



Request for City Council Committee Action from the Department of Community Planning & Economic Development – Planning Division

Date: January 4, 2006

To: Council Member Gary Schiff, Chair, Zoning and Planning Committee
Members of the Committee

Referral to: Zoning and Planning Committee

Subject: Appeal of the Zoning Board of Adjustment action denying a variance for a property located at 917 Washington Avenue Southeast (BZZ-3321) by John C. Trautz on behalf of Stadium Village Plaza, LLC

Recommendation: The Zoning Board of Adjustment, notwithstanding staff recommendation, denied a variance to reduce the required off-street parking from 75 to 35 spaces to allow for the conversion of a video store into three new retail establishments at 917 Washington Avenue Southeast in the C2 Neighborhood Commercial Corridor District and PO Pedestrian Oriented Overlay District.

Previous Directives: N/A

Prepared or Submitted by: Brian Schaffer, City Planner, 612-673-2670

Approved by: Jack Byers, Planning Supervisor, 612-673-2634

Presenters in Committee: Brian Schaffer, City Planner

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
- Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.
- Action provides increased revenue for appropriation increase.
- Action requires use of contingency or reserves.
- Business Plan: _____ Action is within the plan. _____ Action requires a change to plan.
- Other financial impact (Explain):
- Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact (use any categories that apply)

Ward: 2

Neighborhood Notification: The Prospect Park East River Road Improvement Association was notified of the variance request in a letter dated November 6, 2006.

City Goals: See staff report.

Comprehensive Plan: See staff report.

Zoning Code: See staff report.

Living Wage/Job Linkage: Not applicable.

End of 60/120-day Decision Period: The 60 decision period expires on January 8, 2006.

Other: Not applicable.

Background/Supporting Information Attached: John C. Trautz, on behalf of Stadium Village Plaza, LLC has filed an appeal of the decision of the Zoning Board of Adjustment denying the parking variance. The Zoning Board of Adjustment voted 5-2 to deny the variance on December 7, 2006. The applicant filed an appeal on December 15, 2006. The applicant's statement is included in the staff report.

Board of Adjustment Hearing Testimony and Actions

Thursday, December 7, 2006
2:00 p.m., Room 317 City Hall

Board Membership: Mr. Matt Ditzler, Mr. David Fields, Mr. John Finlayson, Mr. Paul Gates, Ms. Marissa Lasky, Ms. Alissa Luepke Pier, Mr. Matt Perry, and Mr. Peter Rand

The Board of Adjustment of the City of Minneapolis will meet to consider requests for the following:

6. **917 Washington Avenue Southeast (BZZ-3321, Ward 2)**

Sarah Leschinsky, on behalf of Stadium Village Plaza, LLC, has filed a variance to reduce the required off-street parking from 75 to 35 spaces to convert a video store to three new retail establishments at 917 Washington Avenue Southeast in the C2 Neighborhood Commercial Corridor District and PO Pedestrian Oriented Overlay District.

Notwithstanding staff recommendation, Ms. Luepke Pier moved and Mr. Perry seconded the motion to **deny** the variance to reduce the required off-street parking from 75 to 35 spaces to convert a video store into three new retail establishments at 917 Washington Avenue Southeast in the C2 Neighborhood Commercial Corridor District and PO Pedestrian Oriented Overlay District subject to the following condition:

1. That the Planning Division-CPED review and approve the final site plan, floor plans, and elevations. All drawings will be measured to an architect or engineer's scale.

Roll Call Vote:

Yeas: Fields, Gates, Lasky, Luepke Pier and Perry

Nays: Finlayson and Rand

Recused: None

Absent: Ditzler

TESTIMONY

Finlayson: I see no questions at this point. Thank you. Is the applicant present? Name and address for the record please.

