



City of Minneapolis
CPED - Planning Division
250 South 4th Street Room #300
Minneapolis, MN 55415

June 18, 2015

STATEMENT OF REASON OF APPEAL

Members of the Minneapolis Board of Adjustment:

This written statement is for the purpose of formally appealing the Board's June 11, 2015 decision to grant a variance to Duende Dance Studio reducing the minimum parking requirement at 1300 Quincy Street Northeast to zero spaces.

As our previous correspondence with the Board has indicated, Hillcrest Development, LLLP, and its subsidiary, 807 Broadway Revival, LLC, have deep concerns about allowing any reduction in required parking spaces on this area of Quincy Street NE. We voiced many of these concerns, and the underlying parking issues already affecting the entire neighborhood, in a letter submitted to the Board of Adjustment on June 3, 2015.

In order to grant the variance, the Board had to determine that the facts surrounding the Duende Dance Studio variance request met the requirements found in Section 525.500 of the City Code of Ordinances. Respectfully, we do not feel that the findings of the Board, as outlined in the CPED Staff Report dated June 11, 2015 (the "Report"), fully engaged with the parameters of 525.500. Therefore, we ask the Board to reexamine those findings in light of the facts below.

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

The Report notes that per the ordinance, there should be at least 46 spaces serving the Duende Dance Studio space. Taking into account the four grandfathered spaces, as well as the 10 percent reduction available for bicycle parking, that still leaves 37 parking spaces required under the ordinance. As we stated in our June 3rd letter, the lack of parking is not a condition unique to this property – rather, each property on this street is affected by the parking shortage. The Board summarily states that the circumstances were not created by Duende Dance Studio and fails to even address whether the circumstances necessitating the parking variance could be rectified through an economic outlay by Duende Dance Studio. It is clear that this analysis is neither appropriate nor sufficient to support the finding required under the ordinance.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

The Board must also make the finding above – that the variance is for a reasonable use in keeping with the spirit of the ordinance and comprehensive plan. The Report states that the, “purpose of parking regulations is to provide for the parking needs of uses and structures and to enhance the compatibility between parking areas and their surroundings.” It is difficult, if not impossible, to imagine how a variance that requires absolutely no parking spaces from a building that will regularly entertain an estimated 90 guests (although the zoning code assumes that a building of Duende Dance Studio’s size could have a maximum capacity of up to 228 people) could possibly be compatible with the surrounding community that already faces significant parking shortages and parking issues. The Report goes on, “The regulations promote flexibility and recognize that excessive off-street parking conflicts with the city's policies related to transportation, land use, urban design, and sustainability.” Four parking spaces coupled with eleven bicycle stalls could hardly be considered “excessive off-street parking” for 90 people.

References to public parking spaces in front of the building and in front of other neighborhood businesses do not change the fact that spaces used by Duende Dance Studio patrons will not be available for other businesses in the area. The ordinance emphasizes the importance of parking access that does not negatively impact neighboring properties, and seeks to avoid any one property’s visitors from taking up disproportionate on-street parking. Allowing one business to co-opt more than their fair share of street parking is in direct contravention to the spirit of the ordinance. The finding that such a variance is reasonable does not take the current parking drought into account.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Finally, the Board must find that such a variance will not be injurious to the use or enjoyment of other property in the vicinity. The Board dispatched with this finding based on the peak hours of operation proposed by Duende Dance Studio, the purported availability of on street parking, and the provision of additional bicycle parking.

As a neighbor and business occupying space adjacent to the Duende Dance Studio, we can tell you that allowing a use this large to operate without any dedicated off-street parking will be injurious not just to our use and enjoyment of our property, but to that of other nearby businesses as well. Already at our parking spaces (before the inclusion of up to 90 additional people needing parking), we have observed countless issues in our parking areas, including illegal parking, illegal snow dumping, a proliferation of litter and other debris, vagrants, trespass, and others. We have attempted to limit these issues by posting signs in our parking areas, ticketing/towing abandoned vehicles, and developing parking license agreements with adjacent neighbors. As we have previously stated, these measures have proven only minimally effective due to shortage of viable parking at other properties along Quincy Street and the large influx of visitors to the Solar Arts Building at the end of Quincy Street. Adding another 90 users to the non-existent parking for “Social Dance” parties will only exacerbate these problems, and cause additional damage to all business along Quincy Street.

If you were to “arbitrarily” grant the variance request, you would force us to protect our tenants’ parking rights through actions including revocation of ongoing license agreements with our neighbors, ticketing of illegal parking, and towing all violators from our parking areas. Our building will have significant evening and weekend parking demands as does the existing immediate neighborhood. These necessary actions, which are a direct consequence of this

variance, would surely be “*injurious to the use or enjoyment of other property in the vicinity.*” We cannot stand by and allow what has happened at Broadway and Tyler Street NE to repeat itself on Quincy Street NE.

Failing the overturning of this variance, we wish to strongly voice our concerns to the City regarding the parking fiasco that they are allowing to occur, contra to the City Code and Comprehensive Plan, in this neighborhood. When business owners cannot rely on the enforcement of the ordinances put in place to protect their interests, the City must step up in other ways to keep these businesses viable. In the case of Quincy Street NE, an additional 90 users only serves to illustrate that the on-street parking must be overhauled and brought into compliance with City standards (“Quincy on-street parking compliance improvements”). Rather than simply abolishing off-street parking standards, the City should at least improve the stalls within the public right-of-way to help create a safer, more navigable area for patrons of Quincy Street NE businesses. We recently negotiated a similar improvement of the on-street parking nearby on Jackson Street NE. We would expect that if the City grants the variance request that as a condition, the City requires the completion of the Quincy on-street parking compliance improvements prior to Duende Dance commencing its operations or receiving an occupancy permit.

Sincerely,

Hillcrest Development, LLLP

Charlie Nestor
Development and Leasing Manager

cc: Scott M. Tankenoff, 807 Broadway Revival, LLC
Kevin Reich, Ward 1, City of Minneapolis
Shannon McDonough, Policy Aid, Ward 1, City of Minneapolis
Logan Park Neighborhood Association
Anthony Gleekel, Siegel Brill Law Firm