

Department of Community Planning and Economic Development – Planning Division
BZZ-1882 - Site Plan Review

Date: 8-23-04

Applicant: Luis Alberto Rojas, dba, La Perla del Pacifico restaurant

Address of Property: 6001-6009 Nicollet Avenue South

Project Name: La Perla del Pacifico restaurant

Contact Person and Phone: Luis Caire, consultant/translator, (612) 290-1701

Planning Staff and Phone: Lonnie Nichols, (612) 673-5468

Date Application Deemed Complete: July 21, 2004

End of 60-Day Decision Period: September 19, 2004

End of 120-Day Decision Period: November 18, 2004

Ward: 11 **Neighborhood Organization:** Windom Community Council

Existing Zoning: C1 (Neighborhood Commercial)

Proposed Zoning: No Change proposed, not applicable for this application.

Zoning Plate Number: 37

Legal Description: South 41.2 feet of the North 99.6 feet of Lot 2, blk 4, Nicollet Heights, subdivision 1.

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

Concurrent Review: Site plan review with alternative compliance for landscaping

Applicable zoning code provisions: Chapter 520 Introductory Provisions, Chapter 521 Zoning Districts and Maps, Chapter 525 Administration and Enforcement, 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 restaurant building was constructed in 1949 and operated as an Asian restaurant from 1979 to July, 2004. The applicants will lease the building, plan to make modest site improvements, and will operate a sit down, Mexican Seafood restaurant.

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 1949 and is built along the Nicollet Avenue property line. The principal entrance to the building faces Nicollet Avenue. There is a brick façade with an overhang/canopy and more than 30% glazing facing Nicollet. The rest of the building is painted concrete block. The site contains landscaping/bonsai around the perimeter of the lot.

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 building entrance is a step up from the public sidewalk running along Nicollet Avenue. The applicants have proposed an HC ramp next to the building and adjacent to the sidewalk. A Van accessible HC stall is adjacent to the ramp and the parking stall located closest to the front door. There is one curb cut providing access to the parking lot off of East 60th Street. Vehicular access and circulation is designed to minimize conflicts with pedestrian traffic and surrounding residential uses. The zoning office determined the restaurant needed 18 parking stalls. The applicant is providing a total of 24 parking stalls, including the HC stall. There is not an alley at the rear property line. Instead, there is a grass strip that leads to a public works, stormwater retention pond located on the adjacent property to the East. Staff is recommending a seasonal, snow storage area be located in the Southeast corner of the property.

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 12,337 sf as per the Hennepin County webpage and the building footprint is 2521 sf. Section 530.150 of the zoning code requires that not less than twenty (20) percent of the site not occupied by buildings shall be landscaped. Calculation: lot area – building footprint x 20% = 12,337 sf – 2521 = 9816 x .20 = 1963.2). The applicant has proposed 982 sf or ten (10%) landscaping (calculation: 982/9816 = .10004) on the property and to maintain an additional 465 sf of landscaping on the interior boulevard. Combined this brings the landscaping total 1447 sf or fifteen 15% (1447/9816 = .14741). The applicant should also consider adding 300 sf (3 x 99.6) of additional landscaping to the east side of the parking lot by narrowing the drive aisle in this area from 25 feet to the required 22 foot width. Section 530.150 of the code 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 full compliance, the required plant count for this site is ten (10) trees and forty-nine (49) shrubs. The applicant has proposed six (6) trees (one existing and 5 Japanese tree lilac) and 44 shrubs (20 new Japanese barberry and 24 evergreen bonsai). Staff is recommending additional infill trees and shrubs be added along the rear lot line, the 5 foot wide interior boulevard strip along East 60th street, and to the landscaping strip along Nicollet Avenue. At the Preliminary Plan Review meeting, Public Works staff indicated they would be supportive of an encroachment permit for the landscaping in the public right of way along East 60th Street. Staff is supportive of alternative compliance for landscaping area and plant count, but is also requiring the applicant add more trees and shrubs-as previously noted, and to add bicycle parking in front of the existing tree in the parking lot. Staff is also recommending the applicants provide 4 foot high wrought iron type decorative fencing along the south property line in lieu of the proposed 6 foot high cedar fencing in order to provide better site surveillance in the area. Public works-sewer division indicated wheel stops would be acceptable along the east property line in order to allow parking lot drainage to the adjacent stormwater retention pond.

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 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 - 7 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 an Asian restaurant to a Mexican seafood 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 existing dumpster enclosure is in disrepair and held together by a chain. The dumpster enclosure can stay in the same location, but will need to be replaced by new construction to comply with zoning code requirements.

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:

There is one existing 55 sf (5 x 11) wall mounted sign located on both the North and South façade of the building. These signs have light projecting downward on them from the roofline. The zoning office has determined the applicants have grandfather rights to the signs, which are approximately 10 sf above the maximum area allowed per sign in the C1 district but 5 sf under the total sf allowed on these facades. All new signage, including signage on the Nicollet Avenue façade, will be required to meet the requirements of the code. Signage is subject to Sections 531 and 543 of the Zoning Code.

MINNEAPOLIS PLAN:

The Minneapolis Plan identifies Nicollet Avenue from Lake Street to the Southern City boundary as a Community Corridor, and the intersection of 60th Street and Nicollet as a neighborhood commercial node. The adaptive reuse of this commercial building for the La Perla del Pacifico restaurant conforms to the following applicable policies of the Minneapolis Plan.

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.

Implementation Steps

Designate a network of Community Corridors.

Discourage the conversion of existing residential uses to commercial uses, but encourage the development of mixed use residential dwelling units in commercial buildings where appropriate.

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.

Implementation Steps

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

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

Maximize the effectiveness of city support services and continue to build successful partnerships with the business community, neighborhood groups and other interested parties.

Maintain and strengthen the character and marketability of small-scale commercial areas throughout the city through technical and financial assistance to qualified neighborhood businesses, neighborhood based business associations and local development corporations.

Encourage coordination and communication between business associations and neighboring residents groups.

4.5 Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small scale retail sales and commercial services and are compatible with adjacent residential areas.

Implementation Steps

Support the continued presence of small scale retail sales and commercial services in Neighborhood Commercial Nodes.

Restrict auto-oriented, industrial or manufacturing activities that generate significant vehicular traffic, noise or air-borne impacts on residential neighbors.

Limit the territorial expansion of Neighborhood Commercial Nodes, but encourage rehabilitation and reinvestment in existing buildings.

Ensure that commercial uses do not negatively impact nearby residential areas.

Preserve traditional commercial storefronts at Neighborhood Commercial Nodes wherever possible.

Develop parking facilities and management strategies that balance the following goals: improved customer access, protection of sidewalk traffic; reduced visual impacts, mitigated impacts on neighboring uses and shared use of parking facilities.

Promote transit stops and bicycle parking and storage in Neighborhood Commercial Nodes.

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

Staff did not find any comments in Nicollet Avenue: The Revitalization of Minneapolis' Main Street, May 2000 that would be in direct conflict with the adaptive reuse of this Asian restaurant building changing to a Mexican Seafood restaurant building. The plan does recommend a market analysis of the 60th Street intersection, streetscape and pedestrian environment enhancements, and creation of a business association and special service district for the node. Long term, this plan encourages the relocation of Le Jeune Steel and the development of commercial/high density residential mixed use near 60th Street.

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.**

Staff is supportive of alternative compliance on landscaping area and plant count, in exchange for the addition of more trees and shrubs in the landscaped areas, consideration of enlarging the landscaping strip by 300 sf (3 x 99.6) along the eastern property line, and addition of bicycle parking in front of the existing tree in the parking lot to the final site plan.

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 site plan application for La Perla del Pacifico restaurant located at 6001-6009 in the C1 district; subject to the following conditions:

- 1) The Department of Community Planning and Economic Development Planning Division shall review and approve the final site and landscaping plans.
- 2) The final site plan shall include the addition of more trees and shrubs in the landscaped areas, bicycle parking in front of the existing tree in the parking lot, a dumpster enclosure that meets code requirements, a seasonal snow storage area in the Southeast corner of the parking lot, and 4 foot high wrought iron type decorative fencing along the south property line in lieu of the proposed 6 foot high cedar fencing in order to provide better site surveillance in the area.
- 3) The restaurant is subject to the applicable specific development standards from Chapter 536.
- 4) New signage is required to meet the standards of Chapter 543 of the code.
- 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 September 1, 2005, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

Attachments:

1. Staff report
2. Statement of use
3. Correspondence
4. Zoning map
5. Plans
6. Photos