

**Department of Community Planning and Economic Development - Planning Division Report**

Variance Request  
BZZ-3856

**Date:** February 7, 2008

**Applicant:** Phillip Broussard (architect on behalf of New York Plaza, LLC)

**Address of Property:** 1304 East Lake Street

**Contact Person and Phone:** Phillip Broussard, (612) 722-3500

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

**Date Application Deemed Complete:** November 7, 2007

**Publication Date:** February 1, 2008

**Public Hearing:** February 7, 2008

**Appeal Period Expiration:** February 19, 2008

**End of 120 Day Decision Period:** March 8, 2008

**Ward:** 9      **Neighborhood Organization:** Midtown Phillips and Powderhorn Park Neighborhood Association

**Existing Zoning:** C4/General Commercial District

**Proposed Use:** Interior remodel to allow for a new banquet facility

**Proposed Variances**

- A variance to reduce the required off-street parking from 67 spaces to 62 spaces
- A variance to reduce a drive aisle width from 22 feet to 18 feet
- A variance to reduce the landscaping requirement from 7 feet to 4 feet for a parking area abutting a residence district.

**Zoning code section authorizing the requested variance:** 525.520 (6) (14) (25)

**Background:** The subject property is located on the north side of Lake Street between 13<sup>th</sup> and 14<sup>th</sup> Avenue South. This parcel is zoned C4/General Commercial District. The property is 45,600 sq. ft. and contains a two-story, 27,800 square foot, multi-tenant building (four establishments), which was built in 1912. The current building tenants include a warehouse, restaurant, grocery store, and office space.

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In October 2005, the property received a parking variance of 10 spaces for the existing restaurant, New York Latin Restaurant (see Appendix D for BZZ 2709 staff report). At that time, this site did not have the off-street parking spaces provided by the subject property's eastern parking lot. Those parking spaces were used for an auto sales dealership. The auto dealership no longer exists, and the applicant now proposes to have 44 off-street parking spaces at this location.

Properties to the east and west of the subject site along Lake Street are zoned commercial, either C1/Neighborhood Commercial, C2/ Neighborhood Corridor, or C4/General Commercial. The lots to the north of the subject property are zoned R2B/Two-Family District, with the exception of the lot directly to the north, which is zoned OR1/Neighborhood Office Residential.

**Proposal:** The applicant, Phillip Broussard, on behalf of New York Plaza, LLC, is applying for a parking variance to reduce the required off-street parking from 67 spaces to 62 spaces to allow for an interior remodel that would convert warehouse space into a banquet facility. The applicant completed a shared parking worksheet per Section 541.190 (Shared Parking) to reduce their off-street parking requirement (see Appendix G: Shared parking calculation). The shared parking scenario requires the applicant to have 65 spaces. However, since the applicant parks two vehicles that service the warehouse in the parking lot during the peak period of use, their required off-street parking requirement is increased by two spaces.

**Notes:** The December 13 staff report stated a parking variance request of 76 spaces to 62 spaces. A shared parking worksheet was not completed for this calculation.

This item was continued from the December 13, 2007 Board of Adjustment meeting after it was realized the day of the meeting that the applicant would need to reduce their off-street parking from 66 spaces to 62 spaces to meet Public Works requirements. The item was continued from the January 24 Board of Adjustment meeting due to a staff error in the neighborhood notices.

The proposed use and interior remodel alterations have not changed since the December 13 staff report. The applicant has revised their site plan and landscaping plans which show an increase in landscaping and a reduction in 4 off-street parking spaces (See Appendix C2 and C3: Landscaping Plan and Site Plan) .

**Public Comment:** CPED staff received two letters that expressed their concerns about the anticipated increased on-street parking demand due to a banquet facility (see Appendix F).

