

Community Planning and Economic Development Planning Division Report

Site Plan Review with Variances

BZZ-2002

Date: October 25, 2004

Date Application Deemed Complete: September 28, 2004

End of 60 Day Decision Period: November 27, 2004

Applicant: Gary Fraser, dba Coconut Grove Restaurant

Address Of Property: 3554 Penn Avenue North

Contact Person And Phone: Gary Fraser, 763-533-3279 or 612-521-2622

Planning Staff And Phone: Lonnie Nichols, 612-673-5468

Ward: 4 **Neighborhood Organization:** Folwell

Existing Zoning: C-1 (Neighborhood Commercial) District

Proposed Use: Restaurant, sit down, including the serving of alcoholic beverages, with limited entertainment.

Concurrent Review: Site Plan Review with Yard Setback Variances

Applicable Section(s) of the Zoning Code: Chapter 520 Introductory Provisions, Chapter 521 Zoning Districts and Maps, Chapter 525 Administration and Enforcement, specifically Article IX Variances, section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations”; Chapter 530 Site Plan Review, Chapter 535 Regulations of General Applicability, Chapter 536 Specific Development Standards, Chapter 541-Off Street Parking and Loading, Chapter 543 On-premise Signs, Chapter 548 Commercial Districts.

Background: The subject parcel has a lot size of 5071 sf (40 x 126.8), and the existing 1438 sf building on the lot was constructed in 1926. The building has a long history of restaurant use, most recently as Pepperoni’s Inc. until the business closed approximately three years ago. The applicant, Mr. Fraser, has proposed to reopen the business as the Coconut Grove Caribbean Restaurant and Pub, Inc. The Ward 4 Council Member’s office has been working with the community, including the Folwell Neighborhood organization and neighbors at large, to deter suspicious activity near the intersection of Penn Avenue North and 36th Street. There appears to be some grassroots support and City interest in acquiring the adjacent property to the North of the subject parcel in an effort to prevent crime.

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Findings Required by the Minneapolis Zoning Code for a Variance to reduce the rear yard setbacks from 5 feet to 0 feet and the two-way drive aisle width from 22 feet to 20 feet for the rear (easternmost) 60 feet of the lot:

- 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.**

The building was constructed in 1926 and the lot has been used in its current configuration until the closure of the previous pizza restaurant approximately three years ago. The lot does not have enough width or area to provide a parking area in compliance with current zoning code standards. 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.

- 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.**

The circumstances have not been created by the applicant. The building was constructed in 1926 and the lot has been used in its current configuration until the closure of the previous pizza restaurant approximately three years ago. There is a grade change from the rear to the front of the lot.

- 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.**

The building was constructed in 1926 and the lot has been used in its current configuration until the closure of the previous pizza restaurant approximately three years ago. 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, as the building has a history of use as a restaurant.

- 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.**

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.

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.
- 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.

The building was constructed in 1926 and is located 6 feet back from the property line. There is a sod area at the NW corner of the building that includes a mature evergreen (amenity). The principal entrance to the building is oriented to face Penn Avenue North. The parking area is located to the rear of the site. The exterior materials and appearance of the rear and side walls contain some concrete block, but are primarily brick and are matching and compatible with the front of the building. The front of the building contains two windows (estimated at 1.5 x 3 and 3 x 3 feet) of approximately 15 sf total or 8% ($15/192 = .078$) of the façade between 2 and 10 feet in height ($8 \times 24 = 192$) that face Penn Avenue North.

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.

The front door (customer) entrance to the building is located adjacent to the public sidewalk. During Preliminary Plan Review, Public Works-Transportation stated that they would require the nonconforming (10 feet wide with obstructions) curb cut and driveway entrance off of Penn Avenue to be closed and for an employee and handicapped accessible parking area to be designed and located to the rear of the building with alley access. Staff is requiring the existing chain link gate entrance to the lot, as well as the chain link section to the North of the building be replaced with decorative fencing. The applicant has indicated they can comply with the request to close the curb cut and will also remove the wooden deck and fencing on the North side of the building to make room for a 4 foot wide sidewalk to connect the parking area in the rear of the lot to the public sidewalk at the front of the building. The deck was apparently built without the applicable permits and part of it encroaches onto the adjacent property to the North. The area to the South of the building will become a yard area with additional landscaping added over time. The zoning office determined that the property has grandfather rights to the 10 parking spaces required for the proposed restaurant use.

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.
- 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.

