

**Department of Community Planning and Economic Development - Planning Division Report**

Variance Request  
BZZ-3856

**Date:** December 13, 2007

**Applicant:** Phillip Broussard (architect on behalf of New York Plaza, LLC)

**Address of Property:** 1304 East Lake Street

**Contact Person and Phone:** Phillip Broussard, (612) 722-3500

**Planning Staff and Phone:** Aaron Hanauer, (612) 673-2494

**Date Application Deemed Complete:** November 20, 2007

**Publication Date:** December 5, 2007

**Public Hearing:** December 13, 2007

**Appeal Period Expiration:** December 24, 2007

**End of 60 Day Decision Period:** January 18, 2007

**Ward: 9**      **Neighborhood Organization:** Midtown Phillips and Powderhorn Park Neighborhood Association

**Existing Zoning:** C4/General Commercial District

**Proposed Use:** Interior remodel to allow for a new banquet facility

**Proposed Variances:** A variance to reduce the required off-street parking from 76 spaces to 66 spaces.

**Zoning code section authorizing the requested variance:** 525.520 (6)

**Background:** The subject property is located on the north side of Lake Street between 13<sup>th</sup> and 14<sup>th</sup> Avenue South. This parcel is zoned C4/General Commercial District. The property is 45,600 sq. ft. and contains a two-story, 27,800 square foot, multi-tenant building (four establishments), which was built in 1912. The current building tenants include a warehouse, restaurant, grocery store, and office space. The subject property has 66 off-street parking spaces on site. In October 2005, the property received a parking variance of 10 spaces for the existing restaurant, New York Latin Restaurant (see Appendix D). At that time, this site did not have the off-street parking spaces provided by the subject property's eastern parking lot. Those parking spaces were used for an adjacent auto sales dealership. The auto dealership no longer exists, and the applicant now proposes to have 44 off-street parking spaces at this location.

Properties along both sides of Lake Street to the east and west of the subject site are zoned commercial, either C1/Neighborhood Commercial, C2/ Neighborhood Corridor, or C4/General Commercial. The lots to the north of the subject property are zoned R2B/Two-Family District, with the exception of the lot directly to the north, which is zoned OR1/Neighborhood Office Residential.

**Proposal:** The applicant, Phillip Broussard, on behalf of New York Plaza, LLC, is applying for a parking variance to allow for an interior remodel that would convert warehouse space into a banquet facility. The proposed remodel of the building requires 86 parking spaces. However, the requested parking variance is to reduce parking from 76 spaces to 66 spaces since the property received a 10-space parking variance in October 2005 (see Table 1 and 2 below).

**Public Comment:** CPED staff received two letters that expressed their concerns about the parking variance.

**Table 1. Interior Remodel Parking Calculation**

Use	Required Parking (spaces)
New York Latin Restaurant	15
Existing retail	4
Proposed banquet	56
Existing offices	4
Existing warehouse	7
<b>Total</b>	<b>86</b>

**Table 2. Required Parking**

Description	Required Parking (spaces)
Parking requirement for proposed interior remodel	86
Less: 2006 parking variance (BZZ 2709) for NY Latin Restaurant	10
Parking requirement for proposed interior remodel	76
Less: Actual parking	66
<b>Parking variance</b>	<b>10</b>

**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 requested variance is to reduce the required number of off-street parking spaces from 76 spaces to 66 spaces to allow for an interior remodel. The interior remodel would convert some warehouse space to a 4,420 square foot banquet facility, with 2,780 square feet of seating area (parking for banquet facilities is based on the square footage of seating area). Staff believes that

strict adherence to the Zoning Code off-street parking space regulations would cause undue hardship because there is no room for additional parking on this site and a banquet facility is a permitted use in the C4/General Commercial District. Furthermore, the applicant is proposing improvements to the parking lots, which will remove some stalls, but will bring the lot closer into overall compliance with Chapter 530 of the Zoning Code.