Applicant: My name is Sarah Leschinsky, I'm with Reliance Development Company who is the agent for Stadium Village Plaza. Our offices are located at 527 Marquette Avenue here in downtown Minneapolis. First of all I would like to thank you Mr. Chair and Board Members for taking the time to review our application. We are long term owners of the center. We have been owners since it was built in 1997 and plan to continue to be long term owners. We have enjoyed being a part of the Stadium Village neighborhood and we are excited about the restructuring of the Block Buster space. We

feel it will be a nice addition to the neighborhood. We have read the staff report regarding our variance request and agree with staffs' conclusion. Our experience with the center does suggest that the parking that we do have will be adequate for several reasons. Several of the tenants are complimentary uses. One of the new proposed uses will be a coffee shop which generates traffic mostly in the morning. Several of the other uses are restaurants which would generate more traffic in the noon or after noon – evening time periods. There also tends to be quite a bit of cross parking. People come to the center, park once and use two or maybe several of our tenants. We've also seen an increase in pedestrian activity since we have owned the property and we expect that that trend will continue with new proposed transportation in the area. Lastly it does have 35 spaces which is more parking than any of the other retail uses in the surrounding area. So we feel that the parking will be adequate. We have met, or I have met with the Prospect Park Neighborhood Group to discuss our proposal with them and we do appreciate many of their concerns about making the area more pedestrian friendly. They gave several suggestions on ways to make the center more appealing for pedestrians. A few of those suggestions we're not able to implement due to the fact that they would actually require us to redo some of the parking that is there. For example one suggestion was to widen the sidewalks in front of the retail buildings and that would decrease the size of the parking lot so we would be unable to do that, but we are planning to do what we can with the existing space that we do have, such as improving the landscaping along the Washington Avenue side of the property. There is grass and several bushes there right now. We are planning on adding more bushes, also adding some flowers to accent the area. We are also planning on improving the stepping stone paths that are paths for pedestrians to use to enter the center. One other concern the neighborhood group expressed to us was the service door which is on the corner of Washington Avenue and Huron and I have explored that to do what we can to improve that appearance of that door. We do need for it to be a steel door because it is a service door, so what our plan is to paint the door a color more to match the surrounding brick. Right now it is the color that doesn't quite match, so that is what we are planning on doing with that door. So lastly I would just like to say that we think that this variance would continue to meet the needs of the neighborhood as well as the operation of the property and its tenants. I would be happy to answer any questions.

Finlayson: Any further questions. I see none. Thank you. Is the applicant present? Would you care to make a statement?

Sarah Leschinsky: Thank you.

Finlayson: Anyone else to speak in favor? Anyone to speak against? Name and address for the record please.

Opposed: My name is Florence Litmann, I live at 76 Clarence Avenue SE, I'm the co-chair of the zoning committee of the Prospect Park and East River Road Improvement Association. The oldest neighborhood association in Minneapolis since 1901. We have been dealing with not this particular issue but many issues since 1901. This particular issue is only 19 years. When this was built in 1997 we opposed the parking variance, but not for the reasons that you would think. We have another wrinkle here. We said you get a parking because your pedestrian oriented, right, that's what it says in the

