

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-3382

Date: January 18, 2007

Applicant: Robert Gustafson

Address of Property: 5411 Penn Avenue South

Contact Person and Phone: Robert Gustafson, 612-669-5131

Planning Staff and Phone: Molly McCartney, 612-673-5811

Date Application Deemed Complete: December 27, 2006

Hearing Date: January 18, 2007

Appeal Period Expiration: January 29, 2007

End of 60 Day Decision Period: February 25, 2007

Ward: 13 **Neighborhood Organization:** Armatage

Existing Zoning: C1 Neighborhood Commercial District

Proposed Use: Interior expansion of a restaurant

Proposed Variance: A variance to reduce the required off-street parking from 61 spaces to 26 spaces (where 18 are grandfathered) to allow for six existing retail tenant spaces and a restaurant expansion in a multi-tenant commercial building.

Zoning code section authorizing the requested variance: 525.520 (7)

Background: The subject property is a multi-tenant commercial building with seven existing tenant spaces. The parking variance from 61 to 26 includes the entire commercial building. Historically, the building was built for eight tenants, and two of these spaces have been combined into one. The applicant is proposing to remodel an existing restaurant (Conner's) and internally expand the customer seating area. The expansion of seating area increases the off-street parking requirement for the restaurant by 5 spaces. The site currently has 26 on-site parking spaces and has grandfather rights to 18 spaces because the building was built in 1948, prior to the adoption of off-street parking requirements in the zoning code. The applicant is proposing parking lot improvements to include increased landscaping and bike racks. The parking lot improvements have been review by the Preliminary Development Review committee, an internal, inter-departmental review committee made up of staff from Planning,

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Minneapolis Development Review, Public Works, Regulatory Services, Police, Fire, and the Park Board.

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.**

Strict adherence to the zoning code prevents the proposed internal expansion for the restaurant. Restaurants are a permitted use in the C1 District and the subject establishment has operated as a restaurant in the past. The restaurant expansion 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 parking variance to allow the internal expansion is required because the off-street parking requirement increases with the customer area expansion. The building was constructed in 1948, prior to the adoption of the off-street parking requirement to the zoning code. The property is unique in that the multi-tenant building does not have the sufficient parking to meet the current parking requirement. This is not a circumstance created by the applicant.

- 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 be in keeping with the spirit and intent of the ordinance. The restaurant expansion is internal to the establishment and the building footprint will not expand. The parking lot that serves the building will be improved with increase landscaping along the public sidewalk and southern property line adjacent to a residential structure. The applicant is also proposing to add bike racks to encourage alternative transportation options. In addition, Metro Transit route 6 offers rush hour, midday and evening service and Route 114 offers rush hour service to the University of Minnesota.

- 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.**

The parking variance will have little impact on congestion of area streets or fire safety, nor would the parking variance be detrimental to the public welfare or endanger the public safety. The subject establishment has operated as a restaurant and the new restaurant will operate in the day and also the evening when the other retail and service businesses are not open.

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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 reduce the required off-street parking from 61 spaces to 26 spaces (where 18 are grandfathered) to allow for six existing retail tenant spaces and a restaurant expansion in a multi-tenant commercial building at 5411 Penn Avenue South in the C1 Neighborhood Commercial District, subject to the following conditions:

1. The applicant adhere to the parking lot design and maintenance requirements for landscaping, and
2. CPED-Planning review and approve final site plans, floor plans, and elevations.