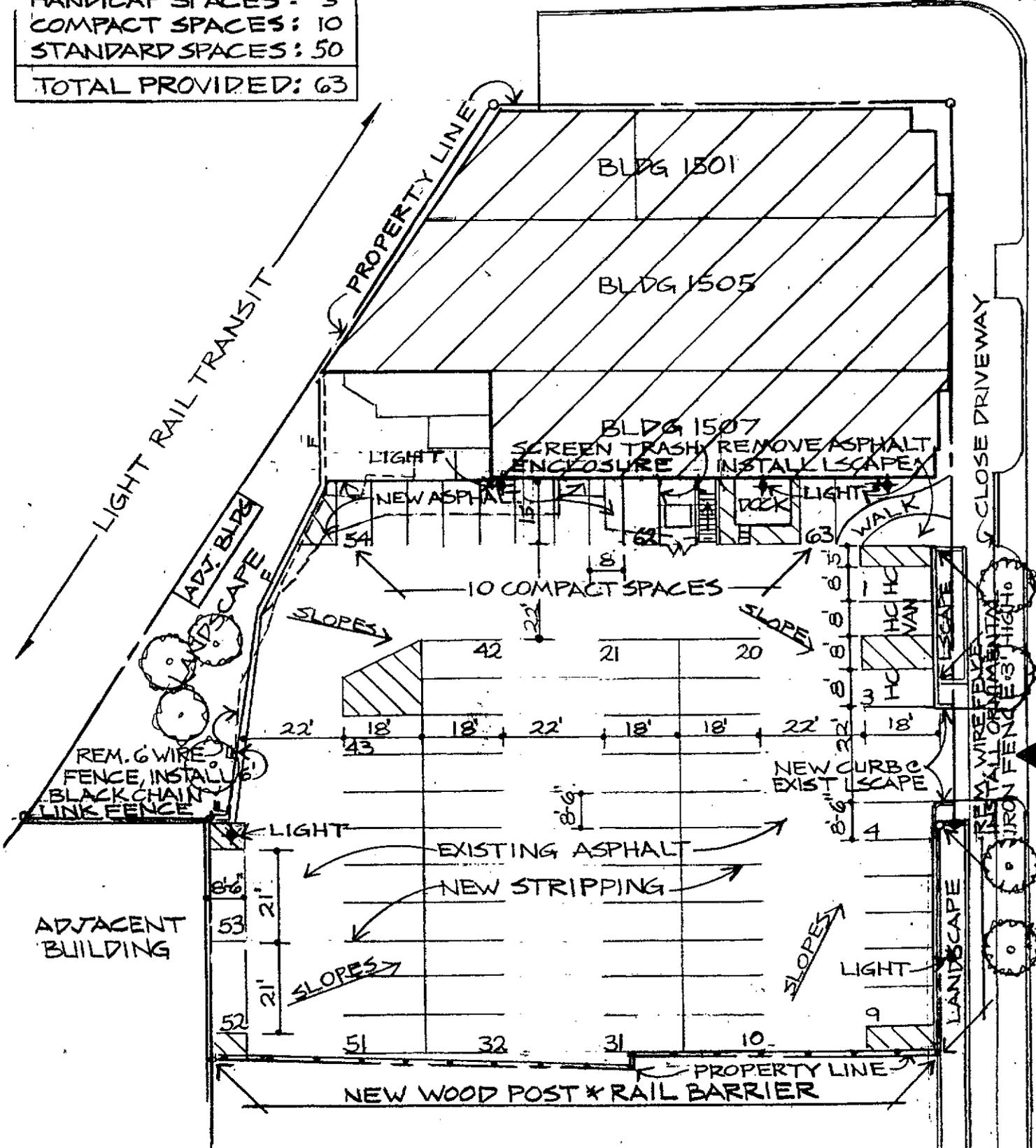
EXISTING DRIVEWAY
CLOSE DRIVEWAY
6th St. SOUTH

ARKING SUMMARY

HANDICAP SPACES : 3
 COMPACT SPACES : 10
 STANDARD SPACES : 50
 TOTAL PROVIDED : 63

15th AVE. SOUTH

11
 C.P.C.
 1/28/02



SITE PLAN

1-21-02

SCALE 1" = 30' NORTH

BAJA RIVERSIDE

CHECK WITH EVKTING

VICTORIA HELLER

11
CPC
1/28/02

Programmed Management Corporation
University Court Apartments
The Villa Apartments
Crablex, Inc.
Cedar-Riverside Associates, Inc.

2 Snowy Owl Lane
North Oaks, Minnesota 55127

Telephone: 651/490-0904
Telecopier: 651/484-7137

January 16, 2002

Council Member Dean Zimmerman
City of Minneapolis, Ward 6
350 South Fifth Street – Room 307
Minneapolis, MN 55415

Via Fax and Regular Mail

Dear Council Member Zimmerman:

I am writing to support Raul Sacta's plan to open Baja Riverside on the corner of 6th Street and 15th Avenue. I own the two acre parcel of land across 6th Street just west of Riverside Plaza.

It is my understanding, from the LRT meetings that I have attended, that commercial development around the rail stations is preferred. Certainly that makes sense in Cedar Riverside, because of our existing housing density.

I have no objection to Raul's liquor license application – in fact it's a neighborhood landmark. I understand that some Riverside Plaza residents have vocalized their religious prohibition of alcohol. I trust that your decision will not allow religious preferences to trump property rights.

Thank you for your time and consideration.

Sincerely,

Cedar-Riverside Associates, Inc.



Victoria Heller
President

cc: Council Member Paul Zerby, Ward 2
Mr. Jim Voll, City Planner
Mr. Raul Sacta