

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-3963

Date: March 27, 2008

Applicant: George Johnson (architect on behalf of Kowalski's Markets)

Address of Property: 2440 Hennepin Avenue

Contact Person and Phone: George Johnson, (612) 339-2190

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

Date Application Deemed Complete: February 22, 2008

Publication Date: March 21, 2008

Public Hearing: March 27, 2008

Appeal Period Expiration: April 7, 2008

End of 60 Day Decision Period: April 22, 2008

Ward: 10 **Neighborhood Organization:** East Isles Residents Association and borders Lowry Hill
East Neighborhood Association

Existing Zoning: C2/Neighborhood Corridor Commercial District

Proposed Use: Construction of a 90.5 foot curb cut along 25th Street West

Proposed Variances: A variance to increase the width of a curb cut to 90.5 feet wide.

(Zoning Code Section 541.240) A curb cut is not allowed to exceed a width of twenty-five (25) feet except where determined necessary by the city engineer, but not to exceed thirty-five (35) feet.

Zoning code section authorizing the requested variance: 525.520 (14)

Background: The Uptown Kowalski's Market store and parking lot are located on two parcels, 2440 and 2426 Hennepin Avenue. These parcels are zoned C2, Neighborhood Corridor Commercial District. The properties within 350 feet of Kowalski's are zoned commercial, residential, and office residential. Most parcels along Hennepin Avenue with 350 feet are zoned C1 or C2, and most parcels located directly to the west of Kowalski's Market are zoned R2B/Two-Family Residential District. The building on the subject site was built in 1968 as a grocery store; Kowalski's has been at this location since 2003. The grocery store's front yard is along Hennepin Avenue; 25th Street West, the

location of the store's loading dock, is the property's corner side yard. Kowalski's currently has two curb cuts along 25th Street to access the loading dock. They are 38 feet and 44 feet wide; a 20 foot wide curb island separates the curb cuts. The curb island was required by the Planning Department in 2003 as part of a minor site plan review (BZZ 1253). Prior to 2003, there was one curb cut at this location that was approximately 96 feet wide.

The applicant states that the current situation requires delivery trucks to make several maneuvers to enter the loading stall, and that even with these extra maneuvers, delivery trucks cannot get into the site without going over the curb island. 25th Street West, which is approximately 30 feet wide, has two-way traffic and on-street parking on both sides of the street. The trucks that provide deliveries range from box trucks to semi tractor-trailers (see Appendix D for photos).

Proposal: Kowalski's is proposing to construct a second enclosed loading dock along 25th Street West. They are also proposing to eliminate the 20-foot curb island along 25th Street West. The proposed elimination of this island combined with the two other curb cuts would create a 90.5 foot wide curb cut.

Public Comment: CPED notified property owners within 350 feet of the variance request, and did not received one letter of support (Appendix H). The applicant planned to discuss their proposal at an East Isles Residential Association meeting the week of March 17-21.

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 increase the width of a curb cut to 90 feet. Strict adherence to the zoning code would require the curb cut to be a maximum of 25 feet wide. CPED does not recognize a hardship on this lot, and believes that alternatives exist that would not require this variance.

- 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 building, in particular the loading dock, was built prior to the applicant purchasing the property. 25th Street West may be challenging for delivery trucks since the street is 30 feet wide, has two-way traffic, and on-street parking on both sides. However, CPED believes that the subject property does not contain unique circumstances for which the variance is sought. Design alternatives exist that would not require a longer curb cut and therefore this variance.

- 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 of the variance will not be in keeping with the spirit and intent of the ordinance. The intent of the curb cut width requirement is to control traffic by focusing the space into which a vehicle can pull on or off the street. This requirement helps reduce conflict with pedestrian traffic and therefore helps promote a safe street-level environment. Kowalski's already has two curb cuts that exceed the minimum width requirements. Allowing a curb cut to be 90 feet long may potentially be more injurious to pedestrians by increasing the width of the space that a vehicle can maneuver in and out of. A curb cut of this size may also increase the speeds in which trucks maneuver in the area.

In addition to not be in keeping with the spirit and intent of the ordinance, granting of the variance will also negatively impact the essential character of the area and be injurious to the use and enjoyment of other property in the vicinity for two reasons. The first reason is that the variance would eliminate an off-street parking space which would negatively impact the safety of pedestrians in the area. On-street parking is important for pedestrians for at least two reasons. First, it creates a buffer between moving traffic and individuals walking on sidewalk. Second, an on-street parking space can serve as a traffic calming device, by slowing vehicles and potentially reducing the number and severity of accidents (See Appendix E: Dynamics of On-Street Parking). The second reason it would negatively impact the essential character of the area is that it would eliminate an off-street parking space which is needed for the residential and commercial properties in the area.

Furthermore, granting of the variance would be in conflict with the Uptown Small Area Plan and Comprehensive Plan. The Uptown Small Area Plan, which was approved by the City Council in February 2008, has the purpose of outlining the vision for the future of the Uptown area and to provide land use policy guidance. This plan includes design goals that reinforce the protection of the pedestrian environment and off-street parking (see Appendix F for all design goals). Design Goal #1 of the Uptown Small Area Plan is to "Reinforce Surrounding Neighborhoods" through "Improving streets for pedestrians, bicycles, and transit." And by "Improving parking options." Design Goal # 4 is to "Improve Hennepin, Lagoon, and Lake for pedestrians, bicycles, and transit." by "Reconnecting the street and sidewalk network where feasible" and "Prioritizing transit."

The current Minneapolis Comprehensive Plan, which was adopted in March 2000, has a chapter devoted to the city transportation system. The introduction to this chapter and the policies give primary importance to pedestrians and secondary importance to automobiles (see Appendix G).

The introduction states "Moving around as a pedestrian, transit rider, or cyclist must be safe, convenient, and comfortable, moving around in a car must remain safe, though not necessarily more convenient." Granting of the variance would also be in conflict with the following Comprehensive Plan transportation chapter policies:

8.2 Minneapolis recognizes that most city streets continue to be places where people live and work, and secondarily function as methods of moving vehicles; reconciling inherent conflicts will require collaboration and compromise among stakeholders.

8.3 Minneapolis will continue to build, maintain and require a pedestrian system which recognizes the importance of a network of private and public sidewalks which achieve the highest standards of connectivity and amenity.

- 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 of this variance may reduce pedestrian safety by increasing the speed and maneuvering area of delivery trucks along 25th Street West and within the loading dock area. Granting of the proposed variance may also reduce pedestrian safety by eliminating the buffer created by the on-street parking space.

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 **deny** the variance to increase the width of a curb cut to 90.5 feet wide at 2440 Hennepin Avenue in the C2, Neighborhood Corridor Commercial District

Attachments:

Appendix A: Zoning map

Appendix B: Application

Appendix C: Aerial

Appendix D: Staff photos

Appendix E: The Dynamics of On-Street Parking in Large Central Cities

Appendix F: Uptown Small Area Plan Design Goals

Appendix G. 2000 Minneapolis Comprehensive Plan Chapter 8 Movement Policies

Appendix H: Public Comments