code. I mean we've read it right here. It says the intent of the PO district is to encourage the pedestrian character of commercial area and promote street life and activity by regulating building orientation and design and accessory parking facilities, etc., etc. Now there wasn't any PO district when this was built. We were just ahead of our time and we said this is going to bring in traffic. This is a strip mall on its side. That's what it is. So, you know, don't kill your parents and then beg for mercy because you're an orphan. You know if you want a parking variance, do a pedestrian thing. That's fine. Well of course, we lost that one. But that was 19 years ago and things have changed and now we have the code. We do have the pedestrian oriented zone now and that's in it. So when the same people came back, we said fine. Do something to make it more pedestrian oriented. If it takes some more of the parking places, that's fine. Widen the sidewalk, put in some street furniture. Do something that makes it inviting for pedestrians. I don't know. Does the planner have a picture here that you can show? Not the outline the picture of what the thing looks like. It's in the report. Could you put that on the screen please? You know, one picture is worth 10,000 words. I go past that all the time. I'm not the only one that thinks it's ugly. There is a problem when you're stuck with something ugly and old, but sometimes when they come for some other variance or something, then you have a chance to make it better. This is our chance. We might not have another chance for another 19 years. So I'm certainly hoping that...no not that drawing, the picture. This is a strip mall on its side. It is a nice triangular site; you really could have done something very attractive with shops on that site. But you can't do that now; this is already here, so the idea is how can we make it better. Well, there things that can make this more pedestrian oriented than it is now, and if it takes a few parking spaces, we'll support more of a parking variance to get that. Because no pedestrian is really going to walk there. It looks like it is for cars and it is unpleasant. No, Sarah did meet with us and she was very charming. We spoke to here, you can't see it here, that door that we mentioned is more over on a slant on the side. You really can't see it, there's a metal service door. It's appalling that any planner, even 19 years ago let that go by. It faces the busy street. It looks like it belongs on a prison. It's an ugly metal door it should have been some place else. Now at least they can make something more attractive, and I think painting the door, I think they could come up with something better than painting the door. After all, they're asking for a variance, they're asking for something, it's the only chance we have to make something better. I'm kind of disappointed with their response. They did talk about landscaping. There is no plan for more landscaping, so it will be a couple of cheap bushes, some pebbles and some flowers. So we would suggest that you either deny this, which is not really what we want, but that you continue this until they come up with a better plan and if they have to come up with a better plan, they can. It was built by architects, it was built by KKE, they ought to have the resources to do something better. We are really trying hard to make University and Washington more pedestrian oriented. The LRT might be going through there in our lifetime. This is really important to us. Many of us walk to the University, many of us work at the University, we see this all the time and it's a chance to make something better. You don't always get that. We understand the problem, we don't want houses or things to be torn down for more parking, we want people to walk, take the bus, the LRT when it's available, carpool, you know, whatever. They are not going to do it if you build things like this. So we are really hoping that you will do that. I did speak, now I do want you to know that I did speak with a planner, although I have never seen him until now, by phone about this issue.

Finlayson: Anyone else to speak against. I see no one. We will close the public portion of this hearing. Board comment?

Rand: I move to approve staff recommendation. I would be in favor of conditions

Fields: I second the motion. Landscaping will not help this property and you can not get rid of the strip mall. It would just make it a fake pedestrian looking mall. Let's face it, it is a pig and no matter even if you put a bonnet on it, it is still a pig.

Luepke Pier: I will be voting against staff recommendation. I lived in Stadium Village. When I lived there this particular building was being built. I never went to any of the businesses in this mall the entire time that I lived there. It just isn't pedestrian friendly. It isn't the kind of business that you would want to walk into.

Lasky: I would be in favor of a continuance. We are always asking if they have talked to the neighborhood group and here we have a representative from the zoning association for their neighborhood group and we need to listen. To revisit at a later date because the group does not agree.

Rand: What does the 60 day clock look like? When does it expire?

Jack Byers: I would suggest that if you are going to continue it, you continue it more than one cycle, just because the staff reports for the December 21st meeting were due to me from staff yesterday. Also, I want to make clear that you can not make changes or conditions to site plans. You have three choices. You can deny it so that it will be appealed to Z & P and then to the council where they can make site plan changes, to pass or deny it here.

Finlayson: It would more productive to pass it. You can't fix it.

Perry: Mr. Chair

Finlayson: Mr. Perry

Perry: I will not be supporting the motion.

Finlayson: Please call a roll.

Fields: No

Finlayson: Yes

Gates: No

Lasky: No

Luepke Pier: No

Perry: Yes

Rand: Yes

Motion failed.

Finlayson: Do we need to make another motion to deny?

Jack Byers: If you feel that it needs to be cleared up in that manner, by all means.

Finlayson: Would someone make a motion.

Luepke Pier: I motion to deny the variance.

Perry: Second.

Finlayson: All in favor.

Fields: Yes

Finlayson: No

Gates: Yes

Lasky: Yes

Luepke Pier: Yes

Perry: No

Rand: No

Motion passed.

