

City of Minneapolis
Department of Community Planning and Economic Development – Planning Division
Variance, Site Plan Review
BZZ-2151

Date: January 10, 2005

Applicant: Paul Fry

Address of Property: 903 Washington Avenue South

Project Name: 903 Washington Partners, L.L.C.

Contact Person and Phone: Dan Anderson, 1-866/567-6337

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

Date Application Deemed Complete: December 2, 2004

End of 60-Day Decision Period: January 31, 2005

End of 120-Day Decision Period: April 1, 2005

Ward: 2 Neighborhood Organization: Downtown Minneapolis Neighborhood Association

Existing Zoning: I1 – Light Industrial District
DP – Downtown Parking Overlay District
ILOD – Industrial Living Overlay District

Zoning Plate Number: 20

Proposed Use: mixed-use building including retail, restaurant, and grocery

Concurrent Review: Variance to reduce parking requirements from 77 to 57
Major site plan review: restaurant and grocery

Applicable zoning code provisions: Chapter 525, Article IX Variances, specifically Section 525.520(7) “To reduce the applicable off-street parking requirements up to one hundred (100) percent, provided the proposed use or building serves pedestrian or transit-oriented trade or occupancy, or is located near an off-street parking facility that is available to the customers, occupants, employees and guests of the use.”; and Chapter 530 Site Plan Review.

Background: The applicant proposes to rehabilitate a building constructed in 1901 to convert its uses from a print shop and storage to accommodate, not only the print shop (3128 square feet, 2nd level), but also a 4200 square foot restaurant and 3156 square feet of office space on the 1st level, and a 6929 square foot “mercantile ‘grocery’” (cooperative or specialty) on the 2nd and 3rd

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levels. Improvements will be made to the exterior to better complement the dramatically increasing residential uses in the immediate area – on Washington Avenue and 3rd Street to the west, and the Historic Mills District to the north and northwest. Over 20% landscaping will be provided. This structure and the other two structures on the block face have been identified for potential historic designation in the *Downtown East/North Loop Master Plan* (approved 2003).

The site is triangular, creating several challenges, due to the former railroad on the south (and the now-removed, infamous Washington Avenue railroad bridge immediately to the west. It is also topographically challenging, rising up to 8 feet north-to-south and about 10 feet west-to-east at the rear (4 feet at the front), with undulations. The parking area will be graded to improve the parking elevations. A 2nd level, 834 square foot porch will be added to the west side, leading to a ground floor patio and seating area with trellis above.

Washington Avenue's streetscape has been improved within the last decade. More is planned, at least on the north side. 9th Avenue will be opened in 2005 between Washington and 2nd Street; south of Washington is still being considered. Residential development to the west in the last decade has been vigorous, with hundreds of units built and hundreds more under construction, planned, or proposed. Residential development is expected to continue further east, at least in the Historic Mills District. New commercial and cultural development in the same area adds to the vitality. With few exceptions, the area has been solidly industrial, including railroads and warehouses, since the 19th century, until the 1990s.

Findings Required by the Minneapolis Zoning Code:

Required Findings for a Variance to reduce parking requirements from 77 to 57 spaces.

- 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.**

A restaurant and small grocery is reasonable and appropriate, plus mixed uses including print shop and offices, as adaptive reuse of an existing, potentially historic building (even if not designated historic in the future, the building, especially with improvements, adds to the character of the district). The site currently provides 28 legal parking spaces. The other 36 existing spaces are improperly dimensioned. Addition of 20 or more parking spaces in the Downtown Parking Overlay District would require a separate variance. Such a variance is not required because the site can accommodate at least 40 spaces with re-striping alone. The site cannot accommodate 77 conforming spaces, and the variance satisfies both the intent and spirit of the overlay district.

- 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.**

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Severe topography and the triangular shape of the parcel, combined with the location of the existing building, constrains the arrangement and number of potential parking stalls.

- 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.**

All proposed uses are permitted in the zoning districts and are appropriate for the location and trend of development. The proposed improvements to and adaptive reuse of an existing, distinctive building is positive for the area's character and should be beneficial for property values and public enjoyment.