**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.**

**Parking space variance:** The requested variance is to reduce the required number of off-street parking spaces from 67 spaces to 62 spaces to allow for an interior remodel. The interior remodel would convert space used for a warehouse space into a 4,420 square foot banquet facility, with 2,780 square feet of seating area; parking for banquet facilities is based on the square footage of seating area.

Staff believes that strict adherence to the Zoning Code off-street parking space regulations would cause undue hardship because there is no room for additional parking on this site and a banquet facility is a permitted use in the C4/General Commercial District. Furthermore, the applicant is proposing improvements to the parking lots, which will remove some stalls, but will bring the lot closer into overall compliance with Chapter 530 of the Zoning Code, Site Plan Review.

**Drive isle width variance:** The applicant is seeking a variance to reduce drive isles width from 22 ft. to 18 ft. to allow for a two-way interior drive aisle within the western parking lot and to increase the landscaping along the north property line. Strict adherence to the ordinance would cause undue hardship since the parking lot is an existing parking lot that does not have room to expand in width. In addition, the configuration of the parking lot does not allow enough space to meet the off-street parking, landscaping, and the drive isle width requirements.

**Landscaping width variance:** The applicant is seeking a variance to reduce the required landscaping width from 7 feet to 4 feet along their north property line of the existing, western parking lot. Strict adherence to the zoning ordinance would require a landscaping area 7 feet wide between the property line and the parking area. Staff believes that a hardship exists due to the existing parking lot not having room to expand in width or size. In addition, the configuration of the parking lot does not allow enough space to meet the landscaping and drive isle width requirements, as well as provide 22 off-street parking spaces.

- 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.**

**Parking space variance:** There are two circumstances for which the parking variance is sought that are unique to the parcel of land and have not been created by the applicant. First, the structure was built in 1912, which was prior to the City of Minneapolis having off-street parking regulations. Second, the size of the building footprint in relation to the size of the lot does not allow for additional parking spaces.

**Drive isle width variance:** The circumstances are unique to the parcel of land and have not been created by the applicant. The western parking lot is 58 feet wide, which is not wide enough to accommodate two rows of parking, a standard two-way drive isle, and the required landscaping width. If the drive isle width variance and landscaping width variances are not granted, it will reduce the number of off-street parking the applicant can provide by at least 10 spaces.

**Landscaping width variances:** The circumstances are unique to the parcel of land and have not been created by the applicant. The parking lot is 58 feet wide, which is not wide enough to accommodate two rows of parking, a standard two-way drive isle, and the required landscaping width. If the drive isle width variance and landscaping width variances are not granted it will reduce the number of off-street parking the applicant can provide by at least 10 spaces.

**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.**

**Parking space variance:** The spirit and the intent of the ordinance is to, in part, prevent traffic and parking congestion on the public streets, while recognizing constraints of existing properties. Granting of the variance will be keeping with the spirit and intent of the ordinance. The subject property is not proposing to increase the size of the building. In addition, it has increased the amount of off-street parking by 44 spaces since receiving a variance in 2005 for the New York Latin Restaurant.

Staff also believes that granting of the variance is consistent with the Minneapolis Plan (TMP), which is the comprehensive plan for Minneapolis. The subject site is located on East Lake Street, which is recognized in the TMP as a commercial corridor. A characteristic of a commercial corridor is that it has a mix of land uses dominated by retail that serve the immediate area and other parts of the city, which is the proposed banquet facility's intended purpose. The applicant proposes to convert warehouse space into additional commercial space, a banquet facility.

Finally, staff believes that granting the parking variance will not be injurious to the use or enjoyment of other property in the vicinity for two reasons. First, the eastern parking lot provides 44 more off-street parking spaces compared to 2005 when there was an auto dealership at this location. Second, with the proposed remodel, more than half of the building will remain warehouse, and a warehouse has a far lower parking demand compared to most commercial uses.

**Drive isle width variance:** Granting the variance would be in keeping with the spirit and intent of the ordinance and would not alter the character of the area or be injurious to the use and enjoyment of surrounding properties. The variance is located within the parking lot and will not impact the general public. In addition, if the drive aisle variance is not granted, the applicant would have at least 10 less off-street parking spaces.

