

## Legislation Text

---

**File #:** ZBA Res. 2018-001, **Version:** 1

---

**Date:** April 19, 2018

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

**From:** Scott Tempel, City Planner

Variance Resolution - The Crossing Lot 5

**Action Requested:**

The Zoning Board of Appeals is requested to consider variances for the location of a building on Lot 5 of The Crossing.

**Summary Report:**

Community Development staff have been working with the developer of the Crossing site since the approval of the Development Agreement in 2016. The first phase of the project was the Marriott Fairfield Inn and Suites which is currently under construction. The next phase is the ancillary commercial pads on the Crossing site. A retail coffee shop with a drive-thru has been proposed for lots 4 and 5. Over the past 18-months, staff worked closely with the developer on numerous concepts for the proposed development project to meet the zoning requirements.

The Crossing project was initially developed with Planned Unit Development (PUD) zoning. PUD zoning allows creative solutions to situations where existing zone districts do not provide the flexibility needed for unique projects. The proposed building location for the retail coffee shop does not meet the PUD requirements which indicate the building should be located at the southwest corner of Lot 5. The PUD was approved in 2006 prior to the acquisition of Mn/DOT Right-of-Way (ROW). This building placement is not possible due to the final configuration of Mn/DOT Right-of-Way on the southeast corner of Lot 5.

This type of zoning issue would typically follow a PUD amendment process. Amendments to a Planned Unit Development are classified as either minor amendments or major amendments, and this type of change would require a major amendment. What complicates things is that major amendments are no longer permitted by the Land Development Code (LDC) to address changes to projects developed under PUD zoning. Where a major amendment is requested, the applicant shall comply with the applicable underlying base zoning district or apply for a zoning map amendment to a different base zoning district that is compatible with the surrounding area.

This forces the proposed building placement to be reviewed against the underlying zoning from which the PUD was initially established. In this case, the underlying zoning is the Downtown (C1) zoning district. The zoning regulations for this district calls for buildings to be in close proximity to the parcel boundary which forces the proposed building to meet setback standards. The LDC also contains a special clause for this district that when a building abuts more than one public road right-of-way. The priority for determining which right-of-way is considered the front of the parcel shall be Highway 3. The following variances are required:

**Variations:**

- 1) Exceeds 10 ft. maximum front setback (Hwy 3)
- 2) Exceeds maximum 10 ft. corner side setback (2<sup>nd</sup> St)
- 3) Encroach 5 ft. minimum side setback for parking or internal drive

A Conditional Use Permit (CUP) is also required for Drive-through Restaurants in the C1 zone. Three variations from the Use Specific Standards in Section 2.9.7 for Drive Through establishments are needed:

- 4) The building associated with the drive-through establishment is not located at the property line along the street and is more than ten feet from the property line on the corner street side.
- 5) The drive-through is partially located in the front setback.
- 6) Stacking lanes are not set back 25 feet from rights-of-way.

Since denial of any one variation will preclude the project from moving forward, all variations are being considered at once. Approval of all variations will allow the placement of the building and drive-through in the proposed location, however a CUP must be approved by the City Council before the project can move forward. The Zoning Board of Adjustments is asked to consider the following criteria for approval of each of the requested variations.

**The criteria for approving a variation, 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 variations where practical difficulties in complying with this LDC exist and each of the following criteria are satisfied:
  - (a) The variation is in harmony with the general purposes and intent of this LDC; and,
  - (b) The variation 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 variation, if granted, will not alter the essential character of the locality.

**VARIANCES**

Northfield Land Development Code Section 2.9.7 Drive-Through Establishments requires:

- Stacking lanes shall be set back 25 feet from rights-of-way.
- A commercial building associated with a drive-through establishment shall be located at the property line along the street. If the property is a corner lot, the building shall be located no more than ten feet from the property line on the corner street side.
- All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.

Northfield Land Development Code Table 3.2-4 C1 District Site Development Standards for the East of Highway 3 Sub-District require:

- A maximum front setback of 10 feet
- A maximum corner side setback of 10 feet
- Internal driveways and parking shall have a minimum front, side and rear setback of 5 feet.

Analysis of the variance request is addressed below.

