

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permits and a Variance
BZZ-3732

Date: December 17, 2007

Applicant: Rochelle Barrett with Bakery Properties, LLC

Address of Property: 2603 Bloomington Avenue South

Project Name: Mercado Phillips Este

Contact Person and Phone: Jose Cano, (612) 202-2262

Planning Staff and Phone: Hilary Dvorak (612) 673-2639

Date Application Deemed Complete: September 17, 2007

End of 60-Day Decision Period: November 16, 2007

End of 120-Day Decision Period: A 60-day extension letter was mailed on October 25, 2007, extending the 120-day decision period to January 15, 2008. The applicant has further extended the time for review to March 15, 2008.

Ward: 9 **Neighborhood Organization:** East Phillips Improvement Coalition

Existing Zoning: C4, General Commercial District

Proposed Zoning: Not applicable for this development

Zoning Plate Number: 26

Legal Description (properties to be rezoned): Not applicable for this development

Proposed Use: Mixed-use building including a reception hall, restaurant, three small retail spaces and four dwelling units

Concurrent Review:

Conditional use permit: for a shopping center

Conditional use permit: for extended hours

Variance: to reduce the minimum off-street parking requirement from the required 109 spaces to 35 spaces to allow a reception hall, restaurant, three small retail spaces and four dwelling units in an existing building

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically and Section 525.520(7) “to reduce the applicable off-street

parking requirements up to one hundred percent, provided the proposed use or building serves pedestrian or transit-oriented trade or occupancy, or is located near an off-street parking facility that is available to the customers, occupants, employees and guest of the use”.

Background: The applicant is proposing to renovate the existing building located at 2603 Bloomington Avenue South. The building is currently used to manufacture restaurant furniture. On the second floor of the building there are four dwelling units however, they are currently being used for storage purposes. The applicant is proposing to renovate the entire building into a mixed-use building including a reception hall, restaurant, three small retail spaces and four dwelling units.

The four dwelling units would remain on the second floor of the building. An entrance along the Bloomington Avenue South side of the building would provide access to the units. The first floor of the building would be divided up amongst the different commercial uses proposed. The three retail spaces would front along Bloomington Avenue South, the restaurant would front along East 26th Street and the reception hall would be located in the middle of the building. Please note that the restaurant and the reception hall would share one kitchen. The southern portion of the building will be converted into an enclosed parking area which will accommodate 35 parking spaces. All of the parking spaces will be shared amongst the uses within the building.

Please note that one of the applications being requested as part of this development is a conditional use permit for a shopping center. The conditional use permit is required because the reception hall does not have a separate customer entrance facing the street. The reception hall can only be accessed from an internal hallway that connects the enclosed parking area to East 26th Street. Note that the three retail spaces and the restaurant will have separate customer entrances facing the street as well as the internal hallway.

The parking requirement for the various uses within the building are as follows:

Reception Hall: parking equal to 30 percent of the capacity of persons (based on a capacity of one person per 15 square feet of public space), there is 3,300 square feet of seating area, 3,300 square feet divided by 15 square feet per person is 220, 30 percent of 220 is 66, total of 66 spaces required.

Restaurant: parking equal to 30 percent of the capacity of persons (based on a capacity of one person per 15 square feet of public space), there is 1,368 square feet of seating area, 1,368 square feet divided by 15 is 91, 30 percent of 91 is 27, total of 27 spaces required.

Retail sales and service uses: 1 space per 300 square feet of GFA over 4,000 square feet with a minimum of four spaces per use that is over 100 square feet, all three of the retail spaces are under 4,000 square feet, total of 12 spaces required.

Dwellings: one space per dwelling unit, total of 4 dwellings, total of 4 spaces required.

Combined, the total parking requirement for the building is 109 spaces. There are a total of 35 parking spaces on the site. Given this the applicant is seeking a variance to reduce the minimum off-street parking requirement from the required 109 spaces to 35 spaces. The applicant is seeking a variance to reduce the applicable off-street parking requirement by 68 percent. In order to approve a parking variance greater than 20 percent it must be shown that the proposed use or building serves

pedestrian or transit-oriented trade or occupancy, or is located near an off-street parking facility that is available to the customers, occupants, employees and guests of the use.

This development was originally scheduled to be heard at the October 15, 2007, City Planning Commission meeting. At that meeting the applicant requested a continuance. Since the original report was written the applicant eliminated the farmers' market (shopping center) use from the building and converted the space to 35 parking spaces, reduced the overall amount of space within the building dedicated to the reception hall from 5,240 square feet to 3,300 square feet, reduced the number of small retail sales and service uses from six to three and reduced the overall parking requirement from 180 spaces to 105 spaces.

This development was again continued from the November 13, 2007, City Planning Commission meeting to the December 14, 2007, City Planning Commission meeting. At this time the plans have not changed. Given this the applicant has once again asked for a continuance to the January 14, 2008, City Planning Commission meeting. The Planning Division is recommending that the item be continued to the January 14, 2008, meeting. However, the applicant must attend the January 10, 2008, East Phillips Improvement Coalition meeting in order to present the development changes to the neighborhood given that they have changed since it was originally presented.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission **continue** the conditional use permit application for a shopping center located at 2603 Bloomington Avenue South to the January 14, 2008, City Planning Commission meeting.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission **continue** the conditional use permit application for extended hours for the restaurant and reception hall located at 2603 Bloomington Avenue South to the January 14, 2008, City Planning Commission meeting.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **continue** the variance application to reduce the minimum off-street parking requirement from the required 109 spaces to 35

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spaces to allow a reception hall, restaurant, three small retail spaces and four dwelling units in an existing building in an existing building located at 2603 Bloomington Avenue South to the January 14, 2008, City Planning Commission meeting.