- 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.**

There are two circumstances for which the parking variance is sought that are unique to the parcel of land and have not been created by the applicant. First, the structure was built in 1912, which was prior to the City of Minneapolis having off-street parking regulations. Second, the size of the building footprint in relation to the size of the lot does not allow for additional parking spaces. In addition, the applicant is proposing parking lot improvements as part of the parking variance, which will remove some parking stalls but will bring the lot further into compliance with Chapter 530 of the zoning code.

- 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.**

The spirit and the intent of the ordinance is to, in part, prevent traffic and parking congestion on the public streets, while recognizing constraints of existing properties. Granting of the variance will be keeping with the spirit and intent of the ordinance. The subject property is not proposing to increase the size, and has increased its off-street parking since receiving a variance in 2005 for the New York Latin Restaurant.

Staff also believes that granting of the variance is consistent with the TMP. The subject site is located on East Lake Street, which is recognized in the TMP as a commercial corridor. A characteristic of a commercial corridor is that it has a mix of land uses dominated by retail that serve the immediate area and other parts of the city, which is the proposed banquet facility's intended purpose. The applicant proposes to convert warehouse space into additional commercial space, a banquet facility.

Finally, staff believes that granting the parking variance will not be injurious to the use or enjoyment of other property in the vicinity for two reasons. First, the eastern parking lot now provides an additional 44 off-street parking spaces compared to 2005 when there was an auto dealership at this location. Second, this site and building current and proposed mix of uses is well below what a commercially zoned building could provide. More than half of the building with the proposed interior remodel will remain warehouse. A warehouse use has a far lower demand for parking compared to most commercial uses.

**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 proposed variance will not substantially increase the congestion of the public streets for two reasons. First, as noted in the third finding, the proposed banquet facility is located along a Commercial Corridor. A traffic characteristic of Commercial Corridor is that they carry daily traffic volumes of 10,000-20,000 vehicles. East Lake Street at this location has a daily traffic volume of 21,300 cars. Granting this variance will not substantially be increased due to the proposed traffic demand created by the proposed banquet facility. Even though the traffic levels will likely increase along 13<sup>th</sup> and 14<sup>th</sup> Avenues, due to the proposed banquet facility, it will unlikely lead to congestion on these streets.

Staff also believes that parking congestion will not be substantially increased due to the proposed banquet facility. The requested parking variance is for 10 parking spaces, a 15 percent reduction. There is a good opportunity for the parking demand to be reduced by the metered on-street parking available along Lake Street and the following transportation alternatives.

- Metro transit: the #21 bus provides bus service every 7-15 minutes along Lake Street.
- Bicycling: the subject property is located one block south of the Midtown Greenway, and 13<sup>th</sup> Avenue provides an access point to the Midtown Greenway
- Walking: this facility will in part likely serve the immediate vicinity, and residential dwellings are located near by.

In addition to the transportation alternatives, the 11 parking spaces devoted to warehouse and office uses will likely be available for banquet patrons during evening functions. It is realized that some on-street parking will occur on the residential streets, predominately along 13<sup>th</sup> and 14<sup>th</sup> Avenue due to the banquet facility, however, not to a level that will be injurious to the use and enjoyment of the residential dwellings.

Granting this variance for this permitted use will also not substantially increase the other negative side effects in the C4 General Commercial District.

**Recommendation of the Department of Community Planning and Economic Development:**

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

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number of off-street parking stalls from 76 spaces to 66 spaces to allow for a banquet facility at 1312 East Lake Street in the C4/General Commercial District subject to the following condition:

1. CPED-Planning review and approve final site plan, floor plans, and elevations.
2. Parking lot shall be in compliance with Chapter 530, Site Plan Review.
3. A minimum of 8 bicycle parking spaces shall be provided in compliance with Chapter 541.
4. Truck and commercial vehicle parking shall be in compliance with Section 548.490.
5. Submission of a master sign plan that shall be in compliance with Chapter 543.
6. Building exterior materials shall be visually consistent per 531.20.
7. Applicant shall highlight the available off-street parking in announcements and advertise the location of on-street parking in the store.

**Appendices**

Appendix A: Zoning map

Appendix B. Applicant photos

Appendix C. Survey, site plan, floor plans, elevations

Appendix D. Staff Report BZZ 2709

Appendix E. Aerial

Appendix E. Public Comment