Criterion (a) The variance is in harmony with the general purposes and intent of the LDC.

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:** The project is in harmony with the general purposes and intent of the LDC. The proposed use is consistent with the general goals for the C1 zone district by providing a compact service development with an intimate outdoor gathering space. The Land Development Code was 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 proposal meets the following purposes:

- 1.1.3: The project is proposed on an infill site that has been vacant for over 10 years, and will result in a successful expansion of land development at this important corner of Northfield.
- 1.1.6: The project will provide a distinctive use and will contribute to the city's overall vitality.
- 1.1.7: The project will result in introducing a business to this location with a strong focus on strategic growth and sustainable development/business practices.
- 1.1.10: The project will result in connecting development from the north to the downtown core through completion of parking and pedestrian access
- 1.1.11 The project will be of human scale via the single story design, with connective pedestrian walkways to the north and to the south, and will provide a completed streetscape to its Hwy 3, and 2<sup>nd</sup> street boundaries.
- 1.1.12: The project design utilizes current primary access points from Highway 3 and 2<sup>nd</sup> Street, and therefore maintains flow and function. The project incorporates pedestrian walkways, and finishes many of the connection points that have been left vacant during the period the site has remained undeveloped. The project provides for adequate off street parking through the use of both parcels. Off-street parking in this area is in short supply, so by developing this area for a single building user it will improve general parking accommodation for the buildings customers, w/o putting further strain on adjoining properties. The area provides no on-street parking opportunities.
- 1.1.14: The project will be an asset to this location, and encourage a vibrancy to the downtown core.
- 1.1.15: The project ensures compatibility to the surrounding properties including residential, commercial and hospitality.

Criterion (b) The variance is consistent with the Comprehensive Plan.

The Land Use chapter of the Comprehensive Plan will be consulted for any development proposal based on the following steps. If a proposal is not consistent with recommendations of any one of these steps, the proponent should re-evaluate and make adjustments (or provide justification for deviation) if the proposal is not aligned with the following three aspects:

1. **Intent:** Development proposals will reflect the spirit and values expressed in the 12 **principles** (statements of intent) (pages 4.9 to 4.13).
2. **Location:** Development proposals will be consistent with the **Conservation and Development Map** (page 4.18) and location descriptions (pages 4.14 to 4.15).
3. **Character:** Development proposals will be consistent with the **Framework Map** (page 4.19) and recommendations and context descriptions (pages 4.15 to 4.17).

**Finding:** The variance is consistent with the Comprehensive Plan.

**Intent:**

1. **The small town character will be enhanced.**

LU 1.4 The project provides appropriately-scaled places for structured and casual interaction and is also pedestrian and bicycle friendly given its location, bike racks, and sidewalk enhancements.

2. **The natural environment will be protected, enhanced and better integrated in the community.**  
The overall project is connected to the Cannon River. Landscaped plantings along the perimeter of the development and around the parking lot will help integrate the project 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.**  
This is an infill project on a priority redevelopment site.
4. **New and redeveloped residential communities (areas) will have strong neighborhood qualities.**  
n/a
5. **Environmentally-sensitive and sustainable practices will be integrated into new developments and redeveloped areas.**  
Stormwater and erosion control measures meeting current state and local standards are in place.
6. **Places with a mix of uses that are distinctive and contribute to increasing the city's overall vitality are preferred.**  
The project is part of a mixed-use development. The Crossing contains a residential condominium, a hotel, and a mix of service and retail uses.
7. **Neighborhood-serving commercial will be small scale and integrated with the residential context.**  
n/a
8. **A wider range of housing choices will be encouraged - in the community as well as in neighborhoods.**  
n/a
9. **Rural character of certain areas of the community will be protected.**  
n/a
10. **Streets will create an attractive public realm and be exceptional places for people.**  
n/a - no public streets to be constructed. An attractive streetscape is provide with extensive landscaping along Highway 3 and around the parking lot. There is a patio provided for customers and a public art project is being considered for the corner of the project to add to the public realm.
11. **Places will be better connected, in part to improve the function of the street network and also to better serve neighborhoods.**  
The project is well connected to the street network. There are internal sidewalk connections for the project and these also link with the existing city network.
12. **Opportunities will be created to walk and bike throughout the community.**  
The project is designed to encourage pedestrian and bicycle movement through features such as sidewalks and high quality planter and buffer strips to protect the pedestrian.  
Sidewalks are connected to the public network.  
Biking and other alternate forms of transportation are accommodated.

