

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-3806

Applicant: Thatcher Imboden of The Ackerberg Group

Address of Property: 2930 Emerson Avenue South

Contact Person and Phone: Thatcher Imboden, (612) 924-6411

Planning Staff and Phone: Brian Schaffer, (612) 673-2670

Date Application Deemed Complete: October 2, 2007

Publication of Staff Report: October 18, 2007

Public Hearing: October 25, 2007

Appeal Period Expiration: November 5, 2007

End of 60 Day Decision Period: November 24, 2007

Ward: 10 **Neighborhood Organization:** Lowry Hill East Neighborhood Association

Existing Zoning: C3A, Community Activity Center District and PO Pedestrian Oriented Overlay District

Proposed Use: A new yoga studio and three additional general retail tenant spaces

Proposed Variance: A variance to reduce the required off-street parking from 40 to 14 spaces to allow for a new yoga studio and three additional general retail tenants in the Lumen on Lagoon project located at 2930 Emerson Avenue South in the C3A Community Activity Center District and the PO Pedestrian Overlay District.

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

Background: The subject site is a five-story mixed use multi-tenant building with 44 residential units and five commercial units. The site does not have surface parking, but it provides 44 underground parking spaces to serve the parking requirements of the 44 residential units.

The owner of the subject site leases 14 parking spaces from a parking lot across Lagoon Avenue from the subject site. The parking lot is owned by the City of Minneapolis and is adjacent to 2816 Lagoon Avenue.

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The commercial component of the subject building has five retail tenant spaces. The only current tenant is Snap Fitness, which has a parking requirement of 9 spaces. The applicant is proposing to fill another tenant spaces with a Corepower Yoga Studio, which has a parking requirement of 24 spaces. The three remaining general retail tenant spaces are each less than 4,000 square feet in size and have an off-street parking requirement of 4 spaces each. The total off-street parking requirement is 45 parking spaces.

The applicant currently provides 16 bicycle parking spaces and is proposing to provide 4 more spaces to bring the total bicycle parking space to 20. The zoning ordinance allows the off-street parking requirement to be reduced by one vehicle parking space per 4 bicycle parking spaces per tenant. This results in a 5 space off-street parking reduction and reduces the total parking requirement to 40 parking spaces. The applicant can provide 14 off-street parking spaces and requires a parking variance to reduce the parking requirement from 40 to 14 parking spaces; a 26 space or a 65 percent reduction.

Tenant	Parking Requirement	Parking Reduction <small>1 space = 4 bicycle spaces</small>	Total Parking Requirement
Snap Fitness	9	1 (existing)	8
Corepower Yoga	24	1 (existing)	23
Vacant Tenant # 3 (~1,400 sq ft)	4	1 (existing)	3
Vacant Tenant # 4 (~1,600 sq ft)	4	1 (existing)	3
Vacant Tenant # 5 (~1,500 sq ft)	4	1 (proposed)	3
Total	45	5	40

Findings Required by the Minneapolis Zoning Code:

- 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 reduce the required off-street parking from 40 spaces to 14 spaces to allow for a yoga studio and three addition general retail tenant spaces. The property is zoned C3A Community Activity Center and PO Pedestrian Overlay District. The intent of the C3A District is to “provide for the development of major urban activity and entertainment centers with neighborhood scale retail sales and services.” The intent of the PO District is to “encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and accessory parking facilities, and by prohibiting certain high impact and automobile-oriented uses.”

There is not additional space to provide parking on the site. It will not be possible to use these tenant spaces for many other uses other than offices if some parking variance is not available. The Zoning Ordinance encourages more active uses than office tenants on the site. The site is located on bus lines and is within walking distance of the Uptown Transit Center making transit very accessible. Requiring that this use provide the full parking requirement when there is evidence that there will be significant pedestrian traffic and when there is transit available may not allow 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. The subject site is located on a Community Activity Center as defined by the Minneapolis Plan which encourages active uses such as the proposed yoga studio. The subject site does not permit any area sufficient enough in size to allow for the required off-street parking area.

The applicant constructed the subject building in 2005. However, the applicant constructed a mixed use building that is consistent with City policy and the Zoning Ordinance. The location of the building, its height, and the absence of surface parking spaces are also consistent with the Zoning Ordinance. While the building was constructed by the applicant, the circumstances requiring the variance are a result of City policy and the Zoning Ordinance.

- 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 negatively alter the essential character of the surrounding neighborhood and will not be injurious to the use or enjoyment of other property in the area. The subject site is located in the Pedestrian Overlay District in order to support the preserving and encouraging of the pedestrian character of commercial areas and promoting street life in the area. In addition, the existing restaurant is located on Lagoon Avenue which is well served by several bus routes and is within walking distance of the Uptown Transit Center.

- 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 the danger of fire safety, nor would the proposed parking reduction variance be detrimental to welfare or public safety. Granting the parking variance will likely increase congestion in the area due to the increased parking demand. The yoga studio use has a higher requirement for parking than some other more general retail uses but staff does not believe that the additional parking demand from the yoga studio and tenants will negatively impact the surrounding neighborhood. Alternatives to automobile transportation are readily available. The applicant is providing 20 bicycle parking spaces on the site, there are multiple bus lines serving Lagoon Avenue and Lake Street and the subject site is within walking distance of the Uptown Transit Station.

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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** a variance to reduce the required off-street parking from 40 to 14 spaces to allow for a new yoga studio and three additional general retail tenants in Lumen on Lagoon located at 2930 Emerson Avenue South in the C3A Community Activity Center District and the PO Pedestrian Overlay District subject to the following condition:

1. The subject site shall provide a minimum of 20 bicycle parking spaces for the commercial tenants.
2. The subject site shall be in compliance with its previously approved site plan (BZZ-2545)
3. CPED-Planning review and approve final site plan, floor plans, and elevations.

Attachments:

1. Applicant statement
2. Map of subject site
3. Floor plan of Lumen on Lagoon
4. Floor plan of Corepower Yoga
5. Photographs of site