

Department of Community Planning and Economic Development - Planning Division
Variances
BZZ-3547

Date: June 11, 2007

Applicant: J & H Investments, LLC

Address of Property: 700 Washington Avenue North #100

Project Name: Java J's

Contact Person and Phone: Thomas Owens 612-349-5280

Planning Staff and Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: May 14, 2007

End of 60 Day Decision Period: July 13, 2007

Ward: 7 Neighborhood Organization: North Loop

Existing Zoning: I2 Medium Industrial District; ILOD Industrial Living Overlay District; and DP Downtown Parking Overlay District.

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 13

Legal Description: Not applicable for this application.

Existing Use: Coffee shop on the first floor of a multi-tenant building with condos on the upper floors (Tower Lofts).

Concurrent Review:

Variance: To reduce the required parking for the coffee shop from 17 to zero spaces.

Applicable zoning code provisions: Chapter 525, Article IX Variances, Specifically Section 525.520(7) "to reduce the applicable off-street parking requirements up to one hundred (100) percent...."; and Chapter 551, Article IV, Industrial Living Overlay District.

Background: The Tower Lofts Planned Unit Development was approved by the City Planning Commission on April 8, 2004 (BZZ-1647). The development has 143 residential units and three commercial spaces. The 143 parking spaces for the residents are provided in the building and the eight spaces required for the two commercial spaces used as offices are provided in the building or in the surface parking at the back of the building. When Java J's moved into the building it was allocated 17

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spaces on site, but due to various reasons the parking is no longer available, so the applicant is requesting a variance from 17 to zero to eliminate the parking requirement.

As of the writing of this staff report, staff has not received any correspondence from the neighborhood group regarding the parking variance for the restaurant. Staff will forward their comments, if any, at the Planning Commission meeting.

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

While the building could be put to a reasonable use without the coffee shop, it may not be reasonable to expect the applicant to provide 17 parking spaces where large amounts of surface parking are very difficult to obtain. Much of the business comes from surrounding businesses and residences where the employees and residents walk to the site. In addition, the site is relatively close to parking ramp to the west of the site at the corner of 10th Avenue North and Washington Avenue North and is on a bus route.

- 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 are created by the reduction in parking at the site after the use was established. However, the code doesn't recognize the unique circumstances of the area. Parking is very difficult to obtain, the zoning code prohibits the construction of commercial parking lots in this area, and there is a large municipal ramp to the west of the site. This is not generally applicable to other properties in the city.

- 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 intent of the ordinance is to provide sufficient parking for a commercial use. The 100 percent parking variance was established for coffee shop uses recognizing their pedestrian orientation. The applicant expects significant business from the surrounding area, the site is on a bus route, and there is an underutilized municipal ramp near the site, therefore, the variance meets the intent of the ordinance.

- 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 variance should not increase congestion, increase the danger of fire, or be detrimental to the general welfare.

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RECOMMENDATION:

Recommendation of the Community Planning and Economic Development Department - Planning Division for the parking variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance application to reduce the parking requirement for a coffee shop from 17 to zero for property located at 700 Washington Avenue North #100.

Attachments:

1. Statement from applicants.
2. Zoning map.
3. Site plans and floor plan.
4. Photos.