**Location:**

The project is located appropriately in the Core Enhancement Area of the Conservation and Development map which is designated for continued infill as a mixed-use center.

**Character:**

The project is located appropriately in the Core area of the Framework Map as a mixed-use, compact development.

The project will also result in the completion of numerous objectives in the Comp Plan. Land use objectives include 'building inward and making more efficient use of land.' The site has been vacant and underutilized for years, and the proposed project will provide a development that fits The Crossing development plan. The site is already served with infrastructure which results in a more sustainable pattern that the 'community of Northfield has indicated as a preference'.

The project will contribute to the continued expansion of economic development. The comp plan identifies a desire for commercial expansion and this project will be a contributor. The project will provide 'employment opportunities, increased tax base and an ancillary business that support other businesses'.

Criterion (c) Property Owner proposes to use the property in a reasonable manner not permitted by the LDC.

**Finding:** The applicant is proposing to use the property in a reasonable manner. The requested variance will result in a reasonable use of the property otherwise not permitted by the LDC. The current size and shape of the parcels create challenges for the building as the site is narrow and has 'angled' areas that do not promote an efficient/usable building footprint. The functional site components of this building type (parking spaces, site circulation, drive up circulation, and drive up stacking requirements) prohibit the building from meeting the street frontage requirements. In addition, due to the location at the corner of Highway 3 and 2<sup>nd</sup> Street, the applicant believes that setting the building further from the property line(s) improves the site design, public safety and pedestrian access. The site is unique in how Hwy 3 and 2<sup>nd</sup> street come together at the intersection. For this location it is believed that visibility by traffic will be improved and as a result, a 'safer intersection than if the buildings were pushed up to the property lines as one would see on an urban street.

The site will be landscaped to create a sense of quality green space and impact to the gateway to downtown. The pedestrian paths set from the intersection that will promote public confidence and safety from traffic moving along Hwy 3.

The variance request is based upon the requirements and elements necessary for this type of permitted use on this site to be functional. There is no financial benefit or impact in regards to building frontage location.

Criterion (d) The plight of the landowner is due to circumstances unique to the property not created by the landowner.

**Finding:** The plight of the landowner is not self-created. The parcels included in the proposed project were the result of work completed by others to acquire multiple parcels, and develop an overall PUD. The landowner was not part of the creation of the long and narrow lots which currently limit design of flexible building opportunities.

The current lots as platted in the original PUD are small and narrow and difficult to build on under the current LDC. The PUD was approved prior to Northfield adopting the current Land Development Code. The size of the lots and site circulation present difficult obstacles in developing the site. Further, the private interior road and MN DOT ROW provide immovable barriers for the development of the site.

The requested variances are based on existing site conditions from the original PUD and developing a building plan that meets a user's criteria for flow, function, access and usability. It is not based on making the building

less expensive to build. The site has been marketed to numerous users over the past 18 months with all of them citing similar challenges with the lot sizes and layout for their use.

Criterion (e) The variance, if granted, will not alter the essential character of the locality.

Supported: Granting the variance will not alter the essential character of the locality. The project will be compatible with the character of the surrounding PUD development. The building is being designed to incorporate materials, such as brick and stone, and details found in adjacent Crossings Condominiums, Crossings Commercial building, and Marriot hotel that have already been determined to be in line with the historic character of downtown.

**Alternative Options:**

The applicant is requesting approval for the project as proposed based on the aforementioned conditions. Community Development staff have worked intensely with the developer to create a design that meets the PUD, LDC and franchise requirements. If the ZBA disagrees with any of the findings in this report, an alternative finding shall be written and amended to the record.

**Financial Impacts:**

There are no direct financial impacts to the City due to approving these variances.

**Tentative Timelines:**

If the variance request is approved, the Planning Commission will hear the case for conditional use and make a recommendation to City Council. The City Council will consider the CUP in May.