

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-3342

Date: December 21, 2006

Applicant: Laura Boyd, on behalf of Freddy Moreno

Address of Property: 2533 Nicollet Avenue

Contact Person and Phone: Laura Boyd, 763-413-8887

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

Date Application Deemed Complete: November 27, 2006

Hearing Date: December 21, 2006

Appeal Period Expiration: January 2, 2007

End of 60 Day Decision Period: January 26, 2007

Ward: 6 **Neighborhood Organization:** Whittier Alliance

Existing Zoning: C1 Neighborhood Commercial District

Proposed Use: Expansion of existing restaurant in a commercial building

Proposed Variance: Laura Boyd, on behalf of Freddy Moreno, has filed a variance to reduce the required off-street parking from 26 spaces to 0 spaces for an existing restaurant at 2533 Nicollet Avenue in the C1 Neighborhood Commercial District.

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

Background: The subject property is commercial building on an interior lot measuring 56 ft. by 125 ft. that has two existing commercial spaces, the subject restaurant and a retail store. The business, Pancho Villa, was recently sold to the current owner, Freddy Moreno. The restaurant received a parking variance in 1999 (V-4556) from 18 to 14 spaces. The 14 spaces were provided at the corner of Nicollet Avenue and E 26th Street at 10 East 26th Street, which was owned at that time by the same property owner as the subject site. Since that time, the parking lot has been redeveloped into a mixed use building and the required 14 spaces no longer exist. The business owner does have a parking lease for 15 spaces at a lot directly north of the restaurant at 2531 Nicollet Avenue.

The site has parking in the rear, but it does not meet current zoning code. Vehicles in the rear parking have to maneuver into the alley which does not meet zoning code requirements and are not counted

toward the off-street parking requirement. The site does not have grandfathered parking rights because the building was built in 1966, at a time when off-street parking requirements were part of the zoning code.

This fall, the business was sold to the current owner. Changing the business license for a new owner needed zoning approval. At that time, the Planning staff determined that the business owner needed to address the loss of the previous parking situation through a new variance. The applicant is now asking for a reduction in the off-street parking requirement to 0 spaces. The business owner does have a parking lease for 15 spaces at a lot directly north of the restaurant at 2531 Nicollet Avenue, but these spaces do not count toward the required off-street parking requirement.

This portion of Nicollet Avenue is currently subject to a moratorium to prevent new buildings enacted by the City Council on October 6, 2006. The City Council has directed CPED-Planning staff to undertake a Pedestrian Oriented (PO) Overlay District study during the moratorium. As a result of the moratorium and study the subject site may have the PO District added to the zoning classification. The moratorium does not prevent this application from moving forward.

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 is seeking a variance to reduce the required number of off-street parking spaces from 26 spaces to 0 spaces for a new restaurant. Due to the size of the building and lot, the rear parking do not meet zoning code requirement for maneuvering. Strict adherence to the parking code regulations in the Zoning Code would prevent the building from being used for any type of use that has a parking requirement, including a restaurant.

- 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 and have not been created by the applicant. The subject site can not accommodate any legal off-street parking requirement due to the small parking area in the rear of the building. This parking area is not large enough to accommodate the maneuvering requirements of the zoning code and not parking for the two commercial uses in the building. In addition, the restaurant lost parking due to the redevelopment of a lot that was used to satisfy a parking variance granted in 1999.

- 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.**

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Granting the variance will not 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 on a commercial street, which has a mixture of land uses, with restaurants being very common. This section of Nicollet Avenue is designated in The Minneapolis Plan as a Commercial Corridor. The business owner has obtained off-site parking for the restaurant that will be shared with other businesses in the area, and signage in the lot indicates selected parking for Pancho Villa. There is also a bicycle parking rack in the public sidewalk area in front of the restaurant.

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 congestion in the area or increase the danger of fire safety, nor would the proposed parking reduction variance be detrimental to welfare or public safety. The business owner has obtained off-site parking for the restaurant. In addition, Metro Transit provides all day bus service along Nicollet Avenue and the site is accessible by bicycle and pedestrian connections.

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 26 spaces to 0 spaces for an existing restaurant at 2533 Nicollet Avenue in the C1 Neighborhood Commercial District.