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-3321

Date: December 7, 2006

Applicant: Sarah Leschinsky on behalf of Stadium Village Plaza, LLC

Address of Property: 917 Washington Avenue Southeast

Contact Person and Phone: Sarah Leschinsky, (612) 338-1000

Planning Staff and Phone: Brian Schaffer, (612) 673-2670

Date Application Deemed Complete: November 8, 2006

Public Hearing: December 7, 2006

Appeal Period Expiration: December 18, 2006

End of 60 Day Decision Period: January 8, 2006

Ward: 2 **Neighborhood Organization:** Prospect Park East River Road Improvement Association

Existing Zoning: C2, Neighborhood Commercial Corridor District and PO Pedestrian Oriented Overlay District

Proposed Use: Converting one existing tenant space into three new tenant spaces.

Proposed Variance: A variance to reduce the required off-street parking from 75 to 35 spaces to convert a video store into three new retail establishments at 917 Washington Avenue Southeast in the C2 Neighborhood Commercial Corridor District and PO Pedestrian Oriented Overlay District.

Zoning code section authorizing the requested variance: 525.520 (7)

Background: The subject site is a multiple tenant building, known as the Stadium Village Plaza, that is located on the northwest corner of the intersections of Washington Avenue Southeast and Huron Boulevard Northeast. The Stadium Village Plaza contains two buildings with six total tenants who share a common drive and parking area. The west building contains three tenants: Burger King, U Wireless, and Blockbuster. The east building also contains three tenants: Sushi Express, GNC, and Jasmine House.

The applicant is proposing to divide the Blockbuster space into three new tenant spaces for a coffee shop, a tanning salon, and a restaurant. The coffee shop requires 15 parking spaces, the

tanning salon requires 4, and the restaurant requires 20 spaces. In total, the addition of these three tenants requires 39 additional off-street parking spaces. However, there are 10 spaces grandfathered from the former Blockbuster resulting in a new requirement of 29 additional off-street parking spaces. The site currently provides 35 off-street parking spaces and has two bike racks. In 1997, when the property was developed, it received a parking variance (V-4156) to reduce the off-street parking requirement from 56 to 35 spaces, a 21 space or 18.6 percent reduction.

In effect, the current application to reduce the off-street parking requirement from 75 to 35 spaces is a variance to reduce the off-street parking from 75 to the previously approved 56 spaces, a 19 parking space reduction.

Findings Required by the Minneapolis Zoning Code:

1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

The applicant has requested a variance to reduce the required off-street parking from 75 to 35 spaces to convert a video store into three new retail establishments in the Stadium Village Plaza. The property is zoned C2 Neighborhood Commercial Corridor and PO Pedestrian Overlay District. The intent of the PO District is to “encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and accessory parking facilities by prohibiting certain high impact and automobile-oriented uses.”

There is no room for additional parking on the site. The site is located near bus lines making transit very accessible. Requiring that this use provide the full parking requirement when there is evidence that there is and will continue to be significant pedestrian traffic and transit available may not allow a reasonable use of the property.

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.**

The circumstance for which the variance is sought is unique to the parcel of land and have not been created by the applicant. The subject site does not permit any area sufficient enough in size to allow for all of the required off-street parking. The constraints of the site have been created by the existing building locations and the size of the lot and are not created by the applicant.

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.**

Granting the variance will not alter the essential character of the surrounding neighborhood and will not be injurious to the use or enjoyment of other property in the area. The subject site is located in the Pedestrian Overlay District in order to support the preserving and encouraging of the pedestrian character of commercial areas and promoting street life. In addition, the site is located on Washington Avenue which is well served by several bus lines and structured parking facilities. The site is also along the proposed Central Corridor LRT route.

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.

Granting the variance would not likely increase congestion in the area or increase the danger of fire safety, nor would the proposed parking reduction variance be detrimental to welfare or public safety. While a restaurant and coffee shop use have a higher requirement for parking than some other more general retail uses, staff does not believe that the additional establishments will negatively impact the surrounding neighborhood. There are multiple bus lines serving Washington and University and a number of structure parking facilities within a short walking distance.

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 Board of Adjustment adopt the findings above and **approve** the variance to reduce the required off-street parking from 75 to 35 spaces to convert a video store into three new retail establishments at 917 Washington Avenue Southeast in the C2 Neighborhood Commercial Corridor District and PO Pedestrian Oriented Overlay District subject to the following condition:

1. CPED-Planning review and approve final site plans, floor plans and elevations.