

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-4818

Date: July 1, 2010

Applicant: Open Field

Address of Property: 1750 Hennepin Avenue

Project Name: Open Field

Contact Person and Phone: Carolyn Dunne, (612) 729-5568

Planning Staff and Phone: Shanna Sether (612) 673-2307

Date Application Deemed Complete: June 6, 2009

End of 60-Day Decision Period: August 5, 2009

Ward: 7 **Neighborhood Organization:** Lowry Hill, adjacent to Loring Park

Existing Zoning: OR2 High Density Office Residence District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 18

Legal Description: Not applicable

Proposed Use: New restaurant with an outdoor recreation area and other functions accessory to a museum

Variance: of the enclosed building requirement for a new restaurant, outdoor recreation area and other functions accessory to the museum

Applicable Code Provisions: Chapter 525, Article IX, Variances, Specifically Section 525.520(26) “to vary the enclosed building requirements of this zoning ordinance.”

Background: The subject property is the Walker Art Center, an existing museum, located on a lot approximately 2.75 acres, in the OR2 High-Density Office Residence District. The Walker Art Center was recently remodeled and expanded in 2004. There are three dining establishments associated with the Walker. The newest addition is Open Field Bar and Grill, an outdoor, sit-down restaurant located on the Vineland Plaza, on the north end of the site adjacent to Vineland Place. The outdoor grill associated with Open Field is intended to complement the new indoor Garden Café. The grill will operate during the summer months, June 5 through September 6 and be open the same hours as the museum, Tuesday-

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Sunday, 11am to 5pm and Thursdays, 11am to 9pm. In addition to the proposed outdoor sit-down restaurant, Open Field is proposing to utilize the Walker's "backyard" by encouraging the use of their landscaped yards to the south as area for cultural and outdoor activities. Some of the activities include general classes, tai chi, yoga, badminton, drawing and book clubs. The area is available for use from 6am to 9pm, which can be scheduled through the use of their website.

All of the proposed outdoor business activity is not allowed by the zoning code per 547.190.

547.190. Enclosed building requirement. All production, processing, storage, sales, display or other business activity shall be conducted within a completely enclosed building, except as otherwise provided in this ordinance.

Therefore, the applicant is applying for a variance of the enclosed building requirement to allow for outdoor restaurant, recreation area and other functions accessory to a museum

Staff has received letters of support from both affected neighborhood organizations; copies of which are attached to this report. Staff will forward any additional comments received at the Board of Adjustment meeting.

VARIANCE

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 is seeking a variance to enclosed building requirement to allow for outdoor restaurant, recreation area and other functions accessory to a museum. Strict adherence to the regulations would not allow for any business activity to occur outside of an enclosed building. The subject property is approximately 2.75 acres and the proposed activities will be located at least 300 feet to the closest residential structures to the west. Staff believes that the proposed use of the property to allow for an outdoor restaurant, recreation area and other functions accessory to a museum is 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.**

While the applicant is contributing to the need for a variance by requesting a variance to the enclosed building requirement, the circumstances upon which the variance is requested are unique to the parcel of land due the size of the parcel and distance to adjacent uses. The applicant's goal for the proposed use is to utilize the vast open space directly adjacent to the buildings on the property. Staff believes that the proposed use of the property to allow for an outdoor restaurant, recreation area and other functions accessory to a museum is a reasonable use of the property and that the alternative to the variance would cause a hardship to the property, by not allowing the use of the majority of the property as it exists.

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.

Staff believes that the outdoor use of the property will not substantially alter the essential character of the surrounding neighborhood, due to the size of the parcel and the distance to adjacent uses. Hennepin Avenue is a commercial corridor, and is located across the street from designated park and open space, according to *The Minneapolis Plan for Sustainable Growth*. Design and development along these streets have historically been prominent destinations in the City and are characteristic of higher traffic volumes. Staff believes that by allowing the outdoor use of the property of will not be injurious to the use or enjoyment of other property in the vicinity.

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 likely have no impact on the congestion of area streets or fire safety, nor would the proposed outdoor use be detrimental to the public welfare or endanger the public safety.

RECOMMENDATION:

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

The Community Planning and Economic Development Department – Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance of the enclosed building requirement for a new restaurant, outdoor recreation area and other functions accessory to the museum located at 1750 Hennepin Avenue in the OR2 High Density Office Residence District, subject to the following conditions of approval:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and landscape plans.

Attachments:

- 1) Statement and findings from applicant
- 2) June 7, 2010, e-mails to neighborhood organizations and CM Goodman
- 3) Correspondence from neighbors, neighborhood organizations, etc.
- 4) Zoning map
- 5) Site plans
- 6) Photos