

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permit, Variance, Site Plan Review
BZZ-2147

Date: January 10, 2005

Applicant: Rosa Enterprise, L.L.C

Address of Property: 3010 4th Avenue South

Project Name: Zanzibar Restaurant

Contact Person and Phone: Jeff McElmury, 952/591-9935

Planning Staff and Phone: Fred Neet, 612/673-3242

Date Application Deemed Complete: December 10, 2004

End of 60-Day Decision Period: February 8, 2005

End of 120-Day Decision Period: April 9, 2005

Ward: 8 **Neighborhood Organization:** Central Neighborhood Improvement Association

Existing Zoning: C1

Proposed Zoning: C2

Zoning Plate Number: 25

Legal Description: Lots 60 and 61, State Addition to Minneapolis

Proposed Use: restaurant plus a rental hall

Concurrent Review: Rezone from C1 to C2; Conditional Use Permit to extend operating hours to 2 a.m. daily; Variances to reduce a) landscaping from 20% to 5.8% and b) the sideyard on the alley from 5 feet to 0; and Major Site Plan Review to permit a restaurant.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments; Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX Variances, Specifically Section 525.520 (1) “to vary the yard requirements” and (25) “to vary the screening and landscaping requirements”; and Chapter 530 Site Plan Review.

Background: The applicant intends to convert a former VFW hall to a restaurant with a meeting hall. The restaurant requires site plan review which requires alternative compliance for reduced landscaping and a variance to eliminate the side yard requirement adjacent to the alley. The

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applicant proposes operating hours to 2 a.m. daily which requires a conditional use permit. The meeting hall with even occasional live entertainment for weddings and receptions requires rezoning to C2. The site has grandfathered rights to 66 parking spaces and provides 11 for the total requirement of 77 spaces.

The site is one lot south of Lake Street, a Commercial Corridor with frequent bus service, and between two Activity Centers. The property north of the site is also zoned C1, however the properties south and east are zoned I1. The property to the west is a parking lot zoned C1. To the southwest across the alley are condominiums zoned R2B.

The variance to reduce landscaping is not needed and should be returned to the applicant. Reduction in landscaping is covered under Alternative Compliance in the site plan section.

Findings As Required By The Minneapolis Zoning Code to rezone from C1 to C2:

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

Adaptive reuse of an existing building, constructed in 1949, is supported by *The Minneapolis Plan*. Other supportive policies include

- 1.1 Minneapolis will promote opportunities and activities that allow neighbors and residents to get to know each other better.
- 1.2 Minneapolis will encourage both private and public development that provides gathering spaces in city neighborhoods.
- 2.8 Minneapolis will develop the existing economic base by emphasizing business retention and expansion.
- 4.1 Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods.
- 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.
- 4.3 Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.
- 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.
- 9.24 Minneapolis will support continued growth in designated commercial areas, while allowing for market conditions to significantly influence the viability of a commercial presence in undesignated areas of the city.

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

Reuse of a vacant structure which also provides a lively use adjacent to a Community Corridor yet separated from residential uses is in the public interest.

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.

C2 zoning provides a transition from I1 on the south and east to C1 on the west and north.

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.

Most uses permitted in the C1 districts are also permitted in C2 districts. Reception and meeting halls are an exception, and therefore the only purpose for the requested rezoning.

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.

Properties on or close to Lake Street continue to enjoy improvements, on other stretches more than this one. The industrial uses to the east and have experienced little recent change.

Findings as required by the Minneapolis Zoning Code for extended hours:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Another restaurant without liquor with the same hours as nearby bars could be considered positive. An active use adjacent to industrial uses which have residences to their rear could increase public safety. The applicant accepted the few suggestions from the Departments of Public Works, Fire, and Police to increase public safety and welfare.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

Property improvements to be made should be beneficial to the area and encourage reinvestment and increased maintenance by other properties. All exterior activities are separated from the rear yards of nearby residences not only by an alley but also a building. Traffic will be re-directed away from a residential alley to the south.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

Infrastructure is provided as affirmed by the Public Works Department.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The parking area has been reorganized to accommodate the maximum number of legal parking spaces, to prevent backing onto the public alley or sidewalk, and to discourage traffic in the alley adjacent to residences.

5. Is consistent with the applicable policies of the comprehensive plan.

See finding #1 on page 2 of this report.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

Findings Required by the Minneapolis Zoning Code for a variance to reduce the side yard along the alley from 5 feet to 0.

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.

5 of the proposed 11 on-site parking spaces would be eliminated to provide the otherwise required landscaped yard, which would require another variance.

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.

Site conditions were established in 1969.

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 other side of the alley is lined by a commercial structure built to the lot line and a parking area without a yard buffer. Provision of a yard buffer on the south side of the alley would provide minimal benefit. The important benefit of a buffer yard is provided along the street. The spirit and intent of 20% landscaping is met with enhanced landscaping along the street. Landscaping is not provided by adjacent properties across the alley, so the character is not affected. And area property values should not be affected adversely.

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.**

Street congestion will be reduced with additional on-site parking in lieu of landscaping. Landscaping limitations at this location do not affect public safety or welfare.

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.)**

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:**
 - **Residential uses shall be subject to section 530.110 (b) (1).**
 - **Nonresidential uses shall be subject to section 530.110 (b) (2).**

The structure is existing and built to the lot line. Additional windows will be provided. The area between building front and alley is well-landscaped. A second principal entrance will be provided on the sidewalk. Parking is on the L-shaped alley. Stucco will be refreshed and

canopies provided. Existing concrete block on the one side visible from the street will be stuccoed to match the front, but not on the rear. Entrances and windows comply.

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.**
- **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 existing walkway will be lit. The parking area will be reorganized to prevent backing onto the sidewalk or alley, and to discourage traffic from the residential part of the alley to the south. Snow accumulation will be removed. Pervious surface will be increased.

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.**
- **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.

A finding of alternative compliance is needed to reduce landscaping to 5.8% of the net site and a variance is required to eliminate the side yard requirement along the north alley. The landscaping and screening provided along the street is 3 feet high plus a canopy tree and at least 60% opaque. Curbing is provided.

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.

Lighting complies. Residential properties are screened by the building. Viewsheds, wind generation, and shadowing are unaffected. The applicant has agreed to crime prevention suggestions provided by the Police Department.

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 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.

Hours of Operation:

Hours of operation allowed under the C2 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.

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:

All new signage is required to meet the requirements of the code.

MINNEAPOLIS PLAN: see finding #1 on page 2 of this report.

Section C: Conformance with Applicable Development Plans or Objectives 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.**

The side building wall will be stuccoed to match the front so that both walls visible from the street will be stucco.

- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**

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The spirit and intent of 20% landscaping is met with enhanced landscaping along the street. Landscaping is not provided by adjacent properties across the alley, so the character is not affected. And area property values should not be affected adversely.

- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** rezoning 3010 4th Avenue South from C1 to C2.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit to extend hours of operation to 2 a.m. daily at 3010 4th Avenue South.

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

a) 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 side yard along the alley from 5 feet to 0 at 3010 4th Avenue South.

b) The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **return** the variance application to reduce the landscaping requirement from 20% to 5.8% at 3010 4th Avenue South as it is not needed.

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

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 applicant shall provide a performance bond in an amount equal to 125% of the cost of site improvements by March 1, 2005, or the permit may be revoked for noncompliance.
- 3) All site improvements shall be completed by February 1, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

attachments: zoning map
data sheet
site plans
elevations
photographs