**Landscaping width variance:** Granting of the variance would be keeping with the spirit and intent of the ordinance and would not alter the character of the area or be injurious to the use and enjoyment of surrounding properties. The applicant in their proposal has attempted to provide

the most off-street parking spaces on their property while meeting the other portions of the zoning code. Granting of a 3-foot wide landscaping variance will allow the applicant to provide 10 additional off-street parking spaces in the western parking lot. In addition, the applicant will be required to construct a fence along their property line, which will provide privacy for the residential property to the north, 2929 13<sup>th</sup> Avenue South.

**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.**

**Parking space variance:** Granting the proposed variance will not substantially increase the congestion of the public streets for two reasons. First, as noted above, the proposed banquet facility is located along a Commercial Corridor. A traffic characteristic of Commercial Corridor is that they carry daily traffic volumes of 10,000-20,000 vehicles. East Lake Street at this location has a daily traffic volume of 21,300 cars. Granting this variance will not substantially be increased due to the proposed traffic demand created by the proposed banquet facility. Even though the traffic levels will likely increase along 13<sup>th</sup> and 14<sup>th</sup> Avenues, due to the proposed banquet facility, it will unlikely lead to congestion on these streets.

Staff also believes that parking congestion will not be substantially increased due to the proposed banquet facility. The requested parking variance is for 5 parking spaces, an 8 percent reduction. There is a good opportunity for the parking demand to be reduced by the metered on-street parking available along Lake Street and the following transportation alternatives.

- Metro transit: the #21 bus provides bus service every 7-15 minutes along Lake Street.
- Bicycling: the subject property is located one block south of the Midtown Greenway, and 13<sup>th</sup> Avenue provides an access point to the Midtown Greenway.
- Walking: The banquet facility will, in part, serve the immediate neighborhood where residents will have the option to walk.

It is realized that some on-street parking will occur on the residential streets, predominately along 13<sup>th</sup> and 14<sup>th</sup> Avenue due to the banquet facility, however, not to a level that will be injurious to the use and enjoyment of the residential dwellings.

Granting this variance for this permitted use will also not substantially increase the other negative side effects in the C4 General Commercial District.

**Drive isle width variance:** Granting the drive isle width variance will have no impact on the congestion of area streets or fire safety, nor would the variance be detrimental to the public welfare or endanger the public safety.

**Landscaping width variance:** Granting the landscaping width variance will have no impact on the congestion of area streets or fire safety, nor would the variance be detrimental to the public welfare or endanger the public safety.

**Recommendation of the Department of Community Planning and Economic Development:**

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The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment **adopt** the findings above and **approve** the following variances:

- A variance to reduce the required off-street parking from 67 spaces to 62 spaces;
- A variance to reduce a drive aisle width from 22 feet to 18 feet;
- A variance to reduce the landscaping requirement from 7 feet to 4 feet for a parking area abutting a residence district.

to allow for a banquet facility at 1312 East Lake Street in the C4/General Commercial District subject to the following condition:

1. CPED-Planning review and approve final site plan, floor plans, and elevations.
2. Parking lot shall be in compliance with Chapter 530, Site Plan Review.
3. A minimum of 4 bicycle parking spaces shall be provided in compliance with Chapter 541.
4. Truck and commercial vehicle parking shall be in compliance with Section 548.490.
5. Building exterior materials shall be visually consistent per 531.20.
6. Applicant shall highlight the availability and location of off-street parking in announcements and in the establishment.

**Appendices**

Appendix A: Zoning map

Appendix B. Application

Appendix C. Survey, site plan, floor plans, elevations

Appendix D. Staff Report BZZ 2709

Appendix E. Aerial

Appendix F. Public Comment

Appendix G. Shared Parking Calculation (submitted by applicant)