- 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.**

Several hundreds of new residents are within ½ mile of the site, with several hundreds more expected soon (full build-out of former railroad lands and existing parking lot could require another decade, but is proceeding apace). Medium- to high- intensity cultural, office, and other commercial uses are also within ½ mile. Washington Avenue has a 100-foot right-of-way, the largest in the City, and is County Highway #152 carrying over 25,000 vehicles per day. It also supports heavy bus schedules, with 5-20 headways during midday and service between 5 a.m. and 1 a.m. The Downtown East LRT station is 3 walking blocks away. One public parking ramp is under construction one block away, with at least 2 more (with liner housing) planned, and another 5 blocks distant.

Conclusion: surrounding residential, cultural, and commercial density, plus the transit corridors, and proximity to public parking ramps, not to mention numerous private surface lots in the area, qualify the project for transit incentives to reduce the parking requirement.

Public Works, Police, and Fire Departments indicate no issues with street congestion or 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.)**

D. 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 existing structure is built to the front lot line with direct pedestrian access and multiple windows. One principal entrance is on Washington Avenue with other entrances to the parking areas. Parking areas flank the structure and are partially above grade. Existing architectural elements shall be enhanced. The building is predominantly brick and stone construction. 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.

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Requisite walkways are provided on both sides of the building. The Public Works Department has approved access and circulation with modest modifications which the applicant has incorporated. The project does not abut residential properties. Snow storage is provided, with accumulation to be removed from the site as needed. Impervious surface will be removed and 25% or more landscaping provided.

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).**
- **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.**

More than 20% landscaping is provided. Required yards and screening are provided, except that one stretch of 11 feet and another of 5 feet is less than 5 feet wide, atop a 2-foot and <3-foot retaining wall, respectively, in the total distance of 112 ½ feet (see Section C, below). 7 canopy trees are provided, as required, 1 on each street-facing corner. Continuous curbing is provided and drainage otherwise approved by the Department of Public Works.

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 and screening comply. Viewsheds, shadowing, and wind currents are not affected. The Police Department provided one suggestion about crime prevention which was incorporated. Though not yet designated a historic structure, it is to be rehabilitated.

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 I1 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:

The application is supported by the following policies in the comprehensive plan:

- 4.1 Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods.**
- 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.**
- 4.17 Minneapolis will encourage both a density and mix of land uses in Transit Station Areas (TSAs) that both support ridership for transit as well as benefit from its users.**
- 4.18 Minneapolis will require design standards for TSAs that are oriented to the pedestrian and bicyclist and that enforce traditional urban form.**
- 4.19 Minneapolis recognizes that parking is a necessary part of the urban environment, but will limit the amount, location and design of parking in TSAs in order to encourage and support walking, bicycling, and transit use.**
- 9.15 Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions.**
- 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.**
- 9.28 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.**

Minneapolis Downtown 2010 designates the area as a pedestrian emphasis zone where street-level retail and entertainment is encouraged. It also identifies the block as a residential opportunity zone, but not specifically as a residential district. It continues that Minneapolis should “locate ... principle-use parking lots on the periphery of the office, retail and entertainment districts but outside of residential areas in order to preserve land for more intensive use, improve air quality and provide a pedestrian and transit oriented environment in these areas.”

The *Downtown East/North Loop Master Plan* “encourage[s] retail uses that promote extended hours of operation – such as restaurants... -- in pursuit of city streets that are lively at most hours

of the day and night.” The block is identified as “mixed use – residential” with medium (5-13 floors) heights. It encourages reopening 9th Street both north and south of Washington Avenue. It further encourages medium-density mixed use development throughout Downtown East, and the emergence of street level retail along Washington Avenue South. It is this *Plan* that identifies the specific site, and the two abutting structures to the east, as potential historic structures. It further identifies the block immediately to the west, as a “springboard project” with ground level retail, 3 stories of commercial space, an interior parking ramp, and 7 stories of residential.

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 16 linear feet (2 locations of 11 and 5 feet each) in the total of 112+ feet which cannot provide a 5-foot landscaped yard adjacent to Washington Avenue is justified with additional open space and landscaping, bicycle facilities, rehabilitation of an existing structure which has the potential to be designated as historic, and, in addition, permits 2 additional parking spaces accessed by a 22-foot, two-way drive aisle.

- **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.**