The total lot area is 5072 sf and the building footprint is 1438 sf. Section 530.150 of the zoning code requires that not less than twenty (20) percent of the site not occupied by buildings (or in this application 727 sf) shall be landscaped, (calculation: lot area – building footprint x 20% = 5072 sf – 1438 = 3634 x .20 = 726.8). Section 530.150 of the code also requires not less than one (1) canopy tree for each one thousand (1000) sf and not less than one (1) shrub per each two-hundred (200) sf of the site not occupied by buildings. In order to be in compliance, the required plant count for this site is four (4) trees and eighteen (18) shrubs. Due to the requested curb cut and driveway closing by Public Works, the applicant now has the opportunity to provide between 600-700 sf or approximately (17-19%) landscaping (600/3634 = .1651 or 700/3634 = .192) to site area not occupied by the building. The applicant has not provided staff with an updated site plan, showing the proposed driveway area as a landscaped yard, but has indicated an intention to do so on the final site plan. The applicant has also suggested a longer term interest to develop an outdoor seating area in the former driveway area to be transitioned to a landscaped yard. Planning staff is recommending approval of alternative compliance

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on landscaping area, but believes the applicant can provide the required number of trees (4) and shrubs (18) on the final site plan.

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.**

Lighting shall comply with the requirements of Chapter 535 and Chapter 541 of the zoning code. The applicant has indicated on the site plan they will relocate the existing 6-8 foot wooden fencing along the North property line to block headlights and to avoid headlights shining onto residential properties. Planning staff is recommending the reestablishment of the fence height be limited to 4 feet in height along the interior lot line (North property line) to be in code compliance. The proposed site plan does not block views of important elements of the city, generate wind currents at ground level, or shadow public spaces or adjacent properties. The City's crime prevention through environmental design (CPTED) specialist has reviewed the plan and recommends that all vegetation should follow the 3 foot - 6 foot rule, which states that screening should not exceed three feet in height and that the canopies of trees should be over seven feet in height allowing a window of visibility into the site. The site plan is an adaptive re-use of a former pizza restaurant.

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

ZONING CODE:

Specific Development Standards:

Section 536, Specific Development Standards, requires the following for a sit down restaurant:

(1) Where alcoholic beverages are served, not less than sixty (60) percent of total gross sales revenue shall be from the sale of food and beverages not containing alcohol, and the use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.

(2) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

Hours of Operation:

Hours of operation allowed under the **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.

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. The applicant has indicated they will screen the dumpster per code in the NE corner of the lot.

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.

Signage:

The applicant has already refaced an existing projecting sign at the front of the building. The sign is subject to Sections 531 and 543 of the Zoning Code. All new signage is required to meet the requirements of the code.

MINNEAPOLIS PLAN:

The comprehensive plan shows this area of Penn Avenue North as a community corridor. Chapter four of *The Minneapolis Plan* states the following applicable objectives and implementation steps about community and commercial corridors:

4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

Applicable Implementation Steps

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.

4.4 Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

Applicable Implementation Steps

Provide for a range of commercial districts that provide the services required by the residents and businesses.

Plan, implement and monitor projects and programs that encourage and support the city's neighborhood commercial areas.

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Encourage the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.

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

Staff is not aware of any other applicable development plans or objectives adopted by the city council for this area.

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.**

Planning staff is recommending approval of alternative compliance on landscaping area, in exchange for the removal of the wooden deck and reestablishment of a fence 4 foot in height along the North property line (interior lot line). The applicant will also replace the existing chain link gate entrance to the lot, as well as the chain link section to the North of the building with decorative fencing. Staff is requiring the applicant provide the required number of trees (4) and shrubs (18) on the final site plan. The new yard area shall also be landscaped with plants and/or amenities.

Variance Recommendation of the Department of Community Planning and Economic Development – Planning Division:

The Department of Community Planning and Economic Development – Planning Division recommends that the **City Planning Commission** adopt the above findings and **approve** the variance to reduce the rear yard setbacks from 5 feet to 0 feet and the two-way drive aisle width from 22 feet to 20 feet for the rear (easternmost) 60 feet of the lot, subject to parking surface drainage being directed onto the subject property (3554 Penn Avenue North) and the approval of a site plan.

Site Plan Review Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application; with the following conditions:

- 1) The Community Planning and Economic Development Planning Division shall review and approve the final site and landscaping plans.
- 2) The final site plan shall show the curb cut and driveway entrance off of Penn Avenue to be closed and for an employee and handicapped accessible parking area to be designed and located to the rear of the building with alley access. The existing chain link gate entrance to the lot, as well as the chain link section to the North of the building will be removed and replaced with decorative fencing.
- 3) The final site plan shall show the removal of the wooden deck and fencing on the North side of the building and the reestablishment of a fence 4 foot in height along the North property line (interior lot line). A 4 foot wide sidewalk will be provided to connect the parking area in the rear of the lot to the public sidewalk at the front of the building.
- 4) The final site plan shall show a landscaped yard area in the area South of building, which has previously been used as a driveway leading to the rear of the lot.
- 5) The applicant shall provide a performance bond in an amount equal to 125% of the cost of site improvements or the permit may be revoked for noncompliance.
- 6) All site improvements shall be completed by November 1, 2005, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

Attachments:

1. Staff report and zoning code information
2. Statement of use
3. Correspondence
4. Zoning map
5. Site and Floor Plans
6. Photos