



## Legislation Text

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**File #:** ZBA Res. 2016-003, **Version:** 1

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**Date:** October 20, 2016

**To:** Members of the Zoning Board of Appeals

**From:** Scott Tempel, City Planner

Resolution - 301 Water Street Variance

**Action Requested:**

The Zoning Board of Appeals (ZBA) is asked to consider a variance request from the two story minimum building height requirement in the C1 zone district for a project at 301 Water Street.

**Summary Report:**

The City of Northfield acquired 219 Water Street South in December of 2013 to facilitate future redevelopment opportunities in this area. The existing commercial structure was demolished in 2014 and the vacant parcel is available for redevelopment. Following the demolition of this structure, city staff was approached by the owner of Basil's Pizza with a proposal to build a pergola for outdoor seating at Basil's Pizza. In April of 2015, staff met with representatives from Basil's Pizza at which time they were asked to develop a preliminary site plan.

A preliminary site plan with a pergola and outdoor dining area was provided to staff and presented the City Council on November 10, 2015. The City Council was asked if this concept was something they would like to see move forward. The Council provided general support for the concept but recommended that the developer consider other alternatives to incorporate the river in the design. It was also recommended that the city utilize the remainder of the parcel to maximize the riverfront.

Since that time, Basil's Pizza has decided to invest in a significantly more substantial project. The current proposal now consists of an 18' wide by 50' long addition on the north side of the building to expand the indoor seating for the restaurant. The addition will be wrapped in large windows and includes façade treatments to integrate it to the existing building. The applicant is seeking a variance to the dimensional standards which require that the minimum building height in the C1 Zoning District be two stories.

There are several reasons why it is impractical for a two-story addition to Basil's Pizza. First, the width (18 foot) of the restaurant addition is not well suited for second story residences because it is too narrow to accommodate logical apartment designs. Second, a second story addition on the north side would interfere with continued use of the living area on the second floor of Basil's by blocking the emergency egress and require retrofitting of the entire building for fire separation. Third, it would also cut off access to natural light and air flow to the existing units.

According to Land Development Code (LDC) Table 3.2-4 Dimensional Standards for the C1 District, all new construction in the C1 district shall have a minimum height of two stories. The LDC provides an exception to allow a one story building if the project involves an existing one story building. Basil's Pizza has a second

story with residences.

Notification of the proposal was published and sent to neighboring property owners. The Community Development Department has received two calls on the project for information only.

**The criteria for approving a variance, according to Section 5.5.16(C), are as follows:**

(1) Pursuant to Minn. Stat. §462.357, Subd 6, as it may be amended from time to time, the zoning board of appeals may only grant applications for variances where practical difficulties in complying with this LDC exist and each of the following criteria are satisfied:

- (a) The variance is in harmony with the general purposes and intent of this LDC; and,
- (b) The variance is consistent with the Comprehensive Plan; and
- (c) The property owner proposes to use the property in a reasonable manner not permitted by this LDC; and
- (d) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
- (e) The variance, if granted, will not alter the essential character of the locality.

**Variance:** A variance, from Table 3.2.-4 Dimensional Standards for the C1 District to allow construction of a one story addition to an existing two story building.

**Criterion 1 - The variance is in harmony with the general purposes and intent of the LDC.**

1.1 Purpose of the Land Development Code (LDC)

The City of Northfield carries out the policies of the comprehensive plan by classifying and regulating the uses of land and structures within the city. This Land Development Code is adopted to protect and promote the public health, safety, morals, and general welfare of the city. More specifically, the purpose of these regulations is to:

- 1.1.1 Maintain and enhance the community's distinct small town character.
- 1.1.2 Preserve and protect the area's natural, historic, and cultural resources while providing for improved methods of integrating these resources in the community.
- 1.1.3 Encourage growth in infill locations as the desired location of development with expansion on the edge of the city a secondary priority.
- 1.1.4 Create residential community areas with strong neighborhood qualities including pedestrian-friendly streets, community gathering spaces, and basic commercial needs within walking distance.
- 1.1.5 Encourage the development of neighborhoods that incorporate a variety of housing types to serve the needs of a diverse population.
- 1.1.6 Allow for places with a mixture of uses that are distinctive and contribute to the city's overall vitality.
- 1.1.7 Provide standards and guidelines for continuing strategic growth and sustainable development.
- 1.1.8 Provide for the expansion and diversification of the economic base to assure a strong economy.
- 1.1.9 Promote an ethic of sustainability in all activities to ensure that proposed development and redevelopment will, at a minimum, conserve energy and natural resources.
- 1.1.10 Improve and promote connectivity to better serve residents and to improve the function of the overall street network.
- 1.1.11 ensure that proposed development is of human scale, primarily pedestrian-oriented to the extent appropriate, and designed to create exceptional streetscapes and pedestrian spaces.
- 1.1.12 Minimize vehicle traffic by providing for a mixture of land uses, pedestrian-oriented development, compact community form, safe and effective multi-modal traffic circulation (e.g., pedestrian, bicycle, and vehicular), and adequate on- and off-street parking facilities.

