

**Department of Community Planning and Economic Development – Planning Division Report****Variance Request  
BZZ-2928****Date:** April 20, 2006**Applicant:** Mike Stewart, on behalf of Park Cafe**Address of Property:** 300 6<sup>th</sup> Street South**Contact Person and Phone:** Mike Stewart, 612-964-1871**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Date Application Deemed Complete:** March 28, 2006**End of 60 Day Decision Period:** May 27, 2006**Appeal Period Expiration:** May 1, 2006**Ward:** 7      **Neighborhood Organization:** Downtown Minneapolis Neighborhood Association**Existing Zoning:** B4 Downtown Business District**Proposed Use:** Addition of an outdoor grill to public plaza**Proposed Variance:** A variance to vary the enclosed building requirement to allow for an outdoor grill on the Hennepin County Government Center Plaza at 300 6<sup>th</sup> Street South in the B4 Downtown Business District.**Zoning code section authorizing the requested variance:** 525.520 (26)**Background:** The applicant is proposing to locate an outdoor grill on the northeast corner of the public plaza of the Hennepin County Government Center for the Park Café. Currently, there is a Park Café in the basement of the Government Center and the outdoor grill would be run by staff at this location. The applicant is proposing to run the outdoor grill from May 1<sup>st</sup> to October 1<sup>st</sup> which will be housed in a temporary structure that will not have permanent footings. The structure that would house the grill would be designed to mimic the nearby LRT station. The outdoor grill would also be reviewed by the Environmental Health section in Regulatory Services. Temporary seating will be available for patrons as well as permanent gathering spaces on the public plaza.

In addition to obtaining a variance, Environment Health review is required, and either a Seasonal or Short Term Food Permit is required. A Seasonal permit allows for the sale or give away of food for up to three events, not to last more than 14 days each, and a Short Term permit allows for the sale or give away of food for one event, not to last more than 14 days.

**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 vary the enclosed building requirement to permit an outdoor grill. Without the requested variance, this use is limited to the enclosed portion of the building. The Park Café is located in the basement of the Hennepin County Government Center and food service is not easily accessible to the public plaza. Staff believes that requested variance 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.**

The circumstances for which the variance is sought are unique to the parcel of land and have not been created by the applicant. Park Café is a tenant of the Hennepin County Government Center and is located in the basement of the building. Food service is not easily accessible to the public plaza because of the basement location of the restaurant.

- 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 impact the surrounding neighborhood and will not be injurious to the use or enjoyment of other property in the area. The proposed location for the grill is a public plaza and not adjacent to any residential uses. The outdoor grill will generate positive interest and activity to the public plaza.

- 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 variance be detrimental to welfare or public safety. The outdoor grill will be reviewed by Environmental Health in addition to this variance.

**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 vary the enclosed

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building requirement to allow for an outdoor grill on the Hennepin County Government Center Plaza at 300 6<sup>th</sup> Street South in the B4 Downtown Business District, subject to the following conditions:

1. That the outdoor grill obtain necessary City approvals including Environmental Health