- 1.1.13 Protect the rural character of certain areas of the community as identified in the comprehensive plan.
- 1.1.14 Encourage vibrancy in the downtown core and fringe areas.
- 1.1.15 Ensure compatibility between different types of development and land uses.
- 1.1.16 Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities.

The purpose of the Downtown (C1) district is to sustain the historic central business district, make the Highway 3 corridor a more integral and attractive part of Downtown, provide design transitions to surrounding zoning districts, provide a strong relationship to the Cannon River and thus enhance the beauty, appreciation and benefits of the river, and to augment and increase Downtown viability and prosperity. The C1 District aims to provide a compact, pedestrian friendly, active mix of land uses including business, hospitality, offices and services, housing, arts and culture, government, public gathering places and points of interest for residents and visitors alike. The design standards of this district reflect the character of the historic downtown and will help create a sense of arrival and center by locating buildings close to the sidewalk or road, providing compatible facades along the Cannon River, building intimate places for people to gather outdoors, or minimizing negative effects on residential neighborhoods.

**Finding: Criterion 1 satisfied.** The proposal meets LDC purposes 1, 2, 3, 8, 11, and 14. It is also in harmony with the purpose of the C1 district as it will help to sustain the oldest restaurant in Northfield in its historic central location. The project will reflect the character of the district and define a sense of arrival to downtown.

**Criterion 2 - The variance is consistent with the Comprehensive Plan.**

The Comprehensive Plan provides guidance that the Land Use chapter will be consulted for any development proposal based on the Intent, Location, and Character of the project.

**Intent:** Development proposals will reflect the spirit and values expressed in the 12 **Northfield**

**Comprehensive Plan Land Use Principles** (statements of intent) (pages 4.9 to 4.13).

1. The small town character will be enhanced.
2. The natural environment will be protected, enhanced and better integrated into the community.
3. The preference for accommodating future growth is in infill locations, then redevelopment/land intensification opportunities, and then on the edge of existing developed areas.
4. New and redeveloped residential communities (areas) will have strong neighborhood qualities.
5. Environmentally-sensitive and sustainable practices will be integrated into new developments and redeveloped areas.
6. Places with a mix of uses that are distinctive and contribute to increasing the city's overall vitality are preferred.
7. Neighborhood-serving commercial will be small scale and integrated with the residential context.
8. A wider range of housing choices will be encouraged - in the community as well as in neighborhoods.
9. Rural character of certain areas of the community will be protected.
10. Streets will create an attractive public realm and be exceptional places for people.
11. Places will be better connected, in part to improve the function of the street network and also to better serve neighborhoods.
12. Opportunities will be created to walk and bike throughout the community.

**Analysis:** The proposal will enhance the small town character of downtown with a new infill development.

**Location:** Development proposals will be consistent with the **Conservation and Development Map** (page 4.18) and location descriptions (pages 4.14 to 4.15).

**Analysis:** The property is in the Core Enhancement district which focuses on the downtown area for continued infill as a mixed-use center with improved river access. This project is in line with the essential character of Northfield's core.

**Character:** Development proposals will be consistent with the **Framework Map** (page 4.19) and recommendations and context descriptions (pages 4.15 to 4.17).

**Analysis:** The property is in the Core context consisting of the densest mixed-use development. The essential, existing character of the zone should be reinforced with future development. This project will enhance the essential character of Northfield's core.

**Finding: Criterion 2 satisfied.** The proposal meets the criteria outlined in the Comprehensive Plan for consistency.

**Criterion 3 - Property Owner proposes to use the property in a reasonable manner not permitted by the LDC.**

**Finding: Criterion 3 satisfied.** The property owner proposes to continue to use the property in a reasonable manner. They will continue to operate Northfield's oldest restaurant. The proposed addition meets all pertinent LDC criteria except for building height. It is reasonable for a property owner to wish to expand their business, but this is not permitted by the LDC in this case. To expand the addition to two stories would require expanding the building addition and retrofitting the existing building.

**Criterion 4 - The plight of the landowner is due to circumstances unique to the property not created by the landowner.**

**Finding: Criterion 4 satisfied.** The adjacent land, which is being made available from the City, is only buildable when attached to the Basil's building. The 18' width is too narrow to build a standalone structure or to facilitate second story residences.

**Criterion 5 - The variance, if granted, will not alter the essential character of the locality.**

**Finding: Criterion 5 satisfied.** The addition and improvements to the existing business will serve to enhance the essential character and vitality of the locality. The addition, as designed, conforms to the existing building and the height is compatible with the one story structure on the south side of Basil's.

**Recommendation:**

The variance request has been found to meet all variance criteria and staff is recommending approval.

**Alternative Options:**

If the ZBA believes the proposal does not meet the approval criteria, alternative findings should be provided and a resolution of